



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS
G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ
Telephone: 020 7271 0839
Email: acoba@acoba.gov.uk
Website: <http://www.gov.uk/acoba>

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Nick Gibb MP, former Minister of State for Schools - paid appointment with Education Development Trust

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 paid role as a Consultant for Education Development 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 your time in office, alongside the information and influence you may offer Education Development Trust, as a former minister. 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 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.

The Committee's consideration of the risks presented

5. You had overall responsibility for policies that led to school reforms, introducing the requirement for services that Education Development Trust provides. You also made decisions in respect of those providers on occasion, inducing Education Development Trust. It is significant that:

- a. you did not meet with Education Development Trust as Minister of State for Schools
- b. you were involved in setting the criteria for education service providers, and confirming the decision of an independent panel which assessed providers against those criteria
- c. DfE confirmed you were not able to change the outcome of the award to a different provider, only to provide approval to go ahead or not on the basis of the advice of the panel
- d. you last made a decision specific to providers, including EDT, in 2020.

In the circumstances, the Committee¹ considered the risk that you could reasonably be seen to have been offered this role as a reward for decisions made several years ago is low.

6. As a former minister with responsibility for schools in England, there is an overlap between your time in office and your role with Education Development Trust with both involving education. The risks associated with your access to information are notably limited, because:
 - a. your role is limited to working on education overseas and not the UK
 - b. whilst DfE noted you had access to information covering education strategy and plans in the UK, nothing significant remains unannounced or unchanged since you left office
 - c. you have been out of office for 4 months.
7. The Committee considers there is a risk associated with the organisation's clients, in that exactly who you will be working with is unknown. The risks are most likely to arise should there be an overlap with your work on UK education matters. Given the overseas nature of this role, the risks are limited.
8. There are risks associated with any former minister's influence and network of contacts, in respect of unfair access to the UK government. This risk is significantly reduced here given the focus of your role is external to the UK.
9. During your time at DfE, you met with officials from other countries in the education sector. Given the engagement focus of the role is with overseas education systems and governments, there is a risk contacts such as these may be seen to offer unfair access to potential new business within the public sector for Education Development Trust. The Committee recognised this may be limited given the company already has an established overseas practice and the organisation is not-for-profit.

The Committee's advice

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Eric Pickles; and Mike Weir. Michael Prescott was recused.

10. The Committee determined the risks identified in this application are somewhat limited as a result of its focus which is external to the UK. Its advice includes a limitation to your role to that which is described to ensure that this is the case.
11. The remaining risks can be appropriately mitigated by the conditions which seek to prevent you from making improper use of information or influence gained from your time in ministerial office to the unfair advantage of Education Development Trust and the organisations, charities and ministries it works with.
12. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Education Development 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 government or any of its arm's length bodies on behalf of Education Development Trust (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Education Development Trust (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not provide advice to on behalf of Education Development Trust (including parent companies, subsidiaries, partners and clients) 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 any of its arm's length bodies;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you developed during your time in office in other governments and organisations for the purpose of securing business for Education Development Trust; and
 - for two years since your last day in ministerial office, this role must be limited to advising Education Development Trust (including parent companies, subsidiaries, partners and clients) on education overseas and avoid drawing on privileged insight into UK education matters.
13. The advice and the conditions under the government's Business Appointment Rules relate to your 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 Registrar of Lords' Interests². You are reminded that as a Member of Parliament you have a separate ban on paid lobbying under the Parliamentary Code of Conduct. 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.

14. 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.
15. 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.*"
16. You must inform us as soon as you take up employment with this organisation(s), or if it is announced that you will do so. Please also 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, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

Annex- material information

The role

1. EDT is a global education consultancy and provider. From its website, EDT is a non-profit operating in the UK and worldwide. The majority of EDT's funding

² All Peers and Members of Parliament are prevented from paid lobbying under the the House of Commons 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 Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers

comes through government contracts and grants³. In the UK, its focus is on providing careers advice and training in the education sector. EDT is a provider of a number of services under contract with the Department for Education (DfE):

- National Tutoring Programme (provides small group and one-to-one tutoring to pupils in schools)
 - Behaviour Hubs Programme (supports school leaders to improve behaviour in schools)
 - NPQs- National Professional Qualifications for teacher development (professional development qualifications for teachers)
 - ECF-Early Career Framework (early career training for newly qualified teachers)
 - Initial Teacher Training
 - Careers Guidance Services to schools
2. Education Development Trust global service works to improve education systems around the world, providing consultancy services and expertise in education reform. It works alongside ministries, donors and NGOs.
 3. You wish to take up a paid role with Education Development Trust as a Consultant. You said your role would be to advise on the Education Development Trust's engagement overseas, with education systems and education ministries. You said that you will draw on his experience of developing educational policy and implementing reform over a sustained period in order to raise standards. You said your work will solely be focussed overseas and not the UK.
 4. You said the role does not involve dealing with or engaging with the UK Department for Education, its officials or ministers or any other UK government department.

Dealings in office

5. You said that you did not meet with Education Development Trust whilst in office. You said that you had dealings with other education service providers and trade associations such as British Education Suppliers Association.
6. You said that you did not make any policy, regulatory or commercial decisions specific to Education Development Trust in your capacity as Minister of State for Schools. You did have responsibility for policy related to education providers, including the introduction of some of the services that Education Development Trust provides. You also were responsible for policies that would have impacted the education sector generally, including school reforms.
7. You said that although you set policies and approved of education service providers, you had no involvement in the procurement process outside the

³ <https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/270901/charity-overview>

approval of criteria. Procurement decisions were carried out by an independent panel chaired by a senior official.

8. You said that the widely acknowledged success of England's education reforms have led to significant improvements in the country's position on international league tables; this has drawn the attention of other nations who wish to seek similar improvements.

Departmental assessment

9. DfE said that Education Development Trust is a departmental provider. DfE said that your involvement in contractual and funding decisions was limited.
10. DfE said you would have made decisions that affected the overall education sector and education service providers. You reviewed the content of training materials by all the providers for the Early Career Framework, including Education Development Trust. You agreed that each provider who submitted training material was able to proceed to deliver the programme. It confirmed that your last decision relating to education providers was in 2020.
11. DfE noted:
 - It is likely that you would have had some form of contact with Education Development Trust whilst in office. The only record of contact DfE has was that in 2015, as Minister of State for School Standards, he met with Angela McFarlane - a trustee of Education Development Trust- to discuss setting up a College of Teaching.
 - In March 2020, you planned a meeting with Dan Sandhu who was then the CEO of Sparx Learning. He has subsequently left Sparx and is the current CEO of Education Development Trust, who offered you the role. DfE said it is unclear whether this meeting went ahead. Sparx is an EdTech platform that sells services directly to schools- it does not have contracts with DfE.
12. DfE said that you would have had access to information covering education strategy and plans but that there is nothing significant that remains unannounced or unchanged since you were in office.
13. Alongside the standard conditions, the department recommended that your work be focussed solely on the overseas provision of EDT for at least the first year.