



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

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1. You approached the Committee for advice on taking up an appointment as an advisor for City and Guilds Group.

### The Committee's role and remit

2. It is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:
  - a. the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
  - b. an employer could make improper use of official information to which a former Minister has had access; or
  - c. there may be cause for concern about the appointment in some other particular respect.
3. When the Committee considers applications, it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.
4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

### The Application

5. You sought the Committee's advice on taking up a paid and part-time position as an advisor for City & Guilds Group (CGG).

6. You advised the Committee that CGG is a learning and qualification provider. The website states it works with education providers, employers and governments in over 100 countries '*...to help people, businesses and economies grow by shaping skills systems and supporting skills development*'. It says it offers professional and technical skills education and corporate learning development training programmes, it offers:

- Qualifications, assessments and accreditation
- Elearning and learning technology
- Leadership and management development

7. You told the Committee you will be a strategic advisor and will be chairing stakeholder group meetings. You stated this role is unlikely to include contact with the Government.

8. You advised the Committee that whilst in office you did meet with CGG, as they were present at stakeholder events and had round table meetings with CGG about future policy changes and the impact on its organisation. You also told the Committee you were involved in the development of departmental policy that would have affected CGG and other similar providers. You said you had overall responsibility for the policy which will have had some impact on the regulation of the whole sector. You told the Committee that CGG has contact with the Department of Education (DfE) and the Education and Skills Funding Agency (ESFA- an executive agency, sponsored by DfE) and will receive funding from ESFA. You said the relationship with the DfE would have been as a qualifications provider interested in future policy development. You confirmed you were not involved in awarding contracts or grants to CGG. You further stated that you met a significant number of education and training providers at stakeholder events, though you had no access to sensitive information regarding competitors of CGG.

9. Your former department, DfE, was contacted about this application. DfE confirmed you did meet with CGG while in office and provided the following information:

- 16/10/2017, you participated in a UK led panel debate on "What Employers Need" with inputs Kirsty Donnelly, CEO of City and Guilds among others. No decisions could have been made.
- 13/02/2019 you met with Kirstie Donnelly to discuss apprenticeships- no decisions were taken as a result
- 20/02/2019, you participated in a webinar for FE Week- there were 1123 registered participants including five from City and Guilds. No decision could have been made there.

It said meetings weren't offered to "all education providers", but you did meet with important stakeholders from time to time throughout your posting. The department said a vast number of decisions related to qualifications and awards were taken with your input over the course of your post as Skills Minister, all of which will have impacted CGG in some way. However, it could find no evidence that you ever took a decision that impacted CGG in isolation, without also impacting other qualifications and awarding bodies similarly. It also confirmed these decisions did not impact one specific organisation. The department also said you left office over nine months ago and there have been two reshuffles and a general election, as such you will not have knowledge of anything that has not been made public.

10. The department confirmed CGG and the ESFA do hold some contracts which will have been procured through an open process (without direct Ministerial involvement). Aside from that, it confirmed the relationship is purely that of an important stakeholder. DfE said CGG are on the Register of End-Point Assessment providers, meaning it is eligible to

conduct (and be funded by the ESFA for) assessing apprentices. This decision is taken at an official level. Additionally, CGG won contracts to deliver the Building Services Engineering and On-Site Construction T-Levels in 2021. This was a result of a competitive bidding process, in which you would not have been directly involved. It confirmed you were not involved in awarding these contracts and bids.

11. DfE said it is content to corroborate the information that you provided the Committee with. It has found no evidence to suggest that you ever had an inappropriate relationship, nor for that matter a close relationship with CGG or anyone connected to CGG. It has found no evidence that you ever held discussions with them or their competitors outside the scope of your normal Ministerial duties, nor that you (or anyone in your Private Office) accessed information which would necessarily give CGG an unfair advantage over their competitors.

### The Committee's consideration

12. When considering your application, the Committee considered whether this appointment could be perceived as a reward for decisions taken in office, in particular as the company operates in an area that overlaps with your ministerial responsibilities. You did meet with CGG at stakeholder events, as confirmed by DfE, though this was in the usual course of duties as Minister. Although there is a funding relationship between CGG and ESFA, such decisions were taken without your involvement and following a competitive bidding process. While the Committee recognised you would have made policy decisions that affected CGG, these decisions would have affected other qualification and awarding bodies. Therefore the risk is low that this role was offered as a reward for actions taken while in office.

13. The Committee noted that this role is related to your time in office. Due to your ministerial role and responsibilities there is a risk that you would offer an unfair advantage to CGG through your possible access to privileged information. This risk is partly mitigated by your former department's view that you have no access to unannounced policy of relevance, and the amount of time that has passed since you were in office (over 9 months) which reduces the likelihood this information is sufficiently up to date to offer an unfair advantage to CGG.

14. Additionally, the Committee noted due to your role in this sector, there is a risk it could be perceived that your network and influence might assist CGG unfairly, especially if it looks to bid for future funding or contracts with ESFA. The Committee would therefore draw your attention to the condition below which prevents you from advising CGG in relation to a bid or contract with the UK Government; including its Arms Length Bodies; and the lobbying ban which makes it clear that any use of contacts gained in office to the unfair advantage of CGG would be inappropriate.

15. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as an advisor for **City and Guilds Group** be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the 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 City and Guilds Group (including parent companies, clients, subsidiaries and partners). Nor

should you make use, directly or indirectly, of your government or arms' length bodies and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit City and Guilds Group (including parent companies, clients, subsidiaries, partners and clients); and

- for two years from your last day in office you should not advise City and Guilds Group 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.

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 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. I should be grateful if you would inform us as soon as you take up this appointment, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

19. Once this 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

The Rt Hon Anne Milton