



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You sought the Committee's advice on taking up an appointment with the University of St Andrews as a Member of Court.

The Committee's role and remit

2. It is the Committee's role to advise on any 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.
3. 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.
4. 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.
5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment Details

6. You sought the Committee's advice on taking up an unpaid part time role as Member of Court for the University of St Andrews (St Andrews). You applied for this advertised role.

7. St Andrews is an institute of higher education which offers teaching and research. You said The University Court is the governing body of the University. The Court has overall responsibility for the governance of the University, including all aspects of strategic planning and the management of resources — financial, human and physical. This responsibility comes via Acts of Parliament, which give the Court authority over all of the University's property and revenues, as well as the power to review the decisions of the Academic Senate. You stated the role would not involve any contact with Government.
8. You stated as a Minister in BEIS you visited St Andrews and:
 - toured the Department of Earth Sciences and met geology students;
 - visited the biomass plant at the Eden Campus (part funded by UK Government monies through the Tay Cities Deal);
 - Met with the principal, Sally Mapstone and her senior leadership team to discuss politics and academia.
9. You further said as Scotland Office Minister, you visited the Eden Campus of the University during a tour of investment prospects under consideration as part of the Tay City Deal¹. An informal discussion was held with the Principal regarding Brexit, and politics in general. You also stated you visited a number of higher and further education establishments in Scotland and Northern Ireland and had regular contact with senior academics and university administrators. But confirmed you had no access to sensitive information regarding these competitors.
10. You confirmed you were not involved in any relevant policy development/decisions or contractual decisions whilst in office.
11. The Scottish Office (SO), Northern Irish Office (NIO) and Department for Business Energy and Industrial Strategy (BEIS) were contacted about this application and confirmed the details you provided.
12. SO said it had no relationship with St Andrews beyond that of a relevant stakeholder of interest to its work. It confirmed your meetings with St Andrews and also said:
 - you attended a graduation dinner on 27 June 2019;
 - you spoke at a debating society event on 12 September that year; and
 - the University were present at a Higher Education roundtable hosted by yourself in December 2018 at which a wide range of topics were discussed at high level, including EU Exit, the Erasmus programme², and funding.
13. The department stated these meetings were general, high level meetings and no policy decisions were taken as a result.
14. The SO further confirmed you met with a number of Higher Education establishments and hosted Higher Education roundtables attended by representatives of various establishments and at which topics of general interest were discussed at high level.

¹ The deal is an agreement between the UK and Scottish governments along with Angus, Dundee City, Fife and Perth & Kinross councils as well as partners in the business and higher and further education sectors. The UK and Scottish governments are each investing £150 million, which will help to leverage a further £400 million of investment from public and private partners. This will be transformative for the region, driving investment, boosting the economy and creating more than 6,000 jobs

² The Erasmus Programme is a European Union student exchange programme established in 1987

The department further noted you did not have access to commercially sensitive information regarding competitors of St Andrews.

15. NIO stated St Andrews hosts the annual Northern Ireland Related Terrorism Symposium, which gathers security partners from across the UK. The University hosts this symposium and the department pays for the event. It does not have any other relationship with the university other than logistics and organisation for this event.
16. NIO also confirmed you engaged with a number of academics from higher and further education across Northern Ireland as part of ministerial stakeholder engagement during your time in office and these meetings have been documented in the published ministerial transparency reports. The department stated '*...education is devolved in Northern Ireland and so, the conversations and stakeholder engagement that took place during those meetings were as part of ministerial engagement in the absence of a devolved Executive, so the conversations that took place there were usefully fed into the policymaking process as appropriate, and all meetings were attended by NIO policy officials*'.
17. SO, NIO and BEIS all confirmed the following:
 - you were not involved in relevant policy decisions and development;
 - you do not have access to relevant sensitive information from your time in office which would offer St Andrews an unfair advantage;
 - you had no access to commercially sensitive information; and
 - it had no concerns regarding this appointment.

The Committee's consideration

18. The Committee³ noted that your role is not directly related to your responsibilities in office. While you meet with St Andrews, by way of occasional visits, talks, attendance at events or the university's presence at round tables hosted by yourself, no decisions were made as a result of these meetings. The Committee is aware of no reason it might be perceived this unpaid appointment is a reward for decisions or actions taken in office.
19. The Committee also noted that given your former roles with SO, NIO and BEIS you may have had general access to policy and information that could be perceived to benefit St Andrews. However, this risk is partially mitigated as the departments have confirmed you do not have access to information that would provide an unfair advantage to St Andrews and have no concerns regarding this appointment. Therefore, the risks associated with your access to sensitive information is low. However, the Committee would also draw your attention to the ban on using privileged information.
20. The Committee also noted your network of contacts within Government could be perceived to offer an unfair advantage to the university should you become involved in discussions or negotiations on funding, bids and contracts. The below lobbying restriction and the restriction on providing advice on the terms of, a bid or contract relating directly to the work of the UK Government makes it clear that it would be inappropriate for you to use your contacts across the UK Government to the unfair advantage of St Andrews. However, the Committee noted this is not your intention as a Member of Court and this restriction is in keeping with your role as described.

³ This application for advice was considered by Jonathan Baume; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and Dr Susan Liautaud.

21. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment with the **University of St Andrews** be subject to the following 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 as a Minister;
 - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government, Scottish Government or Irish Executive or their arm's length bodies on behalf of the University of St Andrews (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in Government to influence policy, secure business/funding or otherwise unfairly advantage the University of St Andrews (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in office you should not advise the University of St Andrews or its partners or clients on the terms of a bid or contract with, or relating directly to the work of the UK Government, Scottish Government or Irish Executive, or their arm's length bodies.
22. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Lords.
23. 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.
24. 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."
25. I would be grateful if you would ensure that we are informed as soon as you take up your role or the organisation announces it. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.
26. Once you have taken up your role/it has been announced we will publish this letter on the Committee's website and in the relevant annual report.

The Rt Hon the Lord Pickles

The Rt Hon Lord Duncan of Springbank