



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee for advice on taking up an appointment as an advisor for PeoplePlus.

The Committee's role and remit

2. 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 sought the Committee's advice on taking up a paid and part-time position as an advisor for PeoplePlus (PeoplePlus).

6. You advised the Committee that PeoplePlus is a learning and apprenticeship provider. It is focused on offering employment support, skills training, apprenticeships, independent living, and prison education on behalf of the Government. It also provides recruitment, training and development and wellbeing solutions to private sector employers. It was formed in 2015 after a merger of several smaller providers.

7. You told the Committee you will be an advisor, chairing employer meetings and possibly chairing the company's Social Recruitment Leadership Board. You stated this role is unlikely to include contact with the Government.

8. You advised the Committee that whilst in office you did meet with PeoplePlus, as they were present at an event you attended through another Government department- you also stated you may have had contact with them at stakeholder events but you could not recall other specific instances. You further stated that you met a significant number of education and training providers at stakeholder events, though you had no access to sensitive information regarding competitors of PeoplePlus.

9. You also told the Committee you were involved in the development of departmental policy that would have affected PeoplePlus and other similar providers - having had overall responsibility for the policy area which will have had some impact on the regulation of the whole sector.

10. You confirmed you were not involved in awarding contracts or grants to PeoplePlus and noted PeoplePlus receives funding from the Education and Skills Funding Agency (ESFA- an executive agency, sponsored by the Department for Education (DfE)). You said its relationship with DfE is as a training and apprenticeships provider interested in future policy development.

11. Your former department, DfE, was contacted about this application. It confirmed you did meet with PeoplePlus while in office on 17 December 2018 when Simon Rouse of PeoplePlus attended an apprenticeship roundtable event at the DfE with you; and on 24 April 2019 when you attended a PeoplePlus event.

12. The Department said a lot of decisions related to apprenticeships were delegated to you over the course of your post as Skills Minister, all of which will have impacted PeoplePlus in some way. However, it could find no evidence that you ever took a decision that impacted PeoplePlus in isolation, without also impacting the many other training and apprenticeship bodies similarly. It confirmed these decisions did not impact any one, specific organisation.

13. The Department confirmed it has a stakeholder relationship with PeoplePlus, as an independent training provider. DfE said PeoplePlus are on the Register of End-Point Assessment providers, meaning it is eligible to conduct (and be funded by the ESFA for) assessing apprentices. These decisions are taken at an official level and do not fall to DfE or its ministers. The Department confirmed you were not involved in awarding contracts or funding.

14. DfE confirmed the information you provided and added it had found no evidence:

- you ever had an inappropriate relationship, nor close, relationship with PeoplePlus or anyone connected to PeoplePlus;
- you ever held discussions with them or their competitors outside the scope of your normal Ministerial duties; nor

- that you accessed information which would necessarily give PeoplePlus an unfair advantage over its competitors.

The Committee's consideration

15. When considering your application, the Committee¹ considered whether this appointment could be perceived as a reward for decisions taken in office, in particular as the company operates in an area that overlaps with your ministerial responsibilities. You did meet with PeoplePlus at stakeholder events, as confirmed by DfE, though this was in the usual course of duties as Minister. Although there is a funding relationship between PeoplePlus and ESFA, such decisions were taken without your involvement and at arms' length from DfE. While the Committee recognised you would have made policy decisions that affected PeoplePlus, these decisions would have affected the other training and apprenticeship bodies in the same way. Therefore the risk is low that this role was offered as a reward for actions taken while in office.

16. Due to the area PeoplePlus operates in, and your ministerial role and responsibilities- there is a risk you could offer an unfair advantage to PeoplePlus through your access to privileged information. However, your former department confirmed you have no access to unannounced policy of relevance. Further, the Committee noted the amount of time that has passed since you were in office (over ten months) which reduces the likelihood information you had access to is sufficiently up to date to offer an unfair advantage to PeoplePlus.

17. Additionally, the Committee noted due to your role in this sector, there is a risk it could be perceived that your network and influence might assist PeoplePlus unfairly, especially if it looks to bid for future funding or contracts with ESFA or other government departments. The Committee would therefore draw your attention to the condition below which prevents you from advising PeoplePlus in relation to a bid or contract with the UK Government; including its Arm's Length Bodies; and that which prevents you from lobbying the UK Government which makes it clear that any use of contacts gained in office to the unfair advantage of PeoplePlus would be inappropriate.

18. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as an advisor for **PeoplePlus** be 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 the Ministerial office, you should not become personally involved in lobbying the UK Government or its Arms' Length Bodies on behalf of PeoplePlus (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 PeoplePlus (including parent companies, clients, subsidiaries, partners and clients); and

¹ Sir Alex Allan; Jonathan Baume; Dr Susan Liautaud ; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

- for two years from your last day in office you should not advise PeoplePlus 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.

19. 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/the Civil Service Code or otherwise.

20. 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."*

21. 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.

22. 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 Lord Pickles

The Rt Hon Anne Milton