



House of Commons
Public Administration
and Constitutional Affairs
Committee

**Managing Ministers'
and officials' conflicts
of interest: time
for clearer values,
principles and action**

Thirteenth Report of Session 2016–17

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

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Public Administration and Constitutional Affairs

The Public Administration and Constitutional Affairs 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; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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Committee reports are published on the Committee's website at www.parliament.uk/pacac and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are: Dr Rebecca Davies (Clerk), Ms Rhiannon Hollis (Clerk), Dr Sean Bex (Second Clerk), Dr Patrick Thomas (Committee Specialist), Mr Jonathan Bayliss (Committee Specialist), Ms Penny McLean (Committee Specialist), Rebecca Usden (Committee Specialist), Mr Alex Prior (PhD Scholar), Ana Ferreira (Senior Committee Assistant), Iwona Hankin (Committee Assistant), and Mr Alex Paterson (Media Officer).

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Contents

Summary	3
1 Introduction	4
Background	4
ACoBA and the Business Appointment Rules	5
The Public Administration and Constitutional Affairs Committee’s new inquiry	6
2 The work of ACoBA	9
ACoBA	9
The Business Appointment Rules	11
Administration of the Rules	11
Changes since 2012	11
Changes to the Rules	13
Public servants not vetted by ACoBA	14
3 The Business Appointment Rules and Lobbying	18
Introduction to the Rules	18
Lobbying rules	18
4 Interchange between the public and private sector	21
Benefits and risks	21
The Ministry of Defence	22
Recruiting expertise externally	22
Public trust	24
Transparency of ACoBA’s decision making process	28
Transparency in the media	30
5 The importance of values and of the principles behind the Rules	32
Making Ministers and civil servants aware of the Rules	36
Embedding ethical standards	37
6 Revisiting statutory enforcement of the Business Appointment Rules	39
Conclusions and recommendations	42
Appendix 1: Annex B from 2006 Civil Service Management Code	50
Appendix 2: Proposed fifth principle to be added to the Civil Service Code	54
Formal Minutes	55

Witnesses	56
Published written evidence	57
List of Reports from the Committee during the current Parliament	58

Summary

The Public Administration Select Committee (PASC) published a report in 2012 on the key issues concerning the Advisory Committee on Business Appointments (ACoBA) and the operation of the [Business Appointment Rules](#). Our new inquiry into Managing Ministers' Officials' Conflicts of Interest: Time for Clearer Values, Principles and Action, has shown that nothing significant has changed. PASC made several recommendations, some of which reinforced its previous recommendations. Meanwhile, the problem has escalated, with increased numbers of public servants moving between the public and private sectors, and a number of very high profile cases resulting in declining public confidence in a system that was set up to command trust by mitigating any breaches of the Rules. The Government must urgently review and address these longstanding and recurrent issues.

The regulatory system for scrutinising the post public employment of former Ministers and civil servants is ineffectual and does not inspire public confidence or respect. Our inquiry has revealed numerous gaps in ACoBA's monitoring process with insufficient attention paid to the principles that should govern business appointments. The failures of governments in this regard have damaged public trust in politics and public institutions and led to repeated scandals. Consequently, we are recommending major reform.

The Business Appointment Rules should be fundamentally changed. A system to manage conflicts of interest needs more than just a code of rules and declarations. A principles-based system, if it is effectively taught by leaders and learned by everyone to be intrinsic to the public service, creates an expectation that individuals will act with integrity, and regulate their own behaviour and attitudes according to those principles. But we believe there should be independent checks across all Government Departments and Executive Agencies to reinforce this, particularly where the risk of conflicts of interest is high. Our report recommends a substantial change of emphasis in the Ministerial Code and the Civil Service Code to highlight the values and principles which should guide attitude and behaviour. This goes beyond a mere set of rules. However we also revisit the PASC proposals for a statutory scheme of rules.

