



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/08, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

September 2022

BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: The Rt Hon Nick Gibb MP, former Minister of State (Minister for School Standards) at the Department for Education, appointment with the David Ross Education Trust

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointments Rules for former ministers (the Rules) on taking up an appointment with the David Ross Education Trust (DRET) as a Trustee. The material information taken into consideration by the Committee is set out in the annex below.
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 DRET.
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. When considering this application, the Committee¹ took into account this role as a Trustee is unpaid. Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the

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

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 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.

6. The Committee took into account that you met with Malcolm Arnold Academy (a DRET academy) and the former CEO of DRET whilst in office. It also noted you had contact with David Ross, sponsor of DRET, in a personal capacity. However, the Committee took into account you did not make any funding or contractual decisions relating to DRET. As above, the Committee noted this is an unpaid role and therefore the risk of reward is limited.
7. The Committee also recognised that you may have some contact with government if it specifically requests to meet you. The Committee considered the nature of the company was relevant. Given its status as a not-for-profit academy trust focused on schools' performance, as well as the fact that academies receive funding directly from the government, there is limited scope for unfair advantage. The Committee considered as this proposed contact would be at the request of government, it would abide with the conditions below.
8. The Committee noted that as the former Minister of State (Minister for School Standards) at the DfE, there is an inherent risk you could be perceived as having access to relevant privileged information and knowledge which could unfairly benefit DRET. However, the unpaid nature of this appointment, the fact that more than 4 months have passed since you left office and your ongoing duty of confidentiality limits the real and perceived risk of you making improper use of information you had access to while in office.

The Committee's advice

9. 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.
10. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **David Ross Education Trust** 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 or its arms' length

bodies on behalf of the David Ross Education Trust (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 the David Ross Education Trust (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 the David Ross Education Trust (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.
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 your 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 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*'. This Rule is separate and not a replacement for the Rules in the House.
 14. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so and we will publish this letter on our website.
 15. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
 16. You must 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.
 17. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

The Rt Hon Nick Gibb MP

Annex - Material information

The role

1. You seek to join DRET in an unpaid, part-time role as a Trustee.
2. You said DRET is a multi-academy trust of 34 academies. Its website says it is a network of unique and diverse academies, committed to becoming one of the top-performing multi-academy trusts in the country. Its mission is to give every child attending one of its schools a world-class education.
3. You said your role would be to attend the monthly meetings of the board. You would oversee the activities of the CEO and senior leadership team to ensure standards of education continue to rise, and that DRET remains financially sound and compliant with the terms of its trust deed. You also said you would take part in key events in the schools and DRET. You said your proposed involvement with DRET is to use your experience of education policy, and your understanding of what constitutes a good school, to help raise the standard of education it provides.
4. You confirmed DRET has contact with the UK government, stating '*The main dealings with the department will be conducted by the CEO of the Trust, Stuart Burns*'. You confirmed you will have no involvement in this contact and will not lobby government. You said your only contact with government would be '*...confined to any specific request by officials to meet [you] as trustee of the Trust*'.

Dealings in office

5. You said you visited the Malcolm Arnold Academy (a DRET academy) as a minister, which was arranged by the local MP. You also met the former CEO of DRET, Rowena Hackwood. You had contact with David Ross, though you said this was in a personal capacity and not as a minister. You said '*Conversations relating to DRET were about how to raise standards in DRET schools and did not involve advice about dealings with the department*'.
6. You said you did not have direct responsibility or oversight of academy trusts as this was the responsibility of the Minister for the School System. You said your only contractual involvement was the award of Teaching School Hub status to DRET for the North East Lincolnshire, North Lincolnshire area. You said the evaluation for this contract was conducted by officials.

7. You visited schools that were competitors of DRET, and met the board of trustees of the Academies Enterprise Trust a few years ago. You also had discussions with other multi-academy trust chief executives, but said discussions were confined to school standards and not their contractual relationship with the department.

Department Assessment

8. The DfE confirmed the details you provided.
9. The DfE confirmed DRET is an academy trust and therefore a stakeholder of the department.
10. The DfE said as Minister for School Standards, your remit was limited to decisions about wider school standards. The department said you were not the minister with responsibility for academies and the school system, so you were not involved with direct decision-making relating to DRET.
11. The DfE recommended that this appointment be subject to the standard conditions.