



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee about taking up an appointment as a Director of Business Development for the London School of Commerce.

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:

- 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.

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 sought the Committee's advice on taking up a paid and part time position as a Director of Business Development for the London School of Commerce (LSC). LSC is a private higher education provider. Its website states it delivers a range of business and management programmes with its university partners, including undergraduate programmes and postgraduate programmes leading to Masters and Doctoral degrees. It has campuses in Europe and Asia including: Valetta in Malta, Colombo in Sri Lanka, Kuala Lumpur in Malaysia and Dhaka in Bangladesh. Its Partners are:

- University of Bedfordshire
- University of Suffolk
- New College Durham
- University of Wales Trinity Saint David

6. You stated that prior to becoming a minister in 2017 you were on the advisory board of the LSC for twelve years. You stated your role was to advise on the maintenance of the highest standards of quality and service. You said this role, as Director of Business Development will see you serve on the advisory board and encompass the same responsibilities, and described them (then and in the future) as:

- advising on mid and long-term strategy;
- acting as an ambassador with the school's educational partners;
- speaking at conferences as representative of the school on a range of political issues;
- furthering relationships with British Council and the High Commissions overseas; and
- travelling abroad roughly once every eighteen months to partner schools abroad.

You do not expect this role to involve contact with the Government.

7. You advised the Committee that during your time in office you did not have any official meeting with LSC though noted LSC were a stakeholder at an event you attended, hosted by the Council in Dhaka. You further stated that you were not involved in policy decisions or development; nor in awarding contracts that affected LSC; nor did you meet with or have access to sensitive information about competitors of LSC. You also informed the Committee there was no relationship between the FCO and LSC as far as you are aware.

8. You stated there was a non-contractual, unpaid relationship between the British Council and the LSC (as stakeholder in various countries). Further, as an educational provider with UK connections you state LSC will have been known to British Council. In your role as Minister of State for Asia and the Pacific, one of your main responsibilities was for the British Council. You confirmed you made no decisions in respect of the British Council that would have had any impact, even at arm's length, on the LSC.

The Foreign and Commonwealth Office (FCO) was also contacted in regard to this appointment. The FCO stated it has no record of you meeting LSC but noted you may have

attended events where they were present. The FCO also confirmed the details of your application, that you: had no involvement in policy decisions/development that affected LSC; no involvement in funding decisions that affected LSC; did not meet any competitors of LSC, nor access to sensitive information regarding competitors; and that in relation to the British Council, your involvement will not have had an impact (directly or indirectly) on the LSC.

9. The FCO has no concerns about you taking up this appointment.

The Committee's consideration

10. When considering your application, the Committee¹ considered whether this appointment could be perceived as a reward for decisions taken in office. You did not have any official dealings with the LSC while in office. Further you were not involved in policy decisions or awarding contracts that could have affected LSC. As such, the Committee did not consider it could reasonably be perceived you were offered this role as a reward for decisions made in office.

11. The Committee recognises you were not involved in policy development that affected LSC. However, the Committee also notes that by virtue of your role you will have knowledge of policy in a general sense, which could be seen to offer an unfair advantage to LSC. Therefore, the Committee would like to draw your attention to the condition below which prevents you from drawing from privileged information from your time in office.

12. The Committee considered there is a risk attached to the contacts you have built up during your time in office. Given the LSC's interest in you developing their relationships with the British Council/High Commissions, the Committee would like to lobbying ban which makes it clear it would be improper for you to use your contact in Government to the unfair advantage of our new employer. For the avoidance of doubt, that would include any direct interaction with the **British Council and High Commissions on the LSC's behalf**.

13. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as a Director of Business Development, on the Advisory Board of the London School of Commerce will be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government and its Arms' Length Bodies on behalf of the London School of Commerce (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Lord Larry Whitty; Richard Thomas; Mike Weir; John Wood and Baroness Angela Browning

From the Chair

unfairly benefit London School of Commerce (including parent companies, subsidiaries, partners and clients); and

- for two years from your last day in office you should not advise London School of Commerce or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government.

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, the Civil Service Code 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 where appropriate, refer to it in the relevant annual report.

The Baroness Browning

The Rt Hon Mark Field