



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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1. You approached the Committee seeking advice on taking up an appointment with The UPP Foundation.

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 The UPP Foundation as Chair of the Advisory Board, an unpaid part-time role involving 3 meetings a year.
6. The website says the UPP Foundation is a registered charity that offers grants to universities, charities and other higher education bodies. You noted it is a Higher Education Charity. It offers support to the UK higher education sector through two key areas:

## From the Chair

- Grants - providing grants to universities, charities and the wider higher education sector, in order to:
    - increase access and retention to higher education
    - improve student employability
    - enhance civic universities
    - develop global citizens
  - Public Policy Platform - providing a public policy platform enabling sector leaders, experts and the wider public the opportunity to debate the future of higher education. It allows the sector to share best practice, as well as discuss new research, ideas and policy with the aim of advancing the understanding and knowledge of the key issues within each of our themes.
7. The UPP Foundation was created by University Partnerships Programme Ltd (UPP Ltd), a provider of on-campus residential and academic accommodation infrastructure. It focuses on increasing access and retention into Higher Education, enhancing civic universities, improving employability and developing global citizens.
  8. You stated you will take on the role of Chair of the Advisory Board of the UPP Foundation on a pro-bono basis. This will involve hosting three dinners a year, attending functions and helping to decide the strategic direction of the charity's work. The Chair of the Advisory Board is also a trustee of the UPP Foundation. You also said you expect this role to involve contact with the government, as you will be attending functions relating to Higher Education, highlighting areas of potential Higher Education policy reform.
  9. You informed the Committee you meet with UPP Foundation a number of times:
    - Met with Lord Kerslake and Richard Brabner from the UPP Foundation on to discuss a forthcoming report and its launch in January 2019;
    - Spoke as Minister at the Launch of the UPP Foundation 'Civic Universities' Report authored by Lord Kerslake at Parliament in February 2019. Attended a dinner organised by the UPP Foundation after this event;
    - Spoke as Minister at the Launch of the UPP Foundation sponsored National Network for the Education of Care Leavers Quality Mark in Parliament in May 2019;
    - Provided the forward to the UPP Foundation report on Civic Universities Agreements in July 2019;
    - Had a meeting with Richard Brabner from the UPP Foundation in January 2020; and
    - Attended and spoke at a Care Leavers event in Parliament that had been sponsored by the UPP Foundation in February 2020.
  10. You told the Committee you did not have any involvement in any specific policy development or decisions. You also said you were not aware of any relationship, either contractual or non-contractual, between the UPP foundation and your former departments. You noted it does not have any competitors as such. It is a charity that promotes access to higher education and does not generate income or fundraise. You said '*...it is sort of standalone*' in that regard. The UPP Foundation is funded from a grant of the UPP Ltd (but is independent from them).
  11. In terms of meeting competitors on student housing you noted you held a round table of housing providers in October 2019 to discuss the issue, but the UPP foundation is not a housing organisation however. You said you did not have access to sensitive information on these competitors.

12. The Department for Business, Energy and Industrial Strategy (BEIS) were contacted regarding your application on behalf of the Department for Education (DfE) and BEIS. BEIS noted two meetings you had with the UPP Foundation:
  - On 22 January 2019, Mr Skidmore met with Lord Kerslake, as Chair of the Civic University Commission<sup>1</sup>, Richard Brabner, Director of UPP Foundation and Rachel Wolf from Public First. Also present were officials from DfE and BEIS. This meeting was to discuss the emerging findings from the Civic University Commission. This highlighted a number of recommendations, including that universities should create civic agreements in their local areas to provide a more strategic underpinning to their civic activity, a fund to help support universities civic activity, and a new network to advocate the local/civic role of universities. You agreed to provide some form of quote or support for the launch of the report.
  - On 27 th January 2021, you met with Richard Brabner, Director of UPP Foundation and Jonathon Simons from Public First. Also present were officials from DfE and BEIS. This meeting was to update you on the Civic University Network that DfE had agreed to part-fund, as well as research that UPP Foundation and Public First were conducting in terms of universities' role in towns.
13. BEIS confirmed you were involved in discussions around civic universities which would be of interest to UPP Foundation given its funding of the Civic University Commission. BEIS also noted UPP Foundation could be said to have benefited indirectly from your promotion of the civic university agenda, with which they were so closely associated. BEIS noted that while you were privy to this Government's policy thinking around universities and the higher education sector, it was important to note that the policy agenda has changed considerably since you were in office. In particular the current public health crisis has 'radically shifted the policy landscape', such that your information from your time in office will now be more out of date than would usually be the case several months on.
14. BEIS stated DfE are currently providing a grant to UPP Foundation in 2020/21 financial year. As above, this grant is for UPP Foundation to establish and develop the Civic University Network to promote best practice in universities civic engagement. The grant is solely for the purposes of the Network and the agreement with UPP Foundation contains milestones to be achieved before payment is made. The grant is managed by DfE officials in the Higher Education Quality and Regulation team. The final decision to provide funding to UPP Foundation was made at a DfE official level and did not require ministerial approval. You were made aware of its existence in a briefing which related to the plans for publicising DfE's funding of the Civic University Network.
15. BEIS noted the UPP Foundation is primarily funded by UPP Ltd, a housing provider and as such, differs from other charities and bodies that focus on the various parts of UPP Foundation's themes (as it is not competing for funding).

