



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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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, as an Advisor to the Principal. 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 recent 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 a paid, part-time role involving two days of work a month as an Advisor to the Principal at 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. As Advisor to the Principal, he described his role as advising the Principal on political and policy issues of relevance to the University. He stated this will include developments at both UK and Scottish levels. He said the purpose of the role is to allow the university to be better able to respond to emerging issues, in addition to supporting the Principal '*...in his work to contribute to public debate and policy formation*'.

6. Dr Philip Rycroft CB also stated *'It is likely in the course of the role that I will seek information about the development of policy. This might from time to time involve contact with relevant government departments to access publicly available information. The role will not involve lobbying of either officials or ministers.'*
7. Dr Philip Rycroft CB wanted to make clear to the Committee that this is not a lobbying role and that any formal contact with either the UK or Scottish Government will be undertaken by the Principal or other members of the university.
8. Dr Philip Rycroft CB stated he had no direct or indirect responsibility for those who had contractual dealings with the university and stated he had no access to commercially sensitive information about competitors.
9. He did have official contact with the academic institution during his 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.'

10. Dr Philip Rycroft CB also had contact with academics from a number of universities in the course of his duties as Head of the UK Governance Group. He highlighted this was an essential part of his role, to understand constitutional and devolution issues. Additionally, he met with the Principal in an official capacity, to brief him on current policies, which he described as standard, having met with multiple Principals of universities for the same reason.
11. DExEU provided the departmental assessment and the Director General of Propriety and Ethics at the Cabinet Office countersigned this application on behalf of the Cabinet Secretary.
12. 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 however was not responsible for and was not involved in grant making decisions.
13. The Cabinet Office stated:

'As an Adviser to the University's Principal on political and policy issues, the applicant aims to build the University's capacity to respond to current emerging academic issues. The applicant expects to engage with Government to access publicly available information regarding the development of policy but he has been clear that the role will not involve the lobbying Government.'

14. The Cabinet Office also noted that the applicant is aware of his obligations to *'...maintain confidentiality and the integrity of the Civil Service upon leaving', and that he has been concerned to act properly.'*
15. The departments had no concerns with this appointment being taken up.

The Committee's Consideration

16. The Committee¹ noted the only interaction Dr Philip Rycroft CB had on or with The University of Edinburgh was through meetings to better his knowledge on devolution and the constitution and/or to brief the Principals' on relevant policy. The Committee noted that whilst he previously met with the Principal in question, Dr Philip Rycroft CB and the Department confirmed he did not make any grant or decisions on bids and contracts which affected the university. The Committee also noted that whilst DExEU policy would impact businesses and organisations at large, there is no suggestion he made decisions which impacted on the university alone, exemplified by his having not worked within the education sector. As such, the Committee considered the risk he was offered the role as a reward is low.
17. The Committee noted that given Dr Philip Rycroft CB's 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 if for instance, he were to advise the Principal on strategy based on unannounced policy. However, the Committee also noted that given the pace at which Brexit policy advances and given the recent change in Government, the risk he will have sufficiently current information on Brexit policy has significantly reduced. The Committee considered that applying the usual ban on using privileged information and a ban advising on Brexit related matters associated with his time in post appropriately mitigate the potential for risks here.
18. The Committee noted that whilst the departments and Dr Philip Rycroft CB stated he was not involved in bids, grants and funding regarding the university, given his position as former Permanent Secretary, he may have been privy to information and/or the process regarding these aspects of work. The Committee also noted that given his seniority he could be seen to have an influence within Government should the university wish to seek Government funding. The Committee considered applying a condition which prevents him on advising the university on bids and contracts with the UK Government sufficiently mitigates this risk.
19. Whilst the Committee notes this is not his stated intention, it would also like to draw his attention to the extended lobbying ban imposed below. This makes it clear that use contacts gained in office, across Government and Whitehall, to the unfair advantage would be inappropriate, including the use to access information that would not be available to him otherwise.

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

20. 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;
 - for two years from his last day in office, he should not become personally involved in lobbying the UK Government on behalf of The University of Edinburgh its subsidiaries, partners or clients, nor should he make use, directly or indirectly, of contacts developed in Government and/or Whitehall to influence policy; secure business or funding; or to gain access to information not already in the public domain on behalf of The University of Edinburgh, its subsidiaries, partners or clients; and
 - for two years from his last day in Crown service, he should not provide advice to The University of Edinburgh on 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.
21. 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.
22. 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.*"
23. 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.

24. Please also inform us if Dr Philip Rycroft CB 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.
25. 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.

Yours Sincerely,

Andrea Benjamin
Committee Secretariat

