



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: [acoba@acoba.gov.uk](mailto:acoba@acoba.gov.uk)

Website: <http://www.gov.uk/acoba>

August 2019

### BUSINESS APPOINTMENT APPLICATION: Dr Philip John Rycroft CB

1. The Committee has been asked to consider an application from Dr Philip Rycroft CB on taking up an appointment with The University of Edinburgh. Dr Philip Rycroft CB was former Permanent Secretary at the Department for Exiting the European Union (DExEU). His last day in service was 12 April 2019.
2. Dr Philip Rycroft CB's posts in office are below:
  - Permanent Secretary ( DExEU), October 2017 - March 2019
  - 2nd Permanent Secretary (DExEU), March - October 2017
  - Head of UK Governance Group (Cabinet Office), May 2015 - March 2019
  - Head of (Deputy Prime Minister's Office), May 2012 - March 2015

#### Appointment Details

3. Dr Philip Rycroft CB sought the Committee's advice on taking up an unpaid, part-time role, 1 day per week as a Visiting Professor with The University of Edinburgh.
4. The University of Edinburgh is an academic university with three colleges - College of Arts, Humanities and Social Sciences, College of Medicine and Veterinary Medicine and the College of Science and Engineering.
5. Dr Philip Rycroft CB stated that the role is a non-exclusive arrangement - a base to '*pursue [his] academic interests in the constitution and devolution*', highlighting that he will work most closely with the Centre for Constitutional Change and likely academics from other universities.

6. He also stated the role will include dealings with former departments and Government, given former colleagues will likely be interested in the work he and other academics produce. Expected dealings include occasional meetings; possible training; and delivering talks.
7. Dr Philip Rycroft CB also stated that he had no direct or indirect responsibility for those who had contractual dealings with the university though did have official contact with the academic institution during your time in office, stating:  
  
*'I have drawn on the work of academics at other universities, to develop my background understanding of constitutional and devolution issues. This has involved occasional meetings and attendance at lectures. But I have not been involved in the award of grants to Edinburgh or any other university, nor has the university been involved in the development of departmental policy or regulatory work'.*
8. Dr Philip Rycroft CB further stated he had official dealings with competitors having had contact with academics from a number of universities in the course of his duties as Head of the UK Governance Group, highlighting this was an essential part of the job in terms of understanding constitutional and devolution issues. He also stated he had no access to commercially sensitive information about competitors.
9. The Director General of Propriety and Ethics at the Cabinet Office countersigned this application. The Department confirmed the information Dr Philip Rycroft CB provided in his application, including that he had contact with the university and other universities as Head of Governance Group and highlighted he was not responsible for and was not involved in grant making decisions.
10. The Department stated he would have been privy to sensitive information on constitution and development issues and highlighted this is something he should be mindful of. The Department also acknowledged that the role is expected to engage with Government, and whilst it noted Dr Philip Rycroft CB is aware of his obligations, suggested the ban on lobbying government be made clear to him.

#### The Committee's Consideration

11. The Committee noted the only interaction Dr Philip Rycroft CB had on or with the university was through meetings to better his knowledge on devolution and constitution, in line with his official responsibilities. Additionally, the Committee noted while DExEU policy affected organisations and businesses on a whole, he did not make any decisions which affected the university alone, also exemplified by his having not worked within Education. As such, the Committee considered the risk he was offered the role as a reward is low.
12. The Committee noted that given his seniority, he would have had access to privileged information on devolution and constitutional matters which could provide the

university with an unfair advantage over competitors. However, a number of months have passed since he left office and he is subject to a ban on the use of privileged information which appropriately mitigates this risk.

13. The Committee noted that whilst he and the Department stated he was not involved in bids, grants and funding regarding the university, he may have been privy to information and/or the process regarding these aspects of work. Also, given his seniority, he could be seen to have influence across Whitehall, giving an unfair advantage to the university should an application be made. The Committee considered a ban on advising on bids and contracts sufficiently mitigates this risk.
14. The Committee also considered the description of the contact that Dr Philip Rycroft CB described he might have with government. He noted that dealings might include occasional meetings; possible training and also delivery of talks. The Committee did not consider this would be improper in so far as the contact is aligned to his role as a visiting professor. However, as the conditions below make clear, he must not lobby or use his contacts to the unfair advantage of the university.
15. Under the Government's Business Appointment Rules, the Prime Minister accepted the Committee's advice that this appointment with The University of Edinburgh should be subject to the following conditions:
  - Dr Philip Rycroft CB should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in Crown service;
  - for two years from his last day in office he should not undertake any work with The University of Edinburgh that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK Government; and
  - for two years from his last day of service he should not become personally involved in lobbying the UK Government on behalf of The University of Edinburgh, their subsidiaries, partners or clients. This would not prevent him from having routine contact with the UK Government on academic matters in line with his role as Visiting Professor of Constitution and Devolution; but it would prevent him from making use, directly or indirectly, of his Government and/or Crown Service contacts to influence policy or secure work or funding on behalf of The University of Edinburgh.
16. 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.

17. 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."*
  
18. I should be grateful if you would inform us as soon as Dr Philip Rycroft CB takes up employment with this organisation, or if it is announced that Dr Philip Rycroft CB 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 Philip Rycroft CB has complied with the Rules.
  
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.

Andrea Benjamin  
Committee Secretariat