



House of Commons
Public Administration Select
Committee (PASC)

**The failure of the
Cabinet Office to
respond to our Report
on the Business
Appointment Rules,
published July 2012**

Eleventh Report of Session 2013–14



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*Report, together with formal minutes relating
to the report*

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The Public Administration Select Committee (PASC)

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

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The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/pasc.

Committee staff

The current staff of the Committee are Catherine Tyack and Sian Woodward (Joint Clerks), Rebecca Short (Second Clerk), Alexandra Meakin (Committee Specialist), Jim Lawford (Committee Assistant) and Jonathan Olivier Wright (Web and Publications Assistant).

Contacts

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1 The failure of the Cabinet Office to respond to our Report on the Business Appointment Rules, published July 2012

1. There has been concern in the last few years that former Ministers and Crown Servants have inappropriately used knowledge they gained in Government to seek new employment in other sectors. Over two years ago we launched an inquiry to examine the effectiveness of the Business Appointment Rules in ensuring propriety in the future employment of former Ministers and senior Crown servants; and to consider the potential of the Big Society agenda to increase traffic through the “revolving door” between the public sector and business and the voluntary sector.

2. Our Report arising from that inquiry, entitled *The Business Appointment Rules* was published on 17 July 2012. Some twenty months later, the Government has not responded to the Report. We have raised this matter both through correspondence with the Rt Hon Francis Maude, Minister for the Cabinet Office, and by way of Parliamentary Questions. In June 2013 the Minister assured us that a response would be provided “as soon as is possible”.¹ We received a further letter from the Minister on 24 March 2014—the evening before we were due to hold an evidence session with the Rt Hon Lord Lang of Monkton, the Chair of the Advisory Committee on Business Appointments—the committee that provides advice on the operation of the Business Appointment Rules.² The Minister stated that he expected to be able to respond to our Report before the 2014 Easter recess. This is far too late.

3. The Cabinet Office’s guidance on departmental evidence and response to select committees—colloquially known as the Osmotherly Rules—state that departments should aim to provide a Government response to Select Committees within two months, and a delay of more than six months should only occur in “exceptional circumstances”:

Departments should aim to provide the considered Government response to both Commons and Lords Select Committee Reports within two months of their publication. Where a report is complex or technical in its nature, the response may on occasion require a little longer: the Committee should be kept informed. [...]

The two month target may not always be possible to achieve as Committee Reports tend to address issues which require consideration in depth and this may involve consultation both within and outside Government before a substantial reply can be provided. If it appears that preparing a response is

1 Rt Hon Francis Maude MP, Minister for the Cabinet Office (BARS 0001)

2 Rt Hon Francis Maude MP, Minister for the Cabinet Office (BARS 0002)

going to take longer than it should, the Department should write to the Committee (at Ministerial level to the Chairman or at official level to the Clerk) explaining the reasons and indicating the likely timetable. Only in exceptional circumstances should a response be deferred for more than six months after the Report's publication. A further option is to provide an interim response within the set period and a fuller response at a later date.³

4. Our experience in this Parliament has been that significant delays in receiving responses to our Reports from the Cabinet Office is not unusual. We note that this is a wider trend: in its November 2012 Report *Select committee effectiveness, resources and powers* the House of Commons Liaison Committee noted that Government responses to Select Committee reports were “quite frequently late”.⁴

5. We would like to thank Lord Lang for fulfilling the role of Chairman of the Advisory Committee on Business Appointments. We note that he referred to OECD research that, he stated, “reached the view that we had the best arrangements in the world and there was nobody else that came near to comparing with us”.⁵ We are, however disappointed that during his evidence to us on 25 March 2014, Lord Lang declined to give any reaction to our proposals on the basis that this was beyond his remit.

6. We find it extraordinary that Lord Lang has not been involved in any discussions with ministers or officials during their 20 months of deliberation on the recommendations of our Report. Furthermore, we are astonished that Lord Lang should announce his interim successor as part of his evidence to us. This appeared to us to reflect a surprising casualness and complacency with such a significant public appointment on the part of the Government. Lord Lang was unable to provide a start date for his interim successor as Chair, but we intend to hold a pre-appointment hearing with the proposed candidate, Sir Hugh Stevenson.

