



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

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**BUSINESS APPOINTMENT APPLICATION: John Edwards, former Director General, Regions Group, Department for Education - paid appointment with Rotherham Metropolitan Borough Council.**

1. Mr Edwards approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Crown Servants on a paid appointment with Rotherham Metropolitan Borough Council (Rotherham Council) as Chief Executive.
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 his time in office, alongside the information and influence he may offer Rotherham Council. 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 Rules<sup>1</sup> 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

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<sup>1</sup> 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. Rotherham Council is the local authority of the Metropolitan Borough of Rotherham in South Yorkshire, England. The Council operates in an area with a Metropolitan Combined Authority for South Yorkshire.
6. There is a general overlap between his role at the Department for Education (DfE) given local councils deliver education and child services independently of government. Mr Edwards had limited contact with Rotherham Council during his time at DfE; and he made no decisions specific to Rotherham Council. It is also relevant that he was offered this role after he applied for an advertised post. Therefore, the Committee considered the risk that this role could reasonably be seen as a reward for decisions made in office is low.
7. Mr Edwards' role in office included implementation of improvement and intervention policies for schools and local authority functions relating to children's social care, special educational needs and disabilities. The department said that he will have some privileged information, for example, policy in development. It noted this would affect the sector as opposed to providing any improper insight to Rotherham Council. The Committee agrees, in particular given he is prevented from making use of provided information from his time in office as all former officials are and he seeks to move to a role in the wider public sector.
8. The Committee considered the risks associated with Mr Edwards' influence and network of contacts gained whilst in office. It determined the risk could be perceived to offer unfair access to government is limited given the nature of the organisation. As CEO, he will have contact with government regarding existing reporting requirements between a local government authority and His Majesty's Government. This is in keeping with the lobbying ban that applies to all former officials, though he must be careful not to take action that could be seen as making improper use of his contacts or influence from his recent role in government.

#### The Committee's advice

9. The Committee<sup>2</sup> carefully considered the risk with the proposed contact Mr Edwards will have with government in the role of CEO. It is also the committee's view that, generally, where interactions between the government and a public organisation delivering for the citizens are done transparently and on the record - there is a limited risk for undue influence and will be in keeping with the conditions.

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<sup>2</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; Hedley Finn OBE; Michael Prescott; Baroness Thornton; and Mike Weir.

10. The Committee considered that the remaining risks associated with this application can be appropriately mitigated by the conditions below. These make it clear that Mr Edwards cannot make use of his access to privileged information, contacts or influence gained from his time in ministerial office to the unfair benefit of Rotherham Council.

11. In accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **Rotherham Metropolitan Borough Council** be subject to the following conditions:

- for two years from his last day in Crown service 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 Rotherham Council (including parent companies, subsidiaries, partners and clients). This condition is not intended to prevent Mr Edwards from undertaking the duties as CEO as described above. However, it prevents him from making use, directly or indirectly of his contacts in the government and/or Crown service to secure funding or otherwise unfairly benefit Rotherham Metropolitan Borough Council (including parent companies, subsidiaries, partners or clients);
- for two years from his last day in Crown service, he should not provide advice to or on behalf of Rotherham Council (including parent companies, subsidiaries, partners and clients) on the terms of a bid with, or contract relating directly to the work of the UK government or any of its arm's length bodies.

12. The advice and the conditions under the government's Business Appointment Rules relate to his 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.<sup>3</sup> 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.

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<sup>3</sup> 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.

13. 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.
14. 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.'*
15. Mr Edwards must inform us as soon as he takes up employment with this organisation, or if it is announced that he will do so. He must also inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
16. 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.

## **Annex - Material Information**

### The Role

1. Rotherham Metropolitan Borough Council is the local authority of the Metropolitan Borough of Rotherham in South Yorkshire, England. The Council operates in an area with a Metropolitan Combined Authority.
2. In his paid, full time role as CEO, Mr Edwards said that his primary responsibilities were as follows:
  - Act as Head of Paid Service and Principal Policy Advisor to the Council, Cabinet and Leader of the Council.
  - Ensure the Council fulfils its statutory responsibilities and operates with appropriate budget control and governance
  - Represent and negotiate on behalf of the Council, notably with other local councils, the combined local authority (SYMCA) and, less

frequently but as required, national organisations including appropriate departments of HMG.

3. Mr Edwards said he applied for the role and that it was an open competition advertised publicly.

#### Dealings in office

4. Mr Edwards confirmed that he had previously had contact with Rotherham Metropolitan Borough Council;
  - As Regional Schools Commissioner for an area including Rotherham Council up to June 2020, Mr Edwards met representatives of Rotherham Metropolitan Borough Council on a small number of occasions to discuss the development of multi academy trusts in their area.
  - Mr Edwards was a speaker at a range of public and association events on matters relating to his current role, it is possible that representatives of Rotherham Metropolitan Borough Council were present at such events. In all such cases, these were medium to large scale events at which a significant number of organisations were represented.
5. Mr Edwards made no decisions specific to Rotherham Metropolitan Borough Council in office.

#### Department Assessment

6. DfE confirmed the details Mr Edwards provided and confirmed that:
  - a) he made no decisions specific to Rotherham Metropolitan Borough Council;
  - b) He had no access to information that could unfairly advantage Rotherham Metropolitan Borough Council.
7. DfE recommended standard conditions.