



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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April 2018

You asked for the Committee's advice about taking up an appointment with the Chartered Institution for Further Education (CIFE).

The Committee's remit

It is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

Appointment details

You sought the Committee's advice on taking up a paid and part-time role as an Adviser at CIFE, the Council of which is chaired by Lord Lingfield; and is a membership body for UK Further Education colleges and training providers with, according to the CIFE website, exceptionally high standards. It was established to highlight such educational institutions, by recognising and celebrating their achievements; and can grant an institution chartered status.

You said your role as an Adviser will be to: assist in the development of CIFE's strategy; promote CIFE's role, in particular with colleges and training providers; contribute to the

development of quality assurance mechanisms for CIFE Members; raise the profile of CIFE with employers (attend and speak at meetings); and attend meetings of CIFE's Council. You stated no lobbying role is envisaged; but that there may be some limited contact with Government, as CIFE occasionally interfaces with DfE.

You confirmed you had no official contact or contractual dealings with your prospective employer or its competitors during your last two years in ministerial office; and that you have no relevant commercially sensitive information.

You also noted you were given an honorary role at CIFE, as a Fellow, in 2017 whilst you were a Minister. The Committee also notes you have a historical and ongoing interest in further education issues.

The Department for Education (DfE) and the Department for Business, Energy and Industrial Strategy (BEIS) were contacted in relation to this application, alongside your former Department, the Department for Transport (DfT).

- DfT confirmed it has no links with CIFE.
- BEIS confirmed that at CIFE's inception, it had funded the organisation, but that since CIFE was transferred to DfE in 2016, it no longer has any relationship with it.
- DfE confirmed it provides some grant funds to CIFE; and the intention is that CIFE should move to become fully self-financing.
- BEIS noted you were the Minister responsible for the policy under which CIFE was set up; and that you had the initial idea to boost the image of further education colleges and to differentiate between those that identified as colleges and those which awarded recognised qualifications.
- However, DfE confirmed the establishment of CIFE took place after your period as Minister at BIS/DfE - under the 2013 Skills Strategy.
- BEIS said it is not aware you hold any commercially sensitive information or unannounced policy that would be considered inappropriate in your new role; and DfE confirmed you would not now have access to any privileged information in relation to CIFE.
- DfE noted the potential for negative perception around an appointment where a former Minister seeking to take up a role for an organisation they were '*instrumental in creating.*' However, DfE noted the significant amount of time which has passed since you left your ministerial role at BIS/DfE. As such, neither DfE, nor BEIS, had any concerns about the appointment.

### The Committee's consideration

DfE raised the question of whether it is reasonable for a former Minister to take on a paid role with an organisation they were instrumental in creating through their ministerial post; and the Committee has given consideration to the risk, under the Business Appointment Rules, that this appointment may be seen as a reward for your time in office. The Committee recognises you were instrumental in the relevant policy under which CIFE operates, and initially had the idea to identify good quality further education colleges. However, whilst you were closely involved in driving the establishment of CIFE, it was not established until after you left your ministerial role at BIS/DfE; and therefore, the specific decisions on CIFE's funding also happened when you no longer had ministerial responsibility for this policy area. Further, it has now been over five and a half years since you were a Minister at BIS/DfE - meaning there has been a significant gap between your responsibility in this area and you taking up this role. In these circumstances, the

Committee considered the risks are low. The Committee also considered it was relevant that you have a long standing interest in further education, including from your time as an MP; and you were made an honorary fellow of CIFE in 2017.

The Committee noted it has been a significant amount of time since you left your role at BIS/DfE, therefore it is unlikely the information you were privy to then is still relevant, which the various relevant departments have confirmed. Therefore, the Committee considered there should be no reasonable concern that CIFE would gain an unfair advantage as a result of your time in office.

The Committee took into account there is a chance you may have come contact with Government throughout your role at CIFE, given its function and current relationship with DfE. The Committee considered that if contact with Government is in line with your role as described above, and is requested by Government, this would not be improper. However, it would be improper if there was any suggestion you could influence the funding agreement between CIFE and Government. As such, the Committee would draw your attention to the conditions imposed which make clear that any use of your contacts gained across Government/ Whitehall to lobby Government on behalf of CIFE should it seek further funding or look to influence government policy, would be inappropriate.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister; and
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK Government on behalf of the Chartered Institute for Further Education. This is not intended to prevent you from reporting to Government on the activities of the Chartered Institute for Further Education, or from advising the UK Government in relation to its activities when the UK Government has asked for such advice. However, it would prevent you from making use, directly or indirectly, of your contacts in Government to influence policy or secure funding on behalf of the Chartered Institute for Further Education.

By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister *"should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office."*

I should be grateful if you would inform us as soon as you take up this appointment with CIFE or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This

could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

The Rt Hon John Hayes CBE MP