



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: The Rt Hon Gavin Williamson CBE MP, former Secretary of State for Education, paid appointment with RTC Education Ltd.

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 a role as Board Member of the Regent Advisory Panel for RTC Education Ltd (RTC). The material information taken into consideration by the Committee is set out in the below 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 RTC.
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.
4. It should also be noted that in addition to the conditions imposed on this appointment under the government's Business Appointment Rules, there are separate rules in place with regard to your role as a member of the House of Commons.

The Committee's Consideration

5. There is an overlap with your work and responsibilities as the Secretary of State for education and this role in the education sector. RTC has a stakeholder relationship with your former department as it is an education provider, though you did not meet with RTC while in office and the Department for Education confirmed you made no decisions specific to RTC Education Ltd or its competitors; any decisions were sector-wide. The department also confirmed that further education

funding is provided by the Education and Skills Funding Agency, at arms' length and outside of ministerial direction at DfE. In the circumstances, the Committee¹ considered the risk this role was offered as a reward for decisions made in office is low.

6. As Secretary of State for Education, you may have access to sensitive information that could present an unfair advantage to RTC or any organisation operating within the education sector. This risk is limited given eight months have passed since you left office and the DfE considered the information you had access to would no longer be sufficiently up to date to be of use to the organisation; with policy moving on significantly under the new Secretary of State or having already been made public.

7. While you said you will not have contact with the UK government, it would be inappropriate for you as the former Secretary of State to make contact with your former department, or its ALB's on behalf of RTC - to do so would risk undue influence. Further, there is a risk you could be seen to make use of contacts gained in organisations specific to educational affairs as a result of your role in office.

The Committee's advice

8. The Committee noted the department's view that you did not have access to information that would be up to date enough to provide an unfair advantage to RTC and have no knowledge of unannounced policy thinking. The Committee considered the conditions below will appropriately mitigate the risks associated with your access to information. The Committee would draw your attention to the restrictions that make it clear that alongside the ban on lobbying government, you should not use contacts you have developed during your time in office in other governments and organisations to secure business for RTC.

9. The Committee considered it was relevant to its consideration that you have an interest and experience in this sector prior to joining government, as a former board member of an education provider.

10. Whilst RTC will undoubtedly gain from your profile, and skills and experience gained in government, the risks associated with the overlap from your time in office are mitigated by conditions below. In accordance with the government's Business Appointment Rules, the Committee advises this role with **RTC Education Ltd.** be subject to the below 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 any of its Arm's Length Bodies on behalf of RTC Education Ltd. (including parent companies,

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

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 advantage RTC Education Ltd. (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in office you should not provide advice to RTC Education Ltd. 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 or any of its Arm's Length Bodies; and
- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office in other governments and organisations for the purpose of securing business for RTC Education Ltd (including parent companies, subsidiaries and partners).

11. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an applicant's personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.

12. 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/Civil Service Code or otherwise.

13. 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.*"

14. You must inform us as soon as you take up this work 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, you must 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.

15. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

The Rt Hon Lord Pickles

Annex - Material information

The role

1. You said RTC is a *'provider of undergraduate and postgraduate education programmes to UK and international students.'* In its strategic report it states *'the principal activity of the company is provision of educational services in higher education, including GCSE',* A levels, *'and pre-sessional courses to access higher education'*. Higher education is said to take place under Regent College London (RCL) and the school of sixth form trades as the Regent Independent College.
2. You said you will take up a paid, part time role as a Board Member of the Regent Advisory Panel, providing *'general strategic advice on international business expansion and attending regular advisory board meetings.'* You said the role will not include contact with the government.
3. You informed the Committee that you are entering back into an area of work that you worked in prior to joining the government - noting you previously sat on the board of an education provider and have extensive experience exporting to international markets including export sales and development markets and opening up new trade markets.

Dealings in office

4. You stated you neither had any dealings with, nor met with nor made any decisions specific to RTC while in office.
5. You told the Committee that as Secretary of State, you met with competitors of RTC as part of your role, though you did not make decisions specific to any competitors individually.

Department Assessment

6. The Department for Education (DfE) was contacted regarding this application. It had no concerns about you taking up this role and it was stated that:
 - You did not meet with RTC whilst in office.
 - As SoS you made DfE policy decisions and guidance to the regulator Office for Students (OfS), though did not make any decisions on the organisation individually (nor any other education providers).
 - You will have no access to unannounced policy thinking and any information that you had will no longer be in date to be of any use to the organisation, adding: *'On the development of strategic policy, the cycle has moved on since [you were]...[Secretary of State], with the current SoS [being] responsible for resolution of Spending Review, announcements on student finance policy, publication of consultation documents on [Higher Education] and [Lifelong Loan Entitlement], publications of new guidance to the [Office for Students]*

and announcement of an [Higher Education] Bill. The former SoS would have no current knowledge of any unannounced policy thinking.'

- Although as a Higher Education provider the DfE has a stakeholder relationship with RTC, there is no direct relationship on higher education funding: *'Payments have been made by the Education & Skills Funding Agency and its predecessor. This was essentially low value funding paid to RTC Education to provide bursaries to students on eligible learning. The value and eligibility of payments will have been driven by established funding policy and its formulaic application to learner data submitted by RTC/collected by ESFA. These are not grants that are determined by assessment or where there would have been engagement with ministers with regard to the impact on specific providers.'*
- You made no commercial or funding decisions on the organisation. Further education funding is paid by the Education and Skills Funding Agency and its predecessor, not the DfE.