



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Jonathan Slater, commission with the Public Service Consultants (PSC) under his Independent Consultancy.

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on taking up a role with the Public Service Consultants (PSC) under your independent consultancy. 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 your time in office, alongside the information and influence you may offer the PSC, based on the information provided by you and your former departments.
3. The Committee considered whether this appointment was unsuitable given your former role as Permanent Secretary at the Department for Education (DfE), and the PSC's work in the education sector. The Committee must also consider the information provided by the DfE and the Cabinet Office about any potential conflict. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment in any other respect.
4. The Rules¹ set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risk presented

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The Queen's Regulations and the Diplomatic Service Code.

5. You said this is a strategic advisory role focused on improving public services, involving ad-hoc problem-solving with the PSC's Leadership Team. The Committee² considered this commission falls broadly within the scope and advice previously offered on your consultancy, which you said would draw on your generic skills and experience to deliver advisory work for local government.
6. When considering this application, the Committee noted the DfE received consultancy services from the PSC whilst you were in office. However, the DfE and the Cabinet Office confirmed you were not directly involved, and would not have been aware the PSC were the consultants selected for the consultancy services in question. The departments confirmed you did not have contact with PSC during this time as this responsibility fell to other officials in the DfE. The Committee considered the risk of this work being seen as a reward for decisions made of actions taken in office as low.
7. The Committee took into account there is a general overlap with your time in office - specifically with regard to your work in education. As Permanent Secretary your decisions had a significant influence on this area. However, the Committee took into account there are a number of mitigating factors that help to reduce the risks associated with your access to information and insight that may be seen to offer the PSC an unfair advantage:
 - you are prevented from drawing on privileged information and have an ongoing duty of confidentiality;
 - you have been out of office for over 12 months, reducing the likelihood that any privileged information is sufficiently up-to-date;
 - the departments considered the risk associated with any specific information is low; and
 - the work you are seeking advice on is internal to the PSC, and you confirmed you will have no contact or dealings with government.
8. The Committee noted the PSC's clients are unknown, and there is a risk you may be asked to advise clients who were affected by matters that relate to policy areas you had direct involvement in, or clients you had a relationship with whilst in Crown service.

The Committee's advice

9. The Committee determined the majority of the risks above can be appropriately mitigated by the conditions that apply to your consultancy below. However, given the PSC's clients are unknown, and these risks are most likely to arise in relation to your work at the DfE specifically, the Committee also imposed a further condition. This makes it clear that in working with the PSC, you should not advise them or their clients on work with regard to any policy you had specific involvement or responsibility for as Permanent Secretary at the Department for Education.

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Dr Susan Liataud; The Rt Hon Lord Pickles; Richard Thomas; and Mike Weir. Jonathan Baume and Lord Larry Whitty were unavailable.

10. The Committee advises, under the Government's Business Appointment Rules, that your commission with the Public Service Consultants be subject to the conditions of your consultancy:

- 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 Crown service;
- for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government and its Arms' Length Bodies on behalf of those you advise under your independent consultancy (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 those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in Crown service you 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 its Arms' Length Bodies; and
- for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you 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.

In addition, the Committee has imposed the following condition on this work with the Public Service Consultants:

- **for two years from your last day in Crown service, you should not advise the Public Service Consultants (including parent companies, subsidiaries, partners and clients) on work with regard to any policy you had specific involvement in or responsibility for as Permanent Secretary at the Department for Education, or where you had a relationship with the company or organisation during your time as Permanent Secretary at the Department for Education.**

11. 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.

12. 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’.

13. You must inform us as soon as you take up this work, or it is announced you will do so. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee’s website.
14. Please also inform us if you propose to extend or otherwise change the nature of this role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Yours Sincerely,

William Young
Committee Secretariat

Annex - Material information

The role

1. The PSC’s website says it is a team of public service consultants ‘...*united by the belief that better public services are the key to a stronger society*’. It works to ‘...*improve public services, for organisations, society and individuals*’. The PSC works exclusively in public services, partnering with leaders and teams across healthcare, central government, education, and more.
2. You said you have been asked to carry out part-time, paid advisory work that relates to improving public services. You described this as a ‘*strategic advisory role*’, involving ad-hoc problem-solving with the PSC’s Leadership Team. You said you would have ‘...*expert associate involvement in selected projects*’. You also confirmed the work you have been asked to do is all internal to the PSC, and you will not be involved in any lobbying of government. You stated this appointment is not likely to include any contact or dealings with his former department or government more generally.

Dealings in office

3. You advised the Committee you did not meet with the PSC whilst in office. Further, you said you did not have any involvement in any policy development or decisions that would have been specific to the PSC, and held no commercial or contractual responsibilities relating to them. You said you did not meet with competitors of the company; nor did you have access to sensitive information regarding these competitors.

Department Assessment

4. The DfE and the Cabinet Office confirmed the details you provided, stating they have no concerns with the appointment.
5. The departments confirmed the DfE received consultancy services from the PSC from July - October 2020, overlapping with your time in office. This was coronavirus support for the department's Covid Response Unit. The departments noted you would likely have been aware of this consultancy work, you were not directly involved and would not have been aware the PSC were the consultants selected. The departments confirmed you did not have contact with PSC during this time as this responsibility fell to other officials in the DfE. The departments also said you had no access to commercially sensitive information that would give the PSC an unfair advantage.
6. The DfE and the Cabinet Office noted in this role you will work on projects relating to public service improvement, involving subject areas such as local government, education and health. They have no reservations about the approval of this appointment and recommended the standard conditions. The departments put an emphasis on the bids and contracts ban, with a particular mention of the risks around funding in relation to education.