



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 a Distinguished Visiting Fellow for Cardiff University. 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 Cardiff University.
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 a Distinguished Visiting Fellow 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 in expectation of rewards, on leaving government.

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

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.

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 met with the University while in office, as part of your standard visits to Universities and you had similar contact with other Welsh Universities. The Committee noted while you agreed with the creation of an International Learning Exchange to be based in Cardiff University, this decision was taken in consultation and with the endorsement of Universities Wales and your predecessor approved the Programme before leaving office. The Committee also noted the department's comments that any decisions you made in office will have affected the sector. Given the above and the unpaid nature of this role, the Committee considered there was no evidence to suggest you were offered this role as a reward for actions or decisions taken in office.
6. The Committee noted that this proposed role overlaps with your time in office. Therefore, there could be a perceived risk you have access to relevant privileged information and knowledge, which could unfairly benefit Cardiff University. However, the unpaid nature of this appointment limits the real and perceived risk of individuals making improper use of information they had access to while in office for their personal benefit. Further, you have an ongoing duty of confidentiality.
7. 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 and using your contacts to the unfair advantage of their new employer, will sufficiently mitigate the risks in this case.
8. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **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;
 - 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 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 Crown service to influence policy, secure business/funding or otherwise unfairly advantage 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 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 or its Arms' Length Bodies.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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 FRCN

Annex - Material information

The role

1. Cardiff University is a Welsh university and its website states its vision is to be a '*...world-leading, research-excellent, educationally outstanding university, driven by creativity and curiosity, which fulfils its social, cultural and economic obligations to Cardiff, Wales, the UK and the world*'. It is a public research university in Cardiff, Wales, founded in 1883.
2. You said this is the award of an honorary title from the University. In accepting this title you will be able to provide a challenge to the senior leadership team in the implementation and delivery of the University's civic mission strategy. You do not expect your role to involve contact with government.

Dealings in office

3. You said as Minister for Education in the Welsh Government, you meet with the University many times throughout your time in office. These meetings include giving speeches, biannual meetings with Vice Chancellors and Chairs of the University, roundtables and attending events. You also confirmed you had similar meetings with other Welsh Universities including University of South Wales, Aberystwyth University and Swansea University.
4. You also said your former department, the Welsh Government, has a working relationship with Cardiff University but said day to day regulatory and funding issues are handled by Higher Education Funding Council Wales³ (HEFCW).

Department Assessment

5. The Welsh Government confirmed your dealings with Cardiff University and other universities in Wales. The department confirmed as minister you made decisions which affected all higher education institutions in Wales, including in matters of funding and regulation. It informed the Committee you agreed with the creation of an International Learning Exchange to be based in Cardiff University, however, this decision was taken in consultation and with the endorsement of Universities Wales, the umbrella body for all Higher Education institutions in Wales. In addition, the former minister approved the International Learning Exchange Programme before leaving office.
6. The department confirmed Cardiff University receives government funding via the HEFCW and as one of the eight universities in Wales, has a close relationship with several departments in Welsh Government.
7. It said as Minister, you had quarterly meetings with the HEFCW in which the financial health of the sector and individual institutions was discussed. This tended

³ The Higher Education Funding Council for Wales is the Welsh Government Sponsored Body responsible for funding the higher education sector.

to be in broad terms related to risk management rather than specific detail which is the purview of HEFCW.

8. The department said *'Universities are charitable organisations, and cannot be compared to commercial businesses. While HEIs in Wales compete for students to some degree, it is also true that the eight universities in Wales operate as a cohesive sector, working under a representative umbrella body, Universities Wales. They meet collectively on a regular basis and engage with Welsh Government as a collective. They have a shared strategy and a shared manifesto. Welsh universities work together in a collective Civic Mission Network which prioritises civic mission and strengthens connections between universities and the communities around them. By contributing to Cardiff University's Civic Mission Strategy, it is likely that other universities will benefit from this through participation in the Civic Mission Network. Cardiff University is the only Russell Group university in Wales and arguably its main competitors are other universities with a similar research profile and admissions tariff, in the UK and internationally'*.

9. The departments had no concerns with regards to this application and recommended the standard conditions be applied.