



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

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**BUSINESS APPOINTMENT APPLICATION: Paul Charles Johnston, former British Ambassador to Ireland – Paid appointment with Irish Universities Association**

1. Mr Johnston 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 his role as Director General with Irish Universities Association (IUA).
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 Mr Johnston made during his time in office, alongside the information and influence he may offer the Irish Universities Association. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's<sup>1</sup> advice is not an endorsement of this appointment in any other respect – 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>2</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

5. The IUA is a representative body for the seven research-intensive Irish Universities. The FCDO has no departmental relationship with the Irish

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<sup>1</sup> This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu; Michael Prescott; and the Baroness Thornton

<sup>2</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.

Universities Association. The relationship between the UK and Irish higher education sectors is a government priority. During his time as Ambassador, Mr Johnston did not make any policy, regulatory or commercial decisions specific to the IUA, having had no specific involvement in education. While he had occasional dealings with the sector, he never met, nor dealt with, the IUA. Therefore the Committee did not consider that this role could be reasonably perceived as a reward for decisions made in office.

6. The FCDO said that Mr Johnston does not have access to privileged information that would provide the IUA with any unfair advantage. Mr Johnston said that the majority of his time was related to maintaining the Irish/UK relationship post Brexit. He did not have access to particular information of unannounced policy or funding matters. The only significant overlap is in respect of the geographical area. The Committee agreed with the FCDO that the lack of any direct overlap with his responsibilities as Ambassador limited the risk in relation to his access to information.
7. There are risks associated with Mr Johnston's contacts and influence within the UK government. Whilst the IUA is not based in the UK it may seek to influence the UK government as part of proposed cooperation between the UK and Irish Higher Education and research sectors. As the former Ambassador there is a risk he could be seen to offer unfair access to, and influence within, government.
8. The Committee also considered that Mr Johnston would have extensive contacts in the Irish government as a result of his time in post. Whilst the IUA itself is not a commercially focused organisation, its member universities have a commercial arm to their work - particularly in respect of research and research partnerships. Given his profile in Ireland, it is likely he has a network of contacts within Ireland as a result of his government position; and he may be seen to draw on for the purposes of securing support for the sector.
9. Mr Johnston said whilst he does have a range of contacts in the Irish government, this does not extend to the Irish education sector. As a charitable organisation and a representative body, the IUA does not have competitors in the traditional sense and is funded by its members and not the Irish government. The Foreign Commonwealth and Development Office (FCDO) usually applies a six month waiting period on a former ambassador returning to the country of posting for a commercial role. In this case the FCDO recommended waiving the six month waiting period as the IAU is not a commercially focused organisation.

#### The Committee's advice

10. The Committee agreed with the FCDO that this application to work with a representative body that is neither UK facing, nor commercial in nature lowers

the risk of impropriety. Further the risks associated with his access to information are limited as set out above. There is a risk regarding contact with the UK government, as the organisation may seek to influence the direction of UK government policies as a result of the intended class collaboration.

11. In the circumstances, the Committee agreed with the FCDO's recommendation to waive the six-month waiting period expected if Mr Johnston was to work commercially in Ireland. In addition, the Committee's advice is that Mr Johnston should not initiate any engagement with the UK government on behalf of the IUA whilst he is subject to the Rules, to mitigate the risk that he is seen to be making improper use of his time in office to the unfair benefit of his employer. This would not prevent him from engagement where contact is initiated by the UK government.
12. The Committee determined the remaining risks identified in this application can be appropriately mitigated by the conditions below. These make it clear Mr Johnston cannot make use of information or influence gained from his time in Crown service to the unfair advantage of the IUA.
13. The Committee advises, under the government's Business Appointment Rules, that Mr Johnston's appointment with the **Irish Universities Association** be subject to the following conditions:
  - he 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 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 its arm's length bodies on behalf of the Irish Universities Association (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage the Irish Universities Association (including members, parent companies, subsidiaries, partners and clients);
  - for two years from his last day in Crown service he should not undertake any work with the Irish Universities Association (including members, 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 arm's length bodies; for two years from his last day in Crown service he should not have any engagement on behalf of the Irish Universities Association (including parent companies, subsidiaries, partners and clients) with the UK government.

- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during his time as Ambassador to Ireland and in other governments and external organisations for the purpose of securing business/funding for the Irish Universities Association (including members, parent companies, subsidiaries and partners).
14. 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 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.
  15. 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.
  16. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant *'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.'*
  17. Mr Johnston 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.
  18. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

## **Annex – Material Information**

### The role

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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.

1. The Irish Universities Association (IUA) is a registered charity that represents the seven research-intensive Irish Universities (Trinity College Dublin, University College Dublin, Dublin City University, Maynooth, Cork, Galway and Limerick universities). It acts as a collective voice for Ireland's leading Universities, and promotes a collaborative approach to policy and innovation, with an emphasis on higher education funding and stakeholder engagement.
2. Mr Johnston seeks to join the Irish Universities Association as Director General. He said that in his paid, full-time role as Director General he will lead the organisation as the representative voice for Ireland's research-led universities. The Director General is accountable to the Council of the IUA (the Presidents of the seven universities) for the co-ordination and delivery of policy, strategy and the operational management of IUA. He described his core responsibilities as follows:
  - Providing outward facing leadership for the association, representing the university sector and acting as a clear public voice advocating for the research-intensive universities.
  - Overseeing the development of strategies on diverse issues e.g. research, teaching, access, engagement, human resources and finance - including with public service and state agencies.

#### Dealings in office

3. Mr Johnston said he had occasional contact with the Irish university sector but none specifically with the IUA.
4. Mr Johnston said he made no decisions specific to the IUA and had no influence in an operational sense on higher education in Ireland.

#### Departmental assessment

5. The FCDO confirmed the details provided by Mr Johnston, including that:
  - a. the relationship between the UK and Irish higher education sectors is a government priority, but Mr Johnston made no decisions and would not have had any influence in any operational sense on higher education in Ireland
  - b. he was not active in any funding or support arrangements for UK or Irish Universities as Ambassador
  - c. he had no access to privileged information
  - d. IUA has no competitors in the traditional sense as it is not a singular commercial organisation but a representative body for Irish Universities.

6. In coming to its view the FCDO noted anyone suitable for this role is likely to have deep connections in the Irish public sector; and that his experience in dealing with the media in post (when communicating the UK's position publicly) would be a valuable skill in a role such as this.
7. The FCDO requested to waive the six month waiting period typical for former ambassadors returning to the country of their last posting - and recommended standard conditions. The FCDO argued there is no commercial dimension to the IUA's work. Its view was that he has no privileged contractual or commercial information from his current job that would warrant a waiting period between him finishing in Crown service and taking up this new appointment.

