



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Dr Philip John Rycroft CB

1. The Committee has been asked to consider an application from Dr Philip Rycroft, former Permanent Secretary at the Department for Exiting the EU (DExEU), on taking up a role with the UK Accreditation Service.
2. Dr Rycroft's last day in Crown service was 29 March 2019. As Permanent Secretary, he had responsibility for leading the department in all its work on the Government's preparations for Brexit (DExEU is responsible for the negotiations to leave the EU and establishing the future relationship between the UK and EU). Dr Rycroft was previously Second Permanent Secretary at the DExEU from March to October 2017, and in both roles, he has maintained his role as Second Permanent Secretary at the UK Governance Group, Cabinet Office where he led the group, responsible for constitutional and devolution issues (a role he first took up in 2015).

Appointment Details

3. Dr Rycroft intends to take up an appointment with the UK Accreditation Service (UKAS) as a board member. He describes his appointment as undertaking the normal range of board responsibilities to support and oversee the running of the organisation. This is a part-time, paid role set to involve a work commitment of 1 day per month and will not involve contact with government. He was offered the role through personal contacts after leaving office.
4. UKAS is the UK's national accreditation service, responsible for determining, in the public interest, the technical competence and integrity of organisations such as those offering testing, calibration and certification services. For accredited schemes, UKAS operates on behalf of a number of Government departments and agencies including the Department for Business Energy & Industrial Strategy, the Department for Environment, Food and Rural Affairs, the Department for Communities and Local Government, the Home Office, the Health and Safety Executive and the Food

Standards Agency. UKAS support UK Trade internationally via recognised accreditation schemes. Certificates issued by UKAS and UKAS accredited organisations are recognised across Europe and internationally through UKAS' membership of: European co-operation of Accreditation (EA); International Laboratory Accreditation Co-operation (ILAC); and International Accreditation Forum (IAF).

5. UKAS operates under a Memorandum of Understanding with the Government through the Secretary of State for Business, Energy & Industrial Strategy (BEIS).
6. Dr Rycroft informed the Committee when working at BEIS between 2009 and 2010, he was responsible departmental oversight of the Government's relationship with UKAS. However, he had not had any official contact since then. Dr Rycroft further informed the Committee he had no involvement in policy development or decisions affecting UKAS nor did he have responsibility for anyone who did - whilst at DExEU.
7. DExEU provided the departmental assessment and the Director General, Secretariat & Deputy Secretary to the Cabinet countersigned this application on behalf of the Cabinet Secretary.
8. DExEU confirmed the information Dr Rycroft provided in his application (he had no contact with UKAS, nor involvement in policy development or decisions); confirmed his previous contact with UKAS some years ago whilst at BEIS; and considered this appointment raised no issues of impropriety.
9. The Cabinet Office noted Dr Rycroft's previous responsibility for departmental oversight of the government's relationship with UKAS whilst at BEIS; noting that at the time, he would have had a relatively high amount of influence in decisions affecting UKAS. However, having considered the length of time which has now passed (he left in 2010), it considered it unlikely the appointment could be perceived as a reward.
10. The Cabinet Office noted due to his seniority, he would have had access to a wide range of EU Exit policy and departmental information which may be relevant to UKAS and its users, potentially including access to information such as to long-term strategic thinking in relation to the impact on trade. Given UKAS' status as supporting UK trade via mutual recognition agreements (which assist in maintaining international confidence in the quality of UK goods) there is a perception risk that would need to be managed.

Analysis and Recommendation

10. The Committee¹ noted the nature of Dr Rycroft's previous dealings with UKAS when working at BEIS between 2009 and 2010. Although (by virtue of his portfolio) he had departmental oversight of the Government's relationship with UKAS, the Committee has taken into consideration the time lapsed since he left this role - around 9 years ago. In addition, both he and DExEU confirmed he had no official dealings with UKAS whilst at DExEU. Therefore, the Committee agrees with the departmental view that the risk of this appointment being seen as a reward for decisions made or actions taken in office as low.
11. The Committee noted the Cabinet Office's view this application may give rise to a perception issue. Given Dr Rycroft's role as Permanent Secretary (leading the department responsible for the Government's Brexit preparations), it could be perceived that Dr Rycroft could offer UKAS an unfair advantage to an organisation concerned with international trade due to the overlap with his responsibilities. Consideration was given to the relationship between UKAS and those within Government dealing with Brexit - which includes UKAS raising awareness around the importance of accreditation to the national economy and trade; and working with various government departments who support its work on accreditation which, (as the Cabinet Office note) has a major impact on the UK economy and supports European and international trade.
12. The Committee has considered he may have had access to departmental information that may be relevant to UKAS and its users. Given the nature of the organisation's role, which is to support UK businesses to trade internationally, the Committee did not consider there was a risk of 'competitive advantage' as such. Further, this is a non-commercial organisation. However, Dr Rycroft is prevented from using privileged information from his time in office, which would mitigate any inherent risks here. Further, he should not offer any privileged insight on Brexit related matters around the negotiating position of the UK Government from his time in office.
13. The Committee recognises UKAS have an influencing agenda with regard to ensuring Government's ongoing (and potentially increased) support. As such, it wished to make clear that Dr Rycroft should not offer any unfair advantage in that regard and draws his attention to the lobbying ban below.
14. Under the Government's Business Appointment Rules, the Prime Minister accepted the Committee's advice that this appointment with the UK Accreditation Service should be subject to the following conditions:
 - that he should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to him from his time in Crown service. In the context of this general provision, the

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Dr Susan Liautaud, Richard Thomas; Lord Larry Whitty and John Wood. Terence Jagger was unavailable.

Committee considers he should specifically avoid giving UK Accreditation Service, or its subsidiaries, partners or clients, privileged insight into the Brexit related issues, insofar as it as it pertains to the negotiating position of the UK Government prior to the date upon which he left Crown service, whether generally or regarding trade negotiations; and

- for two years from his last day in Crown service he should not become personally involved in lobbying the UK Government on behalf of the UK Accreditation Service, nor should he make use, directly or indirectly, of his government and/or Crown service contacts to influence policy or secure business on behalf of the UK Accreditation Service.

15. 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.
16. 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.*"
17. I would be grateful if you would inform us as soon as Dr Rycroft takes up employment with this organisation, or if it is announced that Dr Rycroft 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 Dr Rycroft has complied with the Rules.
18. I should also be grateful if you would ask that Dr Rycroft informs us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
19. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Tiffany Amusu
Committee Secretariat