



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 at the University of York, as a Lay member of Council. 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 Rycroft sought the Committee's advice on taking up an unpaid, part-time role as a Lay Member of the Council at The University of York (the Council). The Council has general control over the University and its affairs. It is responsible for the effective stewardship of the University of York's reputation and resources and for the strategic direction of the university. As a Lay Member of the Council, he will be expected to contribute to the deliberations of the Council to ensure good governance of the University of York. This role will not involve contact with the UK Government.

4. Dr Rycroft stated he had no direct or indirect responsibility for those who had contractual dealings with the University of York and stated he had no access to commercially sensitive information about competitors.

5. Dr Rycroft confirmed had contact with a number of universities while in office, as part of the outreach to institutions likely to be impacted by Brexit.

6. DExEU provided the departmental assessment and the Director General Secretariat and Deputy Secretary to the Cabinet at the Cabinet Office countersigned this application on behalf of the Cabinet Secretary.

7. Both confirmed the information Dr Philip Rycroft CB provided in his application, namely that he had previous official contact with the University of York (and other universities) in the form of a wide outreach to institutions likely to be impacted by Brexit. However, this would have been a routine part of his role as DexEU Permanent Secretary. The department said due to Dr Rycroft's seniority and the wide – range of sectors affected by the UK's exit from the EU, he may have had an influence on decisions affecting many sectors. However, it is not aware of anything specific tying him to the further education sector.

The Committee's Consideration

8. The Committee¹ noted the only interaction Dr Rycroft had with the University of York was as part of the outreach to institutions likely to be impacted by Brexit. It is also noted Dr Rycroft and the Department confirmed he did not make any grant or decisions on bids and contracts which affected the University of York. The Committee also took into account that whilst DExEU policy would impact businesses and organisations at large, there is no suggestion he made decisions which impacted on the University of York 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.

9. The Committee noted that given Dr Rycroft's seniority, he would have had access to privileged information which could provide any university with an unfair advantage over competitors, if for instance he may have seen information relating to the effects Brexit may have on the higher education sector. However, the Committee also noted that given the pace at which Brexit policy advances and the recent change in the 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.

10. The Committee noted Dr Rycroft may have been privy to information and/or the processes regarding bids and contracts, though he was not actively involved. Further, he could be seen to have an influence within the Government should the University of York wish to seek funding. The Committee considered applying a condition which prevents him on advising on bids and contracts with the UK Government sufficiently mitigates this risk.

11. Whilst the Committee notes this is not his stated intention, it would also like to draw his attention to the lobbying ban imposed below. This makes it clear that use contacts gained in office, across Government and Whitehall, to the unfair advantage of the University

¹ This application for advice was considered by Sir Alex Allan; Johnathan Baume; Baroness Browning; Terence Jagger; Richard Thomas; Mike Weir; Lord Larry Whitty; and John Wood. Dr Susan Liautaud was unavailable.

would be inappropriate, including the use to access information that would not be available to him otherwise.

12. Under the Government's Business Appointment Rules, the Prime Minister accepted the Committee's advice that this appointment with The University of York should be subject to the following conditions:

- he 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 York 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 York 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 York 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 York on Brexit related issues, insofar 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.

13. 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.

14. 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."**

15. I should be grateful if you would inform us as soon as Dr Rycroft takes up employment with this organisation, or if it is announced that Dr Rycroft 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 Rycroft has complied with the Rules.

16. Please also inform us if Dr Rycroft 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.

17. 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,

Catriona Marshall
Committee Secretariat