



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

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### **BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: The Rt Hon Nick Gibb MP, former Minister of State (Minister for School Standards) at the Department for Education (DfE). Unpaid appointment with the Knowledge Schools 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 Knowledge Schools Trust 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 the Knowledge Schools Trust.
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 Committee<sup>1</sup> took into account this role as a Trustee is unpaid. Generally, the Committee's experience is that the risks

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<sup>1</sup> 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. Lord Whitty was unavailable.

related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of government by considering the real and perceived risks associated with former ministers and Crown servants joining outside organisations. Those risks include: use of privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risk an individual 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 did not meet the Knowledge Schools Trust whilst in office. It also noted you made broad decisions impacting the sector the Trust operates in but did not make any funding or policy decisions specifically relating to the Trust. The Committee also 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 the Knowledge Schools Trust. However, the unpaid nature of this appointment, and the 11 months have passed since you left office and your ongoing duty of confidentiality limits the real and perceived risk of making improper use of information you had access to while in office.

#### The Committee's advice

7. 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 this appointment with the **Knowledge Schools 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 Knowledge Schools 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 Knowledge Schools 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 Knowledge Schools 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.

9. 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.
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*'. This Rule is separate and not a replacement for the Rules in the House.
12. 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. Any failure to do so may lead to a false assumption being made about whether you had complied with the Rules.
13. 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.
14. 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 the Knowledge Schools Trust in an unpaid, part-time role as a Trustee.

2. You said the Knowledge Schools Trust is a Multi-Academy Trust of 6 academies. Its website states it is made up of: West London Free School, West London Free School Sixth Form, West London Free School Primary, Earls Court Free School Primary, Kensington Primary Academy, Edlesborough Primary Academy and Cambridge City Free School. It aims to provide children with a classical liberal education, regardless of background or ability.
3. You said as a Trustee you will oversee the activities of the CEO and senior leadership team to ensure standards of education continue to rise and that the trust remains financially sound and compliant with the terms of its trust deed. You said you will also take part in key events.
4. You said your role will be to hold the CEO and senior leadership team to account and not to use your position as a former minister and the contacts at the department for the benefit of the trust. You informed the Committee dealings with the DfE will be conducted by the CEO of the Knowledge Schools Trust. You said that as a former minister in the department you will not take part in any discussions the CEO has with the Regional Schools Commissioner nor any departmental officials; nor will you lobby any ministers in the role (for example, if it seeks to take on more schools/academies).

#### Dealings in office

5. You said you did not meet with the Knowledge Schools Trust and said as the Minister for School Standards, you did not have direct responsibility or oversight of academy trusts. That was the responsibility of the Minister for the School System.
6. You said as School Standards Minister he visited schools that were competitors to the Trust. You also had the opportunity to meet the board of trustees of the Academies Enterprise Trust a few years ago. You also had discussions with other multi-academy trust chief executives. These are competitors to the Trust but the discussions were confined to school standards and not their contractual relationship with the department.
7. You said '*The Knowledge Schools Trust is directly accountable to the Department for Education through the funding agreements it has with the Secretary of State*'. However, he said responsibility for this funding was held by another minister, and he had no involvement or oversight of the academies programme or the funding agreement.
8. You confirmed you had no access to privileged information.

#### Department Assessment

9. DfE confirmed the details you provided and said as Minister for School Standards, you will have made decisions about School Standards policy which will have had a broad, but indirect impact on the Trust.

10. DfE confirmed as a Trust it provides sponsorship to academies which DfE's Regional Delivery Directorate hold the relationship with.
11. DfE said as Minister for School Standards, he made decisions regarding the National Funding Formula (NFF) and annual updates, which will have had a broad, but indirect impact on the Trust. His decisions had a more direct role on funding for specific schools, e.g. the minimum per pupil funding levels in the schools NFF.
12. DfE confirmed it had no concerns and recommended the standard conditions.