ACoBA, in its current form is a toothless regulator which has failed to change the environment around business appointments. There are numerous loopholes, including, for example, civil servants at lower levels who have responsibility for commercial management. These more junior civil servants are not regulated by ACoBA, only by Government Departments, who are required to publish summary information on the advice and restrictions imposed on their former civil servants. The Cabinet Office must publish aggregated data on all applications by members of the Senior Civil Service below SCS3, and the departmental decisions made on them, showing proportions approved without conditions, and, in the case of conditionality, the categories of decisions made. The data must also cover Executive Agencies. Publication should allow public scrutiny of practice across individual departments and Executive Agencies. The Government's response on this issue was inadequate. All of the above data should be aggregated and available on the ACoBA website.

The Government must take steps to ensure that the ACoBA system is improved swiftly. In the long term, failure to do so will lead to an even greater decline in public trust in our democracy and our Government.

1 Introduction

Background

1. Over the past decade or so, there has been increasing concern expressed about the effectiveness of the application of the Business Appointment Rules (The Rules) as applied by the Advisory Committee on Business Appointments (ACoBA). ACoBA is appointed by the Government to provide independent advice to senior Crown servants (civil servants at Director-General level and above, and their equivalents) and to all former Ministers of the UK, Scottish and Welsh Governments on any appointments they wish to take up within two years of leaving public or ministerial office.¹ ACoBA was established in 1975, by the then Prime Minister, the Rt Hon Harold Wilson MP.

2. The Rules, which are largely procedural, are set by the Government, have no statutory basis and there are no sanctions for non-compliance. They are intended to provide a framework in order to give the public confidence in the proper management of conflicts of interest arising from the acceptance of employment or appointments in the private sector by former Ministers and Crown servants (civil servants including special advisers, Diplomats, members of the Armed Forces and members of the Security Services). The Rules apply for up to two years after an individual leaves public office.²

3. We launched this inquiry in response to the increasing concern that the present system is completely failing to address, and subsequently to allay, public concern about what has been described as “the revolving door”—people rotating between employment in the public and private sectors.³ Our recommendations are addressed directly to the Government, which is responsible both for the system that is run by ACoBA and for the Rules themselves. Since the launch of this inquiry, the current system’s failings have again been brought to the public’s attention by the decisions of the former Chancellor of the Exchequer, Rt Hon George Osborne MP, who only nine months out of ministerial office has accepted a number of external appointments, including two appointments at Black Rock and as Editor of the Evening Standard.⁴

4. We explore the particular concern that public servants (Ministers, officials and members of the armed forces) may be conflicted while they are exercising their responsibilities in public office, as they might be contemplating potential employment opportunities after they have left public office. In this report, we make recommendations to address how public servants should be made more aware of these potential conflicts. PACAC regards it as our purpose to look at ways to improve public confidence in the public service. We reiterate our commitment to a comprehensive reform of the whole ACoBA system, and we set out how the Government should clarify not just the Rules, but the principles which underpin them and the values upon which they are based. When serving or former Ministers are confronted with these conflicts, the various codes

1 The Business Appointment Rules regulate the appointment of former senior Crown servants and former Ministers to posts in the private sector. ACoBA reports to the Prime Minister on applications from former senior civil servants and advises former Ministers directly.

2 [Business Appointment Rules for former Ministers](#). Accessed 30 November 2016; [The Business Appointment Rules for Civil Servants, including Special Advisers](#), October 2014.

3 See paras 31 and 52 of this report— which set this out in more detail.

4 Advisory Committee on Business Appointments, [Decision: Summary of business appointments applications - Rt Hon George Osborne MP](#), January 2017.

of conduct and the Rules should enable them to judge much more readily what is or is not acceptable conduct both during their public office and after they leave. It is worth noting the concern that private sector workers, employed on secondment in Government, may develop policy which they later go on to use to their benefit when returned to the private sector. Steps must be taken by Government to ensure that the valuable transfer of knowledge and skills that can occur when seconding private sector workers into the public sector does not unduly disadvantage the Government through the formulation of policy intended to benefit the company in which the employee usually works.

