

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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November 2024

BUSINESS APPOINTMENT APPLICATION: David Rutley, former Minister for the Americas, Caribbean and the Overseas Territories at the Foreign, Commonwealth and Development Office. Unpaid appointment with Macclesfield College.

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 an unpaid role you want to take up with Macclesfield College as a Governor.
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 Macclesfield College. 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. When considering the application, the Committee¹ took into account that this appointment is unpaid². 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 the 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. There are inherent risks associated with any former minister's access to information, network of contacts and influence in government. It is significant that there is no overlap between your ministerial responsibilities and your proposed role with Macclesfield College, and you will not have any contact with government.

The Committee's advice

7. The Committee considered that the risks in this application can be sufficiently mitigated by the standard conditions below, which seek to prevent you from making improper use of privileged information, contacts and influence to the unfair advantage of the organisation.
8. Therefore, in accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **Macclesfield College** 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 its arms' length bodies on behalf of Macclesfield College (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 Macclesfield College (including parent companies, subsidiaries, partners and clients); and

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

² By 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 your last day in ministerial office you should not undertake any work with Macclesfield College (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 from 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' Interests.³ 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. 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.
 11. 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.
 12. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website

The Rt Hon Lord Pickles

Annex – Material Information

The role

1. Macclesfield College is a post-16 educational institution, offering a variety of courses for all ages – including A-levels, T-levels, apprenticeships, higher education courses – across a range of disciplines, including but not limited to nursing, midwifery, social sciences and criminology, education, computing, engineering, construction, counselling.
2. You wish to take up a part-time, unpaid role as a Governor of the Board at Macclesfield College. You said that your role would involve:
 - Contributing to the work of the college in raising standards of achievement.
 - Assisting in ensuring the health and safety of all students.

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on 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.

- Working within an allocated budget, which involves helping to:
 - develop a strategic plan,
 - determine aims, policies and priorities,
 - set statutory and non-statutory targets and,
 - monitor and evaluate the work and performance of the college.

3. This role will not involve any contact with government.

Dealings in office

4. You said that you made no policy, regulatory or commercial decisions specific to Macclesfield College nor had any access to information that could grant the college an unfair advantage, that there was no relationship between the college and the FCDO, and that you had no contact with the organisation in your capacity as a minister.

Departmental assessment

5. The FCDO confirmed the details provided in your application and approved this appointment subject to the standard conditions.