



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Dame Bernadette Kelly DCB, former Permanent Secretary at the Department for Transport. Paid appointment with the Youth Futures Foundation.

1. Dame Bernadette 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 a paid role she wishes to take up with the Youth Futures Foundation (YFF) as an Non Executive Director (NED).
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 taken during Dame Bernadette's time in office, alongside the information and influence she may offer the YFF. 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 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.

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.

The Committee's consideration of the risks presented

5. The YFF is an independent, not-for-profit organisation focused on understanding and addressing youth unemployment and inactivity in England. The YFF collaborates with key stakeholders to contribute to tackling youth unemployment issues and solutions. The YFF provides evidence and analysis to departments in order to inform the creation and implementation of policies aimed at improving youth employment. Dame Bernadette stated the YFF is funded through the Department for Culture, Media and Sport (DCMS). The YFF is also a stakeholder to the Department of Work and Pensions, His Majesty's Treasury and the Department for Education on labour market policy in relation to young people and employment.
6. As Permanent Secretary, Dame Bernadette was previously NED with the YFF in an unpaid capacity, which was declared to officials at the time. This proposed role is seeking to continue the role with the YFF on a paid basis.
7. Dame Bernadette stated that as social mobility champion, she advocated generally for improving socio economic diversity within the Civil Service . This included advocating for the YFF where she considered it appropriate to do so and she was confident no conflicts arose. In doing so, she has, on occasion, referenced the work of the YFF in developing the evidence base for supporting marginalised young people.
8. The Department for Transport (DfT) confirmed it does not hold a relationship with the YFF and Dame Bernadette was not involved in decisions specific to the organisation, commercial or otherwise. The Committee² considered the risk that she was offered this role as a reward for decisions or actions taken in post was low.
9. As Permanent Secretary Dame Bernadette will have had access to a wide range of information that could provide an unfair advantage to a broad range of organisations. The Committee agreed with her former department there are a range of limiting factors reducing the risks around this access:
 - There is no specific overlap with her responsibilities as Permanent Secretary at DfT and this proposed role.
 - Dame Bernadette is subject to a waiting period of three months between leaving office and taking up this role to allow for a gap between her general access to information and working with the YFF.
 - Dame Bernadette previously undertook this role in an unpaid capacity with no concerns that her government role would provide unfair access

² This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Michael Prescott; and the Baroness Thornton. Sarah de Gay and Dawid Konotey-Ahulu CBE DL were unavailable.

to provided information.

- Dame Bernadette is subject to standard conditions which prevent all former senior Crown servants from sharing privileged information.

10. The YFF has an interest in government policies, regulation and funding decisions. While the YFF already has a relationship with government, there is a risk that Dame Bernadette could be seen to provide unfair access to or influence within government.

11. Dame Bernadette informed the Committee that she would not lobby the government, though she does expect to attend events on behalf of the YFF at which officials or ministers may be present. The lobbying ban that applies to all former senior officials for two years on leaving office does not prevent all contact with government. However, she must be careful not to directly, or indirectly, lobby the government for changes to policy, contracts or funding, as to do so would risk granting the YFF an unfair advantage. It is relevant that Dame Bernadette and the YFF confirmed there would be no such engagement.

The Committee's advice

12. For the reasons set out above, the Committee considered the risks associated with her access to information to be limited, following a three month waiting period and in light of the conditions applied below. The most significant risk in this case is that she could be seen to potentially offering unfair access to and influence within government. Dame Bernadette has set out to the Committee her intention to fully comply with the lobbying ban that applies to her. The Committee therefore gave weight to the employer's confirmation that Dame Bernadette's role will not involve lobbying on behalf of the YFF.

13. The Committee determined the risks identified in this application can be appropriately mitigated by conditions below. These make it clear she cannot make use of any privileged access to information, contacts or influence gained from her time in government service to the unfair advantage of the YFF.

14. The Committee's advice in accordance with the government's Business Appointment Rules is that Dame Bernadette's appointment with the **Youth Futures Foundation** be subject to the below conditions:

- a waiting period of three months from her last day in Crown service;
- she should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to her from her time in Crown service;

- for two years from her last day in Crown service, she should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of the Youth Futures Foundation (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage the Youth Futures Foundation (including parent companies, subsidiaries, partners and clients); and
- for two years from her last day in Crown service, she should not undertake any work with the Youth Futures Foundation (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 arm's length bodies.

15. The advice and the conditions under the government's Business Appointment Rules relate to Dame Bernadette'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' Interests³. 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.

16. 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.

17. 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."*

18. Dame Bernadette must inform us as soon as she takes up this work or if it is announced that she will do so. Similarly, she must inform us if she must seek

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 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.

advice if she proposes to extend or otherwise change her role with the organisation.

