



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 Access Creative College.

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 Access Creative College (ACC) as a non-executive director and Chairman of the Board, a paid part-time role involving 2-3 days of work a month.

6. You said ACC has been delivering creative education for over twenty-five years. It operates as England's largest private training provider, the college delivers education for a range of sectors within the creative industries, including music, games, media and events. It has campuses in seven cities, from Bristol in the south-west to York in the north-east.

7. You stated you will take on the role of non-executive director and Chairman of ACC, a leading provider of further education for the creative industries recently acquired by Apiary Capital. Apiary Capital invests in the education, healthcare, business and technology services sectors. Your role will be to support Apiary Capital and the leadership of ACC in setting the organisation's strategic aims and ensuring that necessary financial and human resources are in place for ACC to become '*...the number one choice for creative training in the UK*'. You said your duties will include attendance at Board meetings, the AGM (annual general meeting) and (if required) any annual Board away days and site visits. You do not expect this role to include contact with the UK Government.

8. You informed the Committee you neither met, nor made any commercial or contractual decisions with or on ACC while in office. Nor did you have any involvement in policy development or decisions. You also said you did not meet with competitors, nor did you have access to sensitive information on these competitors.

9. The Department for Education and The Department for Business, Energy and Industrial Strategy (BEIS) were contacted regarding your application. BEIS confirmed the details you gave in your application and also confirmed you would have no access to unannounced policy or information of specific sensitivity that could be seen to benefit ACC or Apiary Capital.

10. The Department for Education said your Private Office was run from BEIS who have all the records of your engagements, so it was a nil return for the department.

11. Neither department had any concerns about you taking up this role.

The Committee's consideration

12. The Committee took into account that you and BEIS confirmed you did not meet with, nor make any policy or contractual decisions regarding ACC while in office. The Committee considered the risk you were offered the role for decisions made in office is low.

13. When considering your application, the Committee noted you had no involvement in policy regarding ACC. Though, considered as Minister responsible for universities, research, innovation and science there is an inherent risk you would have general access to sensitive

information that could provide an unfair advantage. However, the Committee put weight behind the departments comment that you had no access to relevant sensitive information.

14. Further, you will have developed contacts which may provide an unfair advantage to a company operating in the education sector. The Committee also noted ACC's funding relationship with the Education & Skills Funding Agency and amended the conditions restricting you from lobbying and advising on contracts and bids to include arms length bodies. The Committee considers that the conditions below sufficiently mitigate the risks in this case.

15. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Access Creative College, Apiary Capital** 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 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 or its arms' length bodies on behalf of Access Creative College or Apiary Capital (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government, or its arms' length bodies and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Access Creative College or Apiary Capital (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise Access Creative College or Apiary Capital 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, its Arms' Length Bodies or any government-owned body.

16. 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.

17. 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."*

18. 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.

19. 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 Jo Johnson