ACoBA and the Business Appointment Rules

5. Our predecessor Committee, the Public Administration Select Committee (PASC) examined the role of ACoBA and the effectiveness of the Business Appointment Rules several times over the past ten years. These reports have expressed mounting concern. [The Business Appointment Rules](#) published on 14 June 2007, followed a review of the Business Appointment Rules by Sir Patrick Brown and concluded that “the Advisory Committee on Business Appointments has operated effectively, and we see little benefit in changing its composition, or its way of working”.⁵ In 2008, [Lobbying: Access and Influence in Whitehall](#) recommended changes to the membership of ACoBA stating that it should “be strengthened and its membership refreshed, bringing in people who are more representative of society at large and better able to commit time to this work”. The Committee called for “consistent rules to be strictly applied so that former Ministers and other public servants are prevented for an extended period from using contacts built up in public office to further their own and others’ private interests”.⁶ Following PASC’s [Lobbying: Developments since the Committee’s First Report of Session 2008–09: Government Response to the Committee’s Fifth Report of Session 2009–10](#), the then Government refused to amend the ACoBA membership stating that “the Advisory Committee’s unique remit, which is narrowly focussed and confined to individual casework for a relatively small number of people, calls for a membership with first-hand experience and understanding of the Business Appointment Rules and procedures in order to have credibility in the areas on which they are advising”.⁷

6. A further report, [The Business Appointment Rules](#) was published on 25 July 2012.⁸ It examined the broad themes of public confidence in the operation and purpose of the Rules and highlighted the benefits and risks of interchange between the public and private sectors. It noted the need for transparency in the ACoBA decision-making process.⁹ Most significantly, following study of alternative systems for the management of conflicts of interest in other countries, notably in Canada, PASC proposed the abolition

5 In 2004, the then Prime Minister, Tony Blair, commissioned Sir Patrick Brown “To review the Business Appointment Rules to ensure that they are compatible with a public service that is keen to encourage greater interchange with the private and other sectors which is essential for effective delivery in today’s public service”, [SN/PC/03745](#); Public Administration Select Committee, [The Business Appointment Rules, Sixth Report of Session 2006–07, HC 651](#), para 40.

6 Public Administration Select Committee, [Lobbying Access and Influence in Whitehall, First Report of Session 2008–09 HC 36–I](#), p.4.

7 Public Administration Select Committee [Lobbying: Developments since the Committee’s First Report of Session 2008–09: Government Response to the Committee’s Fifth Report of Session 2009–10, Third Special Report of Session 2009–10 HC 393](#), p.3.

8 Public Administration Select Committee, Third report of Session 2012–13, [Business Appointment Rules](#) HC 404, [incorporating HC 1762–i–v, Session 2010–12].

9 Public Administration Select Committee, Third report of Session 2012–13, [Business Appointment Rules](#), HC 404, paras 17; 24; 32; 35.

of ACoBA in favour of a model of statutory ethics regulation, with a code of conduct and enforceable statutory penalties, to be overseen by an independent ethics Commissioner. This recommendation was rejected by the Government.¹⁰ In its 2012 report, PASC repeated criticism from its earlier (2009) report concerning the composition of ACoBA's membership, which it argued was inadequate to inspire public trust.¹¹

The Public Administration and Constitutional Affairs Committee's new inquiry

7. On the 19 April 2016, the Public Administration and Constitutional Affairs Committee (PACAC) held a [one-off evidence session](#) with the Chair of ACoBA, Baroness Browning, one year into her tenure, to explore the work of ACoBA and the effectiveness of the Rules. We were interested to identify how the concerns and recommendations raised in our predecessor Committee's 2012 report had been addressed. It is clear, both from that evidence session and from recent events, that these increasing concerns have been ignored and that ACoBA remains inadequate and unable to inspire public confidence that conflicts of interest are being properly managed in the public service.¹²

8. In her evidence to PACAC, Baroness Browning identified a significant increase in ACoBA's workload, and an increasing trend in former Ministers accepting employment in sectors where they were previously responsible for policy. Reflecting the impact of its increased workload, ACoBA's 2015–16 annual report, highlighted an increase in expenditure which was required to meet the Committee's need for additional staffing following the 2015 General Election.¹³ Following this one-off evidence session, PACAC launched a new inquiry on 20 July 2016 to explore key challenges raised by Baroness Browning, including ACoBA's increased workload and the resulting pressures.

