



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, Department for Education and previously Director General, Early Years and Schools Group, Department for Education. Unpaid appointment with The Harmony 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 Harmony 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 Harmony Trust. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to government associated with this appointment under the Rules. The Committee's advice is not an endorsement of this application 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 risks presented

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 Chair of Trustees 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 Crown servants 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 appointment does have some overlap with Mr McCully's time in office, given he worked in schools group at the Department for Education. It is significant that his involvement in policy and funding related to the sector as a whole and not in relation to Harmony Trust specifically. There is no suggestion he would have access to information that would unfairly benefit the organisation and the unpaid nature of this appointment limits the real and perceived risk of him making improper use of information he had access to while in office for his personal benefit.

The Committee's advice

7. The Committee did not consider this appointment raises any particular propriety 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 **The Harmony 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 Harmony 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 Harmony Trust (including parent companies, subsidiaries, partners and clients);

² This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; The Rt Hon Lord Eric Pickles; and Mike Weir.

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.

- For two years from his last day in Crown service, he should not provide advice to The Harmony 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 Mr McCully's previous role in government only; there are separate rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Commissioner for Standards⁴. 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 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.

Yours sincerely

Jessica Barrow
Committee Secretariat

Annex - Material information

⁴ All Peers and Members of Parliament are prevented from paid lobbying under the Parliamentary Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the commissioners for standards

The role

1. The Harmony Trust is a multi academy trust (MAT) of 15 primary schools based in Oldham, Tameside and Derby. All academy trusts in England are responsible to the Secretary of State for Education. Schools under a multi academy trust are regulated and funded by government.
2. Mr McCully said he was approached by the incumbent Chair of the Board of Trustees and asked if he would consider taking on the position. The role is unpaid, with the board meeting around once a school term.
3. Mr McCully explained the Board of Trustees are responsible for the governance of the academy trust and meet at least once a term. As chair of the board, Mr McCully would be responsible for the strategic direction and development of the trust whilst ensuring that the trust is profitable and headteacher(s) are held to account. In addition to the full Board of Trustees meetings, a termly governance forum and three committees exist in order to oversee different aspects of the Trust. They comprise the Finance Committee, the Standards/Pay & Performance Committee and the Audit and Risk Committee.

Dealings in office

4. Mr McCully said that as Director General Schools Group, he was responsible for policy, regulation and the delivery of government objectives relating to all academy trusts nationwide. He said that he had frequent contact with representatives from a range of schools and was ultimately responsible for the work of the whole sector. Mr McCully said he had no personal contact with Harmony Trust. There is a relationship between the Department for Education and Harmony Trust, as is the case with all MATs.
5. Mr McCully said that academies are funded and regulated through a non-commercial funding agreement. Mr McCully was not immediately responsible for the funding granted to Harmony Trust, this would have been for the North West Regional Director.

Department assessment

1. The Department for Education confirmed the details provided, including that Mr McCully had no personal relationship or contact with The Harmony Trust while in office.
2. The Department for Education confirmed that it regulates and has a funding relationship with all academy trusts. However, The Secretary of State is the Principal Regulator under charities legislation for all academies. Mr McCully would not have made any funding decisions relating to The Harmony Trust, specifically.

3. The Department for Education recommended standard conditions.