



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

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

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1. You sought the Committee's advice on taking up an appointment with Lancaster University.

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 wish to take up an unpaid, part-time appointment with Lancaster University as Pro Chancellor. You said Lancaster University is a Higher Education Institution. You informed the Committee the Pro Chancellor Chairs the Council of Lancaster University and is an ex officio member of all sub committees of Council with the exception of the Audit Committee. You said the Pro Chancellor is responsible for:

- Leadership of the University Council
- Ensuring that the Council acts in accordance with the Universities instruments of Governance
- Ensuring that the Council exercises control over the strategic direction of the University
- The effectiveness of working relationships within the Council

6. You told the Committee you will have no contact with any Department in which you had a Ministerial role. The only contact with Government will be in relation to Lancaster University dealings with the Department of Education and those bodies responsible for Higher Education. You said your role does not require contact with Govt but you included it because the University of course has contact with DFE, and any contact of yours would be in such a capacity. You said *'The pro-chancellor role is a recognised one within HE, and its terms are pretty similar around institutions, but as universities do have relationships with Govt I thought it would be strange if I indicated no contact'*.

7. You advised the Committee you had no official dealings with Lancaster University whilst in office, including policy and funding decisions or development. Further, you are not aware of any relationship between your former departments and Lancaster University and had no dealings with its competitors nor access to commercially sensitive information about competitors.

8. The Permanent Secretary at the Foreign and Commonwealth Office (FCO) and the Department for International Development (DfID) was contacted about this application. They confirmed your above statements.

9. FCO and DfID both stated it has no concerns over you taking up this appointment.

The Committee's consideration

10. When considering your application, the Committee¹ took into account this appointment is not connected to your role in office. You did not meet with, make any policy or contractual decisions regarding the university while in office. Further, the Committee noted this role is unpaid and as such considered the risk you were offered the role for decisions made in post as low.

11. The Committee noted that you were not involved in, nor responsible, for policy decisions regarding universities. However, by virtue of your role it could be perceived you might have general information of a privileged nature which may provide an unfair advantage. The Committee would draw your attention to the restriction on using privileged information gained from your time in office.

12. The Committee considered whether your proposed contact with the Government in your proposed role would be proper. You noted given the relationship that already exists between the University and Government, there may be occasions where you have contact with the Department for Education, this contact would be aligned with the routine nature of contact that already exists. The Committee noted there is no direct conflict with your time at the FCO and DfID. The Committee considered it would not be improper for you to report on the activities of Lancaster University, or where the Government has sought the University's views. However, the Committee would draw your attention to the lobbying ban imposed below, which makes it clear you should not use your contacts in government to the unfair advantage

¹ This application for advice was considered by Sir Alex Alan, Johnathan Baume, Richard Thomas, Lord Larry Whitty, Mike Weir, Lord Eric Pickles and John Wood. Dr Susan Liautaud was unavailable

of Lancaster University. 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 Lancaster University in respect of any future contract or bid with the UK Government.

13. In accordance with the Government's Business Appointment Rules, the Committee's advice is that this appointment with **Lancaster University** be subject to the below conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or 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 Lancaster University and all its constituent parts (including parent companies, subsidiaries, partners and clients). This would not prevent you from reporting to Government on the activities of Lancaster University or discussing policy with the UK Government should you be invited to do so by the UK Government. However, it would prevent you from making use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Lancaster University and all its constituent parts (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in Ministerial office you should not undertake any work with Lancaster University 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.

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 consultancy is in operation, or has been publicly announced, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Rt Hon Alistair Burt

The Rt Hon Lord Pickles