



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee for advice on taking up an appointment with TES TopCo Ltd (TES).

The Committee's role and remit

2. As you will be aware, it is the Committee's role to advise on the 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:

- 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
- an employer could make improper use of official information to which a former Minister has had access; or
- there may be cause for concern about the appointment in some other particular respect.

3. 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.

4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The application

5. You seek to join TES, the parent company of the TES Group as Non-Executive Director and Chairman of the Board. This is a paid, part-time role. TES is an educational publication, formerly known as the Times Educational Supplement - a weekly UK publication aimed primarily at school teachers in the UK. It was first published in 1910. It also provides

news, data and an increasing online presence, also providing an online community and resources for teachers.

6. You described your duties as including: attendance at Board meetings, the AGM and any annual Board away days and site visits as required. Further, you will play an ambassadorial role, supporting the management team in preserving the high quality of its editorial output and helping drive the internationalisation of its operations. You do not expect to have any contact with government in this role.

7. You informed the Committee you had no official dealings with TES, nor any policy involvement related to online news publishing for schools in any of your ministerial roles. You noted TES' focus is on schools and on the provision of resources for teachers. You confirmed you had no policy responsibility in this area and therefore no knowledge of any unannounced policy relating to schools or teaching.

8. Further, you told the Committee this role was more closely related to your previous career in journalism at the Financial Times where you worked for 13 years and became associate editor.

9. The Department for Business, Energy and Industrial Strategy and the Department for Education were contacted in relation to this application. Both departments confirmed you had no official dealings with TES; did not cover schools related policy which TES focuses on (your responsibilities were singularly Higher Education focused); and you had no access to commercially sensitive information. Neither department has any concerns about you taking on this role with TES.

The Committee's consideration

10. When considering this application the Committee¹ took into consideration that you had no official dealings with TES whilst in ministerial office. Although there is a broad crossover in relation to education matters, as Universities Minister you had no responsibility for policy matters related to schools. The Committee therefore considered the risk this appointment could be seen as a reward for decisions made in office was low.

11. When considering whether your appointment could provide TES with an unfair advantage, the Committee concluded there was no specific risk in relation to the information you had access to given your ministerial portfolio, confirmed by your former department. Further, as a member of the Cabinet you are subject to a three month waiting period under the Government's Business Appointment Rules and alongside the privileged information condition set out below, which mitigates any residual risks in this regard.

12. However, as with all former ministers, the Committee noted the risk you might be seen to offer TES access and influence within the Government and would bring your attention to condition below which makes it clear that you should not make use of your contacts within Whitehall/the Government to the unfair advantage of TES.

13. Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with

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

TES be subject to the following conditions:

- a waiting period of three months from your last day in Ministerial office;
- you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in ministerial office; 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 TES TopCo Ltd or its subsidiaries, partners or clients (including investors in the company). Neither should you make use, directly or indirectly, of your contacts in Government to influence policy or secure business or funding on their behalf.

14. 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 or otherwise.

15. 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."*

16. I should be grateful if you would inform us as soon as you take up this appointment, 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 Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

17. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and in the relevant next annual report.

The Baroness Browning

Rt Hon Jo Johnson

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