



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up an appointment as Chair for International Learning and Exchange Programme Limited, Cardiff University (ILEP). The material information taken into consideration by the Committee is set out in the annex.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during time in office, alongside the information and influence a former minister may offer ILEP.
3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's advice

4. When considering this application, the Committee¹ took into account this role as Chair of the ILEP's Advisory Board is unpaid². Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of the government by considering the real and perceived risks associated with former ministers using privileged access to contacts and information to the benefit of themselves or those they represent; and to mitigate the risks that individuals may make decisions or take action in office to

¹ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Sarah de Gay; Isabel Doerty; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and Susan Liautaud.

² By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.

5. The Committee took into account that you did not meet with ILEP while in office, though you did meet with Cardiff and other universities on a number of occasions while Minister for Education. The Committee noted you oversaw the operation of the higher education regulator (HEFCW), however confirmed you had no involvement in the specifics of their regulation and while any decisions made affecting the university were initiated and cleared by other Cabinet ministers following discussions at Cabinet, you were only privy to and did not make such decisions. Therefore, the Committee considered the likelihood this unpaid role can be seen to have been offered as a reward for decisions made in office is low.

6. The Committee noted as former Minister for Education, there is an inherent risk you could be perceived as having access to privileged information, knowledge and influence which could unfairly benefit ILEP. However, the unpaid nature of this appointment limits the real and perceived risk of you making improper use of information and contacts you had access to while in office for your personal benefit.

7. The Committee noted your role will include updating the government as part of normal reporting processes however will not involve lobbying of ministers or officials - this would be in keeping with the Committee's advice and the conditions imposed below.

8. As above, the Committee recognised that the risks in this unpaid appointment are limited. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. The standard conditions below, preventing you from drawing on your privileged information, advising on a bid or contract with the government and using your contacts to the unfair advantage of ILEP, will sufficiently mitigate the risks in this case.

9. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with **International Learning and Exchange Programme Limited, Cardiff University** 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 or in any capacity in which you continue to work with the UK government;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government on behalf of **International Learning and Exchange Programme Limited, Cardiff University** (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Ministerial contacts to influence policy, secure business/funding or otherwise unfairly benefit **International Learning and**

Exchange Programme Limited, Cardiff University (including parent companies, subsidiaries, partners and clients); and

- for two years from your last day in ministerial office you should not undertake any work with **International Learning and Exchange Programme Limited, Cardiff University** (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.

10. 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.

11. 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.*" This Rule is separate and not a replacement for the Rules in the House.

12. I should be grateful if you would inform us as soon as you take up this role, 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 Rules and the Ministerial Code.

13. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

14. Once the 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

Kirsty Williams CBE

Annex A - Material information

The role

1. You said Cardiff University is the parent company of ILEP and your role will be to *'chair the International Learning Exchange Programme Advisory Group. The group is made up of a number of stakeholders identified by Welsh Government representing a range of education, training and youth interests.'*
2. *The role of the advisory group is to provide strategic advice to the employees and board of International Learning Exchange Programme Limited on the development of the programme to ensure stakeholders views, knowledge and expertise can positively contribute to a successful programme.'*
3. You said the role will require you, as the chair, to provide briefing and updates to the Welsh government on the work of the group. You added that this *'is a voluntary role, the main focus of which is to ensure stakeholders from across the sector can help shape the programme to ensure that it is as accessible and attractive to all sectors, including schools, voluntary and statutory youth work, FE, adult learning as well as H.E.'*
4. You were approached by an executive search agency, submitted your CV and attended two interviews. You were subsequently offered the role.

Dealings in office

5. You stated you did meet with Cardiff and other universities on a number of occasions, however did not make any specific decisions. You also said you did not have access to sensitive information relevant to ILEP.

Department Assessment

6. The Welsh government confirmed the details given in your application and provided the following information:
 - *'The applicant oversaw the operation of the independent higher education regulator, the Higher Education Funding Council for Wales, met with their chair, chief executive and council and commissioned the remit letter for Hefcw. Hefcw oversaw the regulation of Cardiff University.'*
 - You had periodic *'...formal contact with staff at Cardiff University to discuss a range of policy issues and on-going activities'* and met with Universities Wales and constituent Welsh university members.
 - *'Staff in the education department oversee the operation of the grant for the International Learning Exchange Programme (ILEP) which is administered by a company within the Cardiff University group of companies. The Chair will lead a Board of stakeholders from across the education sector in Wales, including Welsh Government, and will help to ensure that the Programme is run successfully and effectively. They will have regular dealings with the Welsh Government, including with her successor, the Minister for Education and Welsh Language. The nature of these meetings would primarily be to*

report progress of the programme; to highlight any concerns the Chair may have with the administration of the Programme; and to provide assurance for Welsh Government in its investment in the scheme.'

- *'While Minister for Education the applicant had access to privileged information that related to the operation of international student recruitment and exchange activities. Since leaving office the applicant has not had access to comparable information and that which was provided before will not now be of use to offer unfair insight or advantage.'*
- *'While Minister for Education the applicant was party to the Welsh Government cabinet decision to award a Cardiff University subsidiary company the contract for the International Learning Exchange Programme. There were no other significant contractual or commercial decisions made affecting the corporate affairs of the University in the recent past. The finance for the ILE for the first two years comes from reserves, not the Education MEG, and the policy development was initiated by the First Minister and cleared by the First Minister, Minister for Finance, and the Minister for Education after discussions at Cabinet.'*
- *'The applicant left office on 5th May 2021 and the proposed appointment decision was made by a selection committee which interviewed several candidates and shortlisted from a longer list after an extensive search by a reputable executive search company.'*

7. The department had no concerns with regards to this application and recommended that the standard conditions prohibiting use of privileged information, advising on a bid or contract and lobbying the government be applied.