



**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 Seminal Capital Holdings.

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 Seminal Capital Holdings (SCH) as an Advisory Board Member. This is a paid, part-time role.
6. SCH is an investment firm that describes its investment approach as '*investing time, knowledge, capital, and our network in companies at the forefront of seminal industry trends*'. You stated the focus of the company is education technology. Its associated companies include Seminal Capital Partners and Seminal Capital

Management LLC, which make investments in cloud-based software and services companies and are based in the US.

7. You said your role would involve attending meetings of the advisory board and providing high level guidance to SCH on its education technology strategy. You stated this role would not involve contact with the UK Government.
8. You informed the Committee you neither met with SCH; nor made any policy or contractual decisions relevant to SCH while in office. You also said you did not meet with competitors, nor did you have access to sensitive information on any competitors.
9. The Department for Education (DfE) and the Department for Business, Energy and Industrial Strategy (BEIS) were contacted regarding your application. BEIS confirmed the details you provided in your application. It further confirmed you did not have access to any sensitive information that could provide SCH with an unfair advantage. Both departments had no concerns about you taking up this appointment.

#### The Committee's consideration

10. The Committee<sup>1</sup> took into account that you and BEIS confirmed you did not meet with SCH while in office. Further neither department has a contractual relationship with SCH and as a result you were not involved in any contractual decisions. The Committee therefore considered the risk you were offered the role for decisions made in office is low.
11. When considering your application, the Committee noted the inherent risk that as Minister you would have general access to sensitive information that could provide an unfair advantage to SCH. However, the Committee noted that the Departments raised no concerns, as well as the amount of time (14 months) passed and the change in administration since you were in office. Further, the Committee would draw your attention to the condition below that prevents you making use of privileged information as a former Minister.
12. Further, you will have developed contacts across government and Whitehall which may provide an unfair advantage to SCH. Though it is not part of your role as described, the Committee would nevertheless draw your attention to the conditions below preventing you from using your contacts across Government to the unfair advantage of SCH, including advising on bids and contracts.
13. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Seminal Capital Holdings** 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 on behalf of Seminal Capital Holdings (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or

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<sup>1</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.

ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage Seminal Capital Holdings (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in Ministerial office you should not undertake any work with Seminal Capital Holdings (including parent companies, subsidiaries, partners and clients) 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. 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.
  15. 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.
  16. 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.*"
  17. We 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.
  18. 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

The Rt. Hon Lord Johnson of Marylebone

