



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Mr Andrew John McCully CB OBE, former Director General Schools Group at the Department for Education. Unpaid appointment as Trustee with the Teaching Awards Trust.

1. Mr McCully sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointment Rules for Former Crown Servants (the Rules) on an unpaid role he wishes to take up with the Teaching Awards Trust.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during Mr McCully's time in office, alongside the information and influence a former Crown servant may offer the Teaching Awards Trust. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
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

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

5. When considering this application, the Committee² took into account this appointment as Trustee is unpaid³. Generally, the Committee's experience is that the risks 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 joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions or take action in office to 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. This work has an overlap with Mr McCully's responsibilities in government. The Department for Education (DfE) stated he had extensive knowledge and experience of the wider school's sector and related policies. However, the department considered the nature of the work of Teaching Awards Trust (a charity established to recognise and celebrate excellence in the teaching profession) and the lack of competitors are mitigating factors.

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, which seek to prevent him from drawing on his privileged information and using his contacts to the unfair advantage of his new employer, will sufficiently mitigate the risks in this unpaid appointment.
8. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **Teaching Awards Trust** 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 or any of its arm's length bodies on behalf of the Teaching Awards Trust (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage the Teaching Awards Trust (including parent companies, subsidiaries, partners and clients);
 - for two years from his last day in Crown service, he should not provide advice

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

³By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

to the Teaching Awards Trust 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.

9. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's 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 they 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 Ministerial Code/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. Mr McCully must inform us as soon as he takes up this work or if it is announced that he will do so. Similarly, he must inform us if he proposes to extend or otherwise change his role with the organisation as depending on the circumstances, it might be necessary for him to seek fresh advice.
13. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Hamzah Rizvi
Committee Secretariat

Annex - Material Information

The role

1. Mr McCully stated that the Teaching Awards Trust is an independent charity established to recognise and celebrate excellence in the teaching profession. It does this through the annual National Teaching Awards, currently sponsored by Pearson, and the 'Thank a Teacher' Campaign⁴.
2. Mr McCully stated his unpaid, part-time role, the Trustees are to set the strategic direction for the national awards to teachers and for campaigns to celebrate teaching excellence. Trustees approve the selection for the national awards. Trustees are therefore appointed for their experience in the world of education. He stated his role will not involve contact with government.

Dealings in office

3. Mr McCully stated he did not make any decisions, nor meet with the Teaching Awards Trust during his time in Crown service. He stated that there is a relationship between the organisation and his former department - the Trust works with DfE to promote the national awards (e.g. with ministerial involvement to present some of the awards) and to encourage those of the Department to support the national 'Thank a Teacher' day.

Departmental Assessment

4. The department confirmed the details Mr McCully provided and added:
 - confirmation it does have a relationship with the Teaching Awards Trust - the department sponsors 5 award categories provided by the Trust, along with funding and communications support for the 'Thank a Teacher' campaign.
 - acknowledgement that Mr McCully has extensive knowledge and experience of the wider school's sector and related policies, but stated that the nature of the work of the new employer and the lack of competitors means his access to sensitive information is not a concern.
5. The department recommended the standard conditions.

⁴ According to the Thank a Teacher website - the campaign enables anyone to show their appreciation for staff working in UK education with a free, digital card - once each year on a prescribed day.