7. We view the Government’s failure to respond to a Select Committee Report in over eighteen months as unacceptable. In June 2013 Mr Maude assured us that the response would be provided “as soon as is possible”. That was already seven months late and another nine months later we have seen no indication of any genuine urgency. Not only has the Government demonstrated a cavalier attitude towards its responsibilities towards Parliament, its failure to respond to our Report, *The Business Appointment Rules*, has deliberately impeded our cross-party scrutiny of Government policy in this area—a matter of considerable public interest. The Government has indicated that it is involved in a review of policy. This review is proving protracted and complex. It would have been much better for the Government to have submitted an interim response to our Report as part of a public consultation on the questions which they have so far failed to address. We view the Government’s behaviour in this instance as obstructive and secretive. This shows a disregard for Parliament.

3 Cabinet Office, Guidance on departmental evidence and response to select committees, September 2010

4 Liaison Committee, *Select committee effectiveness, resources and powers*, Second Report of Session 2012-13, HC 697, para 106

5 Webcast of Public Administration Select Committee, 25 March 2014

8. We call upon the Minister for the Cabinet Office, as the responsible minister for this policy area, to make a statement to the House at the earliest possible opportunity and to apologise for the Government's failure to respond to a Select Committee Report. We note that the Government now intends to respond before the Easter recess.

Formal Minutes

Wednesday 26 March 2014

Members present:

Mr Bernard Jenkin, in the Chair

Kelvin Hopkins
Greg Mulholland

Lindsay Roy
Mr Andrew Turner

Draft Report (*The failure of the Cabinet Office to respond to our Report on the Business Appointment Rules, published July 2012*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 8 read and agreed to.

Resolved, That the Report be the Eleventh Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned till Tuesday 1 April at 9:15am]

Witness

The following witness gave evidence. Transcripts can be viewed on the Committee's web pages at www.parliament.uk/pasc.

Tuesday 25 March 2014

Rt Hon Lord Lang of Monkton DL, Chair, Advisory Committee on Business Appointments

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry webpages at www.parliament.uk/pasc. BARS numbers are generated by the evidence processing system and so may not be complete.

Rt Hon Francis Maude MP, Minister for the Cabinet Office (BARS 0001) and (BARS 0002)

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2013–14

First Special Report	Public Trust in Government Statistics: A review of the operation of the Statistics and Registration Service Act 2007: Government and UK Statistics Authority Responses to the Committee's Ninth Report of Session 2012–13	HC 77
Second Special Report	Special advisers in the thick of it: Government Response to the Committee's Sixth Report of Session 2012–13	HC 515
Third Special Report	Communications Statistics: Not just True but also Fair, Responses from the Government and the UK Statistics Authority	
Fourth Special Report	The role of the Charity Commission and "public Benefit": Post-Legislative scrutiny of the Charities Act 2006: Charity Commission Response to the Committee's Third Report of Session 2013-14	HC 927
First Report	Communicating statistics: not just true but also fair	HC 190 (HC 573)
Second Report	Public engagement in policy-making	HC 75 (HC 986)
Third Report	The role of the Charity Commission and "public benefit": Post-Legislative scrutiny of the Charities Act 2006	HC 76 (HC 927)
Fourth Report	Engaging the public in National Strategy	HC 435 (HC 986)
Fifth Report	Appointment of the Chair of the Committee on Standards in Public Life	HC 516
Sixth Report	Government Procurement	HC 123 (HC 1015)
Seventh Report	Migration Statistics	HC 523
Eighth Report	Truth to Power: how Civil Service reform can succeed	HC 74 (HC 955)
Ninth Report	Latest proposals for ministerial involvement in permanent secretary appointments: PASC's recommendations	HC 1041
Tenth Report	Statistics and Open Data: Harvesting unused knowledge, empowering citizens and improving public service	HC 564