19. Once this appointment has been publicly announced or taken up, this advice letter will be published

Yours sincerely,

Hamzah Rizvi

Committee Secretariat

Annex – Material Information

The role

1. According to its website, the Youth Futures Foundation (YFF) is an independent, non-profit organisation focussed on reducing youth unemployment in England which generates and uses high-quality evidence to understand and address youth unemployment and inactivity. It collaborates with policymakers, employers, and funders to implement evidence-based solutions, driving transformative systems change for young people. Dame Bernadette noted it is part of the 'What Works' foundation – a series of organisations established and funded principally by the UK government to support evidence-based policy making.
2. The YFF's website states:
 - it has a collaborative relationship with government, providing critical evidence and analysis to departments to inform the creation and implementation of policies aimed at improving youth employment;
 - the organisation was founded with an initial allocation of £90 million of dormant asset funding from the government – which was followed by a further allocation of £20 million in 2023 and £15.35 million in 2024; and
 - spending of dormant assets funding in England must have a social or environmental purpose, meaning the YFF has a duty to be open, transparent and accountable for its performance and its use of public money.
3. Dame Bernadette stated that the YFF:
 - is government funded through the Department for Culture, Media and Sport (DCMS) and the governance of its funds is conducted via an oversight board which sits in DCMS; and
 - has no involvement with her former department but engages with the

Department for Work and Pensions, Department for Education and His Majesty's Treasury on labour market policy in relation to young people and employment, as well as with DCMS on funding and oversight.

4. In her paid, part-time role as NED, Dame Bernadette stated her role is to help guide overall strategy for the YFF, including:
 - to provide support and challenge to the Executive team on delivery and performance, including advice on how to engage most effectively with government;
 - to ensure overall governance and management is carried out to the appropriate standard; and
 - to attend quarterly Board meetings, annual strategy sessions and ad hoc engagements as part of the Non-Executive team, as invited.

Correspondence with YFF

5. The YFF confirmed in writing its understanding of and agreement to comply with the Committee's advice. Specifically, confirming that Dame Bernadette's role will not involve lobbying on behalf of the YFF.

Dealings in office

6. Dame Bernadette stated she joined the YFF Board as an unpaid Non Executive Director in December 2023, notifying department officials in Cabinet Office, DCMS, Department for Work and Pensions, Department for Education and DfT at the time, as they are the main departments that the YFF engages with. She did not take payment for the role while a Crown servant and is seeking ACOBA's advice on continuing the role in a paid capacity.
7. Of her previous unpaid role as Non Executive Director, Dame Bernadette stated she provided guidance/advice to the YFF on how it might most effectively influence government in support of its mission to help 'marginalised young people achieve good work'. In doing so, she did not use any sensitive or classified information, nor was she involved in any lobbying of officials or ministers.
8. Dame Bernadette stated she does not expect her role to change since leaving the Civil Service, and confirmed her role does not involve lobbying government ministers or officials. She stated it is possible that she may attend events, if invited, on an ad-hoc basis at which government officials or ministers are also present.
9. Dame Bernadette noted that she:

- advocated generally for improving socio economic diversity within the Civil Service as social mobility champion for the Civil Service - an informal role she held from 2017 until her retirement. In the course of this role, she advocated for YFF in a non-executive capacity where she considered that it was appropriate to do so, and where she was confident no conflicts arose;
- on occasion referenced the work of YFF in developing the evidence base for supporting marginalised young people (for example, evidence from the YFF on the effectiveness of apprenticeships in supporting marginalised young people); and
- introduced the lead for employer engagement at YFF to the CEO at the Whitehall and Industry Group (on which she was previously a Non Executive Director). The purpose of the introduction was to enable a discussion with the Whitehall and Industry Group about engaging employer members of the organisation in Randomised Control Trials being developed by YFF to further develop an evidence base for the effective recruitment and employment of marginalised young people.

She added that during this time, she did not seek to lobby or engage directly with colleagues on behalf of YFF, either on policy or funding, and she does not propose to do so in future.

Departmental assessment

10. DfT and the Cabinet Office provided their views on Dame Bernadette's appointment.
11. DfT stated that whilst YFF does not hold a relationship with DfT, the YFF has contractual and stakeholder relationships across other departments, as similarly noted by Dame Bernadette.
12. DfT noted that Dame Bernadette was the social mobility champion for the Civil Service which could give her some insight into wider corporate civil service thinking on social mobility. However, the department does not consider her roles as social mobility champion nor her time as Permanent Secretary to have provided access to relevant information that could give an unfair advantage. DfT noted that Dame Bernadette has already worked for the YFF in an unpaid role whilst as Permanent Secretary – and said it indicated that the Civil Service did not consider this presented a risk whilst she was in post. Given Dame Bernadette previously undertook this role in an unpaid capacity without concern, and has not had access to relevant government information, DfT considers the propriety risks of the proposed appointment to be limited.

13. The Cabinet Office noted that she seeks to continue in the role which she took up while Permanent Secretary, so is not being 'offered' the role. Though she will in future accept payment for the role, the remuneration was available to her from the organisation previously and was declined, and so cannot reasonably be interpreted as a reward at this juncture as it is not newly available to her.
14. The departments recommended a waiting period of three months from her last day in post given her role as Permanent Secretary and that the standard conditions apply to her proposed appointment.