9. The recent appointment of the former Chancellor of the Exchequer, Rt Hon George Osborne MP as adviser to the BlackRock Investment Institute on a salary considerably in excess of his previous salary as Chancellor of the Exchequer may have precedents, but it has increased concern about this trend (of Ministers accepting employment in sectors where they were previously responsible for policy).¹⁴ At the time of drafting this report, PACAC has not taken evidence on any particular case, but this report seeks to respond to the concerns highlighted by such cases.

10 The Government rejected this proposal as it believed that ACoBA was effective in its role of advising on the Rules and that there was already a good level of compliance. It believed that proposals to increase transparency would mitigate the other issues identified with current arrangements. [Business Appointment Rules: Government Response to the Committee's Third Report of Session 2012–13](#), para 33.

11 The Public Administration Select Committee, First Report of Session 2008–09, [Lobbying: Access and Influence in Whitehall](#), HC 36–I para 192; The Public Administration Select Committee, Third Report of Session 2009–10; [Lobbying: Developments since the Committee's First Report of Session 2008–09: Government Response to the Committee's Fifth Report of Session 2009–10](#) HC 393 p.2 (ACoBA); The Public Administration Select Committee, Third Report of Session 2009–10, [Selection of a new Chair of the Advisory Committee on Business Appointments](#), HC 42–I para 11; Public Administration Select Committee, Third report of Session 2012–13, [Business Appointment Rules](#), HC 404 [incorporating HC 1762–i–v, Session 2010–12] para 48.

12 Oral evidence taken before the Public Administration and Constitutional Affairs Committee, Tuesday 19 April 2016, [Qq 7–8](#).

13 [Advisory Committee on Business Appointment, Seventeenth Annual Report 2015–2016](#), p.6, Point 11.

14 <https://www.theguardian.com/politics/2017/mar/08/george-osborne-to-be-paid-650000-for-working-one-day-a-week-blackrock-salary>; In January 2016 the [Daily Mirror](#) reported that 25 former Ministers in the coalition government had taken paid roles in sectors they once oversaw. See paras 6 and 69 which set this out in more detail. Concerns have also been raised in relation to senior civil servants see: <https://www.thetimes.co.uk/article/carry-on-up-the-high-speed-2-bds57m08g> and <https://www.thetimes.co.uk/article/hs2-embroiled-in-scandal-over-170m-contract-slrrb67jd>

10. Our inquiry and this report does not address conflicts of interest that may arise from MPs having outside paid employment. This does not fall into PACAC’s remit, but falls under the jurisdiction of the Parliamentary Commissioner for Standards, and the Committee on Standards. We are however mindful of the Committee on Standards in Public Life’s (CSPL) interest in this inquiry, and we may well take further evidence from the Chair of the Committee on Standards in Public Life’s, Lord Bew.¹⁵ In follow up correspondence (29 March 2017) to the Chair of PACAC, Lord Bew said, “The current system relies on transparency and media scrutiny to ensure compliance with the Government’s Rules and the Committee’s advice, and on ACoBA being given the respect and time it needs to fulfil its role. If this does not happen, it is likely that there will be growing pressure for some form of statutory intervention”.¹⁶

11. As well as looking at the Business Appointment Rules, and the operation of ACoBA, we have turned our attention to what happens before Ministers and civil servants leave public service. We have asked ourselves: what values are promoted to Ministers and officials to encourage awareness of conflicts of interest, and how to manage them according to the values, principles and Rules which the public would regard as acceptable. We therefore make recommendations for changes to the Ministerial Code and to the Civil Service Code.¹⁷ We also make recommendations that these values, principles and Rules should form part of the induction and ongoing training for Ministers and civil servants.

12. We held three oral evidence sessions (on 11, 25 and 26 October 2016) with Alexandra Runswick, Director at Unlock Democracy; Professor Hine, University of Oxford (who PACAC subsequently appointed as an adviser to this inquiry); Ian Hislop, Editor at Private Eye; Richard Brooks, a former civil servant with HMRC and now a senior journalist at Private Eye; Baroness Browning, Chair of ACoBA; Sheila Drew Smith OBE, Member, Committee on Standards in Public Life; Lord Bew, Chair of the Committee on Standards in Public Life; and Chris Skidmore MP, Parliamentary Secretary at the Cabinet Office. We thank all of those who gave written and oral evidence to this inquiry. A full list of witnesses is included at the back of this report.