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<sup>1</sup> The UPP Foundation funded a Civic University Commission which was an inquiry funded by UPP Foundation that considered the civic role of universities. This highlighted a number of recommendations, including that universities should create civic agreements in their local areas to provide a more strategic underpinning to their civic activity, a fund to help support universities civic activity, and a new network to advocate the local/civic role of universities. As a result of this UPP Foundation is looking to establish and develop the Civic University Network to promote best practice in universities civic engagement. UPP Foundation managed a competitive competition to select an organisation to host this Network – this is being led by Sheffield Hallam University. The funders of the Civic University Network are DfE, UPP Foundation, Carnegie UK Trust and Arts Council England.

16. In relation to UPP noted that whilst it is a separate entity to UPP, and an independent charity, it is closely linked (. two of its trustees are members of staff of UPP Ltd). In relation to UPP Ltd, confirmed your chairing of a housing roundtable in October 2019. The purpose of this was to bring together universities, private accommodation providers, students' representatives, regulators, Higher Education and property sector bodies and a student mental health specialist to discuss what needs improving in the student accommodation sector; who can play what part in making improvements; and what improvements should be prioritised. This was not attended by UPP Ltd, but was attended by various other student accommodation providers.
17. BEIS said that given your previous role in office, you could be seen to enable the UPP Foundation to better position itself to lead and support thinking on key issues of concern for the sector. It is also noted that given its role, it would be in BEIS' interest for the charity to be well informed.
18. Neither department had any concerns about you taking up this role.

#### The Committee's consideration

19. The Committee<sup>2</sup> took into account that you met with the UPP foundation while in office, to discuss the findings from a report which highlighted ways to improve best practice in universities civic engagement. From the information available publicly, you were an advocate for the commission's findings. However, the Committee noted this was in keeping with government policy which is committed to encouraging universities to make the most of their civic engagement and your role as Universities Minister. While there is a funding relationship between UPP Foundation and DfE, the Committee noted you did not make any decision in awarding this funding to the UPP Foundation. It was managed by DfE officials in the Higher Education Quality and Regulation team and the final decision was made at a DfE official level. Further, this is an unpaid role, therefore minimising the risk this appointment was offered as a reward for decisions taken in office.
20. As Minister for Universities, Science, Research and Innovation, the Committee noted that this proposed role overlaps with your time in office. Therefore, there could be a perceived risk you had access to relevant privileged information and knowledge, which could unfairly benefit the UPP Foundation. However, the Committee noted it has been 5 months since you were in office and put weight in the Department's comments that the recent health crisis has radically shifted the policy landscape, as such information from his time in office will now be more out of date than would usual. While any organisation operating in the education sector will be seen to benefit from your employment, the Committee noted the department's comments that this application could be seen as in BEIS' best interests. The Committee would draw your attention to privileged information restriction that prevents you from drawing on privileged information from your time in office, which will help mitigate any remaining risk here.
21. The Committee considered whether your proposed contact with the Government in your proposed role would be proper. You noted you will attend functions relating to Higher Education, highlighting areas of potential Higher Education policy reform. The Committee considered the nature of the company was relevant, the UPP Foundation is a charity focussed on providing grants to higher education and therefore there is

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<sup>2</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; Dr Susan Liautaud ; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

*From the Chair*

limited scope for unfair advantage. Further, the Department is supportive of this appointment. The Committee noted using your role to help develop the government's understanding on subjects that are aligned with government policy and advising on the Foundations work would not be improper. However, it did note that to prevent any risk of you offering an unfair advantage to the Foundation any policy discussion should be at the request of government. The Committee would draw your attention to the below lobbying ban that will not prevent you from discussing policy related to the UPP Foundation with Ministers or officials should he be invited to do so by the UK Government. However, it would prevent you from making use of your contacts to influence policy, secure funding or otherwise unfairly benefit the UPP Foundation.

22. Further, the restriction below on providing advice on the terms of a bid or contract relating directly to the work of the UK Government prevents you from providing an unfair advantage to the UPP Foundation in respect of any future work with the UK Government.
23. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **the UPP Foundation** 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 on behalf of The UPP Foundation (including parent companies, clients, subsidiaries and partners, which for this purpose should be considered to include UPP Ltd). This is not intended to prevent you from reporting to Government on the activities of The UPP Foundation, or from advising the UK Government in relation to policy issues when the UK Government has asked for such advice. However, it would prevent you from making use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit of The UPP Foundation (including parent companies, clients, subsidiaries and partners, which for this purpose should be considered to include UPP Ltd); and
  - for two years from your last day in Ministerial office you should not involve yourself in work on or advice to The UPP Foundation (including parent companies, clients, subsidiaries and partners, which for this purpose should be considered to include UPP Ltd), in relation to 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.
24. 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.
25. 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*

*From the Chair*

*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."*

26. We would 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.
27. 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 Rt Hon Lord Pickles

Rt Hon Chris Skidmore MP