Session 2012–13

First Special Report	Public Appointments: regulation, recruitment and pay: Government Response to the Committee's Fourteenth Report of Session 2010–12	HC 18
Second Special Report	Leadership of change: new arrangements for the roles of the Head of the Civil Service and the Cabinet Secretary: Further Report: Government Response to the Committee's Twenty Third Report of Session 2010–12	HC 313
Third Special Report	Strategic thinking in Government: without National Strategy, can viable Government strategy emerge? Government Response to the Committee's Twenty Fourth Report of Session 2010–12	HC 573
Fifth Special Report	The Prime Minister's Adviser on Ministers' Interests: independent or not? Government Response to the Committee's Twenty Second Report of Session 2010–12	HC 976
First Report	The Big Society: Further Report with the Government Response to the Committee's Seventeenth Report of Session 2010–12	HC 98
Second Report	The Honours System	HC 19
Third Report	Business Appointment Rules	HC 404
Fourth Report	Appointment of the Chair of the Charity Commission	HC 315-I
Fifth Report	End of term report: 2011–12	HC 316
Sixth Report	Special advisers in the thick of it	HC 134
Seventh Report	The Honours System: Further Report with the Government Response to the Committee's Second Report of Session 2012–13	HC 728
Eighth Report	The Role of the Cabinet Secretary and the Resignation of the Chief Whip	HC 864 (<i>HC 968</i>)
Ninth Report	Public Trust in Government Statistics, A review of the operation of the Statistics and Registration Service Act 2007	HC 406

Session 2010–12

First Report	Who does UK National Strategy?	HC 435 (<i>HC 713</i>)
Second Report	Government Responses to the Committee's Eighth and Ninth Reports of Session 2009–10: Goats and Tsars: Ministerial and other appointments from outside Parliament and Too Many Ministers?	HC 150
Third Report	Equitable Life	HC 485 (<i>Cm 7960</i>)
Fourth Report	Pre-appointment hearing for the dual post of First Civil Service Commissioner and Commissioner for Public Appointments	HC 601
Fifth Report	Smaller Government: Shrinking the Quango State	HC 537 (<i>Cm 8044</i>)
Sixth Report	Who Does UK National Strategy? Further Report with the Government Response to the Committee's First Report of Session 2010–11	HC 713
Seventh Report	Smaller Government: What do Ministers do?	HC 530 (<i>HC 1540</i>)
Eighth Report	Cabinet Manual	HC 900 (<i>HC 1127, Cm 8213</i>)
Ninth Report	Pre-appointment hearing for the post of Parliamentary and Health Service Ombudsman	HC 1220-I
Tenth Report	Remuneration of the Parliamentary and Health Service Ombudsman	HC 1350
Eleventh Report	Good Governance and Civil Service Reform: 'End of Term' report on Whitehall plans for structural reform	HC 901 (<i>HC 1746</i>)
Twelfth Report	Government and IT—"a recipe for rip-offs": time for a new approach	HC 715-I (<i>HC 1724</i>)
Thirteenth Report	Change in Government: the agenda for leadership	HC 714 (<i>HC 1746</i>)
Fourteenth Report	Public Appointments: regulation, recruitment and pay	HC 1389
Fifteenth Report	Smaller Government: What do Ministers do? Further Report with the Government Response to the Committee's Seventh Report of Session 2010–12	HC 1540 (<i>HC 1746</i>)
Sixteenth Report	Appointment of the Chair of the UK Statistics Authority	HC 910
Seventeenth Report	The Big Society	HC 902
Eighteenth Report	Change in Government: the agenda for leadership: Further Report, with the Government Responses to the Committee's Eleventh, Thirteenth and Fifteenth Reports of Session 2010–12	HC 1746
Nineteenth Report	Leadership of change: new arrangements for the roles of the Head of the Civil Service and the Cabinet Secretary	HC 1582
Twentieth Report	Government and IT—"a recipe for rip-offs": time for a new approach: Further Report, with the Government response to the Committee's Twelfth Report of Session 2010–12	HC 1724
Twenty First Report	Future oversight of administrative justice: the proposed abolition of the Administrative Justice and Tribunals Council	HC 1621

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Twenty Second Report	The Prime Minister's adviser on Ministers' interests: independent or not?	HC 1761
Twenty Third Report	Leadership of change: new arrangements for the roles of the Head of the Civil Service and the Cabinet Secretary, Further Report, with the Government Response to the Committee's Nineteenth Report of Session 2010–12	HC 1914
Twenty Fourth Report	Strategic thinking in Government: without National Strategy, can viable Government strategy emerge?	HC 1625