13. Chapter 2 sets out the background and context of the work of ACoBA, the Business Appointment Rules, and the Civil Service Code. It also illustrates that the monitoring of the appointment of individuals who are not currently vetted by ACoBA is inadequate. Chapter 3 examines how effective the current iteration of the Rules is in regulating the post public employment of former Ministers and Crown servants. Chapter 4 evaluates the so-called “revolving door” and particularly the benefits and risks of interchange between the public and private sectors. It explores how public confidence is being undermined by ACoBA’s inability to prevent any perceived or actual impropriety that may result from such interchange. Chapter 5 examines the importance of the values and principles behind

15 <http://www.parliament.uk/documents/commons-committees/public-administration/Letter-from-Lord-Bew-to-Bernard-Jenkin-MP-regarding-ACoBA-Independent-adviser-on-Ministers-interests-inquiry-29-03-17.pdf>

16 <http://www.parliament.uk/documents/commons-committees/public-administration/Letter-from-Lord-Bew-to-Bernard-Jenkin-MP-regarding-ACoBA-Independent-adviser-on-Ministers-interests-inquiry-29-03-17.pdf>

17 [The Ministerial Code](#), the guide to propriety for Ministers, sets out the requirement for Ministers to consult with the Independent Adviser for advice on avoiding a conflict, or the perception of a conflict, with the Code. See Cabinet Office, Ministerial Code, October 2015, para. 7.2; [The Civil Service Code](#) is a high-level statement outlining the Civil Service’s core values, and the standards of behaviour expected of all civil servants in upholding these values.

the Rules and how these can be embedded into public service attitudes, behaviour and culture. In the final Chapter we revisit the merits of statutory enforcement of the Business Appointment Rules recommended by PASC in 2012.

2 The work of ACoBA

ACoBA

14. The Advisory Committee on Business Appointments (ACoBA) monitors the conduct of former and current holders of public office.¹⁸ ACoBA is an independent committee which advises on applications by all former Ministers, former special advisers, and former civil servants at Director-General level and above who wish to take up appointments within two years of leaving office. This includes members of the Diplomatic, Armed and Security Services, but not the Police Service. Applications by more junior public servants are handled by the department by which they were employed.

15. In most cases, ACoBA provides its advice to the Prime Minister (or Foreign Secretary in respect of former Diplomats, and where appropriate, the Defence Secretary, First Ministers of Scotland and Wales and departmental Permanent Secretaries). It advises former Ministers directly.

16. ACoBA (or the department) can recommend: that an individual waits for up to two years before an appointment is taken up, or restrict the types of activities which the former public servant may undertake such as lobbying the Government, or using information to which the individual may have had access while in office. It can also advise that it considers a particular appointment “unsuitable”, but it cannot prevent appointments being taken up. It only publishes its advice and any restrictions it recommended when an appointment has been accepted. Individuals can also seek speculative advice, but this is never published. ACoBA does note, however, situations in which applications which would otherwise fail are, after an informal conversation, often amended or withdrawn, before the committee considers the application.¹⁹ It is worth questioning what could have substantively changed in the applications following those conversations so as to turn what would otherwise be an unsuccessful application into a successful one. The very fact that decisions can be changed following an informal conversation is also detrimental to the principle of transparency. It is also worth noting that former Ministers and Civil Servants are under no obligation to consult ACoBA beyond the requirement to do so in the Ministerial Code. The current list of appointments taken up by [former Crown servants](#) and [former Ministers](#) can be found on the ACoBA home page.²⁰

17. ACoBA is currently chaired by Baroness Browning, who took up the role on 1 January 2015. The Committee is a non-statutory, non-departmental public body sponsored by the Cabinet Office. It has eight members, appointed by the Prime Minister. The Conservative, Labour and Liberal Democrat parties nominate one member each; and the other five are independent members, appointed in accordance with the Commissioner for Public Appointment’s Code of Practice. All members are appointed for a single non-renewable term of five years.²¹ The application process for the five independent members of the panel

18 <https://www.gov.uk/government/organisations/advisory-committee-on-business-appointments>

