



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment with Highbury Burton Saudi Arabia.

The Committee's remit

As you will be aware, 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 President at the Highbury Burton Saudi Arabia (HBSA) venture.

You described HBSA as a joint venture between two colleges (Highbury and Burton & South Derbyshire Colleges), which have been running the International Technical Female College (ITC), in Jeddah, Saudi Arabia, for over four years. HBSA is a result of the Saudi Arabian Government's Colleges of Excellence Programme. The ITC is described as a women-only vocational training institute, which offers courses in a range of specialisms, including Business

Management, Information Technology and Graphic Design. The courses have been mapped over to UK-based vocational qualifications, meaning students will achieve dual qualifications from Saudi Arabia and the UK.

You said your role as President will be to undertake an ambassadorial role for HBSA, as the figurehead of the company when engaging with stakeholders such as employers and colleges of excellence, and the Saudi Arabian authorities; to work closely with the company Board, advising on strategy; to advise the Board on international relations and likely future direction of public policy; and to further position HBSA as a leader in its field. You said you do not expect to have contact with Government in this role; but that Highbury and Burton & South Derbyshire Colleges will likely already have a relationship with The Department for Education (DfE).

You confirmed you had no official contract 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.

DfE was contacted in relation to this application, alongside your most recent former Department, the Department for Transport (DfT).

- DfT confirmed it has no relationship with HBSA; that it is not aware of you being privy to any sensitive information that would be considered inappropriate in this role; and that you had no official dealings with HBSA whilst you were in ministerial office at DfT. DfT raised no concerns about this appointment.
- DfE confirmed it has no relationship with and does not fund HBSA, which is registered in Saudi Arabia.
- The Education and Skills Funding Agency (ESFA) (an executive agency sponsored by DfE) has a funding relationship with Highbury and Burton & South Derbyshire Colleges.
- DfE stated it is not aware of any sensitive information or unannounced policy that you would have access to.
- DfE said it was likely you would have visited Highbury and Burton & South Derbyshire Colleges, and met with senior management staff at Highbury College, whilst in the relevant Ministerial post.
- DfE also confirmed you visited Riyadh in your official capacity in 2012, the year before the Colleges of Excellence programme was launched in Saudi Arabia.
- DfE stated it is not aware of any impropriety with you taking up this role.

The Committee's consideration

The Committee noted you had ministerial responsibility in this area; had visited Saudi Arabia in the run up to the launching of Saudi Arabia's Colleges of Excellence Programme; and likely had contact with the colleges involved in HBSA.

However, the Committee also considered the following relevant factors:

- the Colleges of Excellence Programme is a Saudi Arabian initiative;
- the programme, and any related funding (given by Saudi Arabia) provided to operate colleges in Saudi Arabia, was launched/ given after you had left your ministerial role at DfE/BIS;
- although it has been three months since you left your ministerial role at DfT (where you held unrelated responsibilities), it has now been over five and half years since

you were a Minister at DfE/BIS, with policy responsibility for the areas in which HBSA's colleges, are operating; and

- Neither DfT nor DfE raised any concerns of impropriety with you taking up this role.

The Committee also considered it was relevant that you have a longstanding interest in further education, including from your time as an MP. The Committee therefore considered the risk this appointment was offered as a reward for decisions you made or actions taken whilst in ministerial office, is low.

As it has been a significant amount of time since you left your role at BIS/DfE, the likelihood that information to which you were privy is still relevant, is low and DfE has confirmed this. As such, the Committee considered the risk that HBSA, or other involved parties, could gain an unfair advantage as a result of your time in office is low.

The Committee took into account that DfE does not currently have a relationship, funding or otherwise, with HBSA (which is registered in Saudi Arabia). However, the Committee noted there could be a perceived risk that contacts you have made whilst in office could be used to the unfair advantage of Highbury and Burton & South Derbyshire Colleges, the UK colleges involved. Therefore, the lobbying ban set out below makes clear that any use of your contacts for this reason, would be inappropriate.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises these appointments 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 Highbury Burton Saudi Arabia Initiative or its partners, nor should you make use, directly or indirectly, of your contacts in Government and/or Whitehall to influence policy or secure funding on behalf of the Highbury Burton Saudi Arabia Initiative or its partners.

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 HBSA 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