



## **OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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### **BUSINESS APPOINTMENT APPLICATION: Jonathan Slater, Independent Consultancy**

1. The Committee has been asked to consider an application for Jonathan Slater, former Permanent Secretary for the Department for Education between May 2016 - August 2020. His last day in service was 1 September 2020.

#### Application details

2. Mr Slater sought advice on establishing an independent consultancy, which he intends to use for advisory work for local governments.

3. The Cabinet Office consulted with the Department for Education (DfE) provided their views on this application. It confirmed it did not have any concerns on Mr Slater establishing this consultancy and recommended the usual restrictions on lobbying and the use of privileged information.

#### The Committee's Consideration

##### **Consultancy**

4. When considering Mr Slater's application to set up an independent consultancy, the Committee<sup>1</sup> took into account that he proposes to set up a consultancy drawing which is a broadly defined area, drawing on generic skills and experience. The Committee considered that, generally, this poses no particular risks of impropriety under the Government's Business Appointment Rules. However, the Committee observed that the risks under the Rules can only be adequately considered and assessed in relation to the individual commissions he goes on to take up under the consultancy. Nevertheless, the Committee considered there are some general areas of potential conflict it is possible to mitigate.

5. The Committee recognises it would not be improper for Mr Slater to operate a consultancy which draws on generic skills and experience he gained from his time in government. However, there are risks that arise under the Government's Business Appointment Rules, from work that will likely be related to his time in office. Given his role as Permanent Secretary for DfE, he will have had oversight of policy that may provide an unfair

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

advantage to organisations operating in the education sector. However, the Committee gave weight to DfE's view that it had no concerns with him setting up his consultancy as described.

6. There are also inherent risks attached to his network of contacts across the UK Government/ Whitehall. The conditions below include a ban on lobbying the UK Government and a restriction on providing advice on the terms of, a bid or contract relating directly to the work of the UK Government, to mitigate the potential for unfair advantage to his clients if they apply for contracts or funding from the Government.

### **Future commissions**

7. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission he proposes to take up will depend on the specific details of each piece of work. It is the Committee's experience that applications where there is a connection between the former Crown servant's responsibilities in Government and the area they are looking to work in outside Government, are more likely to give rise to risks under the Rules. The Committee will consider such risks on a case by case basis. As is usual in such cases, Mr Slater will need to seek advice from the Committee for each commission he wishes to accept.

**8. The Committee also advises that when seeking work and/or commissions, he should adhere to the conditions below.**

9. The Committee's advice to the Prime Minister, under the Government's Business Appointment Rules, that this appointment, to set up an **Independent Consultancy**, should be subject to the following conditions:

- he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service he should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government; and
- for two years from his last day in Crown service, before accepting any commissions for his independent consultancy and or/before extending or otherwise changing the nature of his commissions, he should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

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.”*

12. I should be grateful if you would inform us as soon as Jonathan Slater takes up this appointment, or if it is announced that he 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 he has complied with the Rules.

13. Please also inform us if Jonathan Slater proposes to extend or otherwise change the nature of appointment as, depending on the circumstances, it may be necessary for him 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.

Yours sincerely

Isabella Wynn  
**Committee Secretariat**