19 ACoBA Sixteenth Annual Report 2014–15 para 20.

20 www.gov.uk/government/collections/appointments-taken-up-by-former-Crown-servants and www.gov.uk/government/collections/appointments-taken-up-by-former-Ministers

21 The current members of ACoBA are: Baroness Liddell of Coatdyke, Labour member (from 2013), Baroness Browning (Chair), Conservative member (from June 2014, then Chair from January 2015), Lord German OBE, Liberal Democrat member (from July 2014), Mark Addison, independent member (from June 2012), Mary Jo Jacobi, independent member (from June 2012), Sir Alex Allan, independent member (from February 2015). Terence Jagger, independent member (from April 2015), John Wood, independent member (from 2015).

has been of some contention. When asked who could apply for a role as an independent member of the Committee, ACoBA's Chair, Baroness Browning encouraged the Committee to ensure "every bus driver and hairdresser you know to apply for any of those jobs. I can tell you factually, not one applied."²² Whatever Baroness Browning's aspiration, this is unfortunately fundamentally untrue. However, documents available from ACoBA's publically accessible application form, published by Private Eye, reveal essential criteria for such a role being:

- Senior level experience of at least one of the following sectors:
- The Diplomatic Service
- The Military
- Business;
- Understanding of the work of the Committee, and the ability to work well as part of a diverse team of influential people;
- Understanding of the machinery of government, preferably gained through practical experience at a senior level;
- Excellent judgement and ability to command the confidence and trust of Parliament and the public, and of Ministers, civil servants and other Crown servants subject to the Business Appointment Rules;
- Good communications skills; and
- Personal integrity and strength of character.

While the majority of these characteristics are not beyond your average hairdresser or bus driver, the first criteria, namely senior level experience in the Diplomatic Service, Military or business, may restrict applications from outside these sectors.

18. There also exists a concern that the so-called independent members of the panel often retain roles within the world of commerce, sometimes even within companies in which applicants are seeking to gain employment. This situation would be less troublesome if there was a consistency in the way in which independent members of the panel recused themselves from individual applications. There are notable examples in which independent members have failed to recuse themselves from a decision relating to an application made to work in either a present or past company of theirs.²³ In such a situation a member of the panel cannot reasonably be considered independent. It is advised that any changes to the Rules should include a prohibition on independent panel members giving advice in cases where the applicant is seeking to work in a company in which that panel member has or currently works.

22 [229](#) Oral evidence, 25 October 2016.

23 Terence Jagger failed to recuse himself from judgment on the application of Rt Hon Lord Lansley to be Chair of UK Japan 21st Century Group, a company in which Jagger had previously served as trustee. Information contained in ACoBA Seventeenth Annual Report 2015 – 16, p44.

The Business Appointment Rules

19. The Business Appointment Rules govern the take-up of employment or appointments by former Ministers and Crown servants.²⁴ The Rules are prepared by the Cabinet Office and approved by the Prime Minister. They have no statutory basis and include no sanctions for non-compliance, although compliance with the Rules forms part of the Ministerial Codes for the UK Government, Scottish Government and Welsh Government, and therefore of the terms and conditions of appointment of civil servants and special advisers.

Administration of the Rules

20. ACoBA is responsible for the operation of the Rules and for ensuring that Ministers and senior civil servants are made aware of the Rules as soon as they take up their positions, and when they leave public office. However, ACoBA's role is advisory with no powers to enforce its advice or to address non-compliance of the Rules. The Committee also has limited resources to investigate individual applications, although Baroness Browning said that she is content from the numbers of applications that they receive, that compliance is “quite good”.²⁵

Changes since 2012

21. There have been a number of changes both in the operating context of ACoBA and in the Rules since 2012. Changes include an increase in ACoBA's workload, an increasing trend in Ministers leaving office to seek employment in sectors where they were previously responsible for policy, and new iterations of the Rules²⁶. The political context within which ACoBA is operating has also changed. These changes are addressed below.

