



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

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

December 2020

1. You approached the Committee about taking up an appointment as Trustee of The University of Surrey Students' Union.

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 informed the Committee you were seeking to join the University of Surrey Students' Union (University of Surrey) as Trustee - an unpaid part-time position.

6. Your role is to include the usual responsibilities as Trustee and you stated this role would not involve any contact with your former Department or the Government more widely. You confirmed you had no contact with the University of Surrey whilst in office; had no access to sensitive commercial or policy information specifically relevant to the University of Surrey; and that you had not been involved in any policy or contractual decisions that would have affected them specifically whilst you were in office.

7. The Department for Education was contacted regarding this application. It confirmed that you had no official involvement with Surrey University while in office; that any commercial or sensitive information gained would now be out of date and that you made no decisions regarding the university specifically. It stated no concerns on you taking up this unpaid role, adding: *'Ms. Milton's ministerial role did not have a significant Higher Education brief and any information she did obtain would no longer be relevant or useful.'*

The Committee's consideration

8. The Committee considered that, although this is broadly related to your former department, you did not meet with the University of Surrey whilst in office, or approve any funding or policy decisions that affected the University of Surrey specifically. Further, this is an unpaid role and therefore, the risk this appointment was offered as a result of decisions made for actions taken in office is low.

9. The Committee considered the risks associated with your access to sensitive information from your time in office inherent to your role as the former Minister of State for Skills and Apprenticeships. There is a real and perceived risk you could have access to general privileged information that could provide the University of Surrey with an unfair advantage, as with any organisation operating within the education sector. However, the Committee noted the Department for Education's comments that any such information will now be out of date and not relevant to Surrey University specifically. The Committee considered the condition below, which would prevent you from using any privileged information, sufficiently mitigates the risk in this case.

10. As a former Minister, there are also inherent risks with the contacts you have gained in office. However you have stated that you will not have contact with the Government and this role will be advisory. The Committee would draw your attention to the lobbying and bids and contracts bans below which makes it clear that it would be improper to make use of your contacts (directly or indirectly) to the unfair advantage of your employer, or advise on a bid or contract relating to the UK Government, or its Arms' Length Bodies.

11. Under the Government's Business Appointment Rules, the Committee advises this appointment be made subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the 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 the University of Surrey University Students Union (including parent companies, clients, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government or arms' length bodies and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit the University of Surrey University Students Union (including parent companies, clients, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise the University of Surrey University Students Union 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 or its Arms' Length Bodies.

12. 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 as a member of the House of Commons.

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 Ministerial Code/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 you take up this appointment, or if it is announced that you will do so. 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.

16. Once this 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.

The Rt Hon The Lord Pickles

The Rt Hon Anne Milton