22. The graphs below illustrate the increase in applications from Ministers and Crown servants to ACoBA between 2009–10 and 2015–16.²⁷ For example, in 2010–11, (immediately following the 2010 General Election), ACoBA advised 42 former Ministers regarding 95 applications and 63 applications from 38 civil servants. It is important to note that each Minister or civil servant may have sought advice from ACoBA for more than one post. In 2015–16, (immediately following the 2015 General Election), this figure had risen to 123 applications in relation to 33 former Ministers and 110 appointments in relation to 36 Crown servants.²⁸ Baroness Browning also noted an increasing trend in Ministers leaving office to seek employment in sectors where they were previously responsible for policy. We contacted the Cabinet Office on 10 November 2016 to ask how many former Ministers since May 2015 had taken up employment in roles that directly related to the positions they held in Government and who are now working in the private sector. In response, the Government said that “information about former Ministers' employment in the two years

24 [Business Appointment Rules for former Ministers; The Business Appointment Rules for Civil Servants, including Special Advisers](#). Revised December 2016.

25 Oral evidence taken before the Public Administration and Constitutional Affairs Committee, 25 October 2015, Q 170.

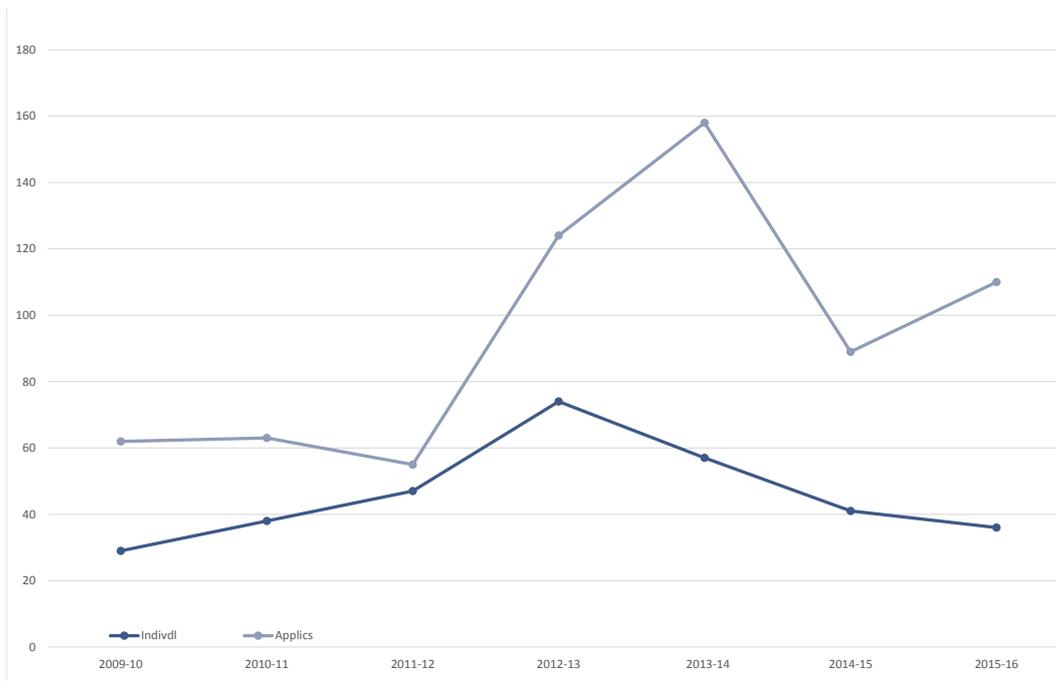
26 The most recent version of [The Business Appointment Rules for former Ministers and senior Crown servants](#) was published on 21 December 2016.

27 Graph 1: Ministers' applications to ACoBA

28 [Advisory Committee on Business Appointments Twelfth Annual Report 2010–2011](#) paras 61;64; [Advisory Committee on Business Appointments Seventeenth Annual Report 2015–2016](#) paras 46; 60.

after leaving Government could be viewed on the ACoBA website”.²⁹ In practice, evidence of this trend is difficult to quantify and evaluate as ACoBA does not collate this data.³⁰

Graph 1: Ministers’ applications to ACoBA



23. It is also evident from ACoBA’s latest annual report that, although in 2015–16 ACoBA was able to manage peak demand by hiring extra staff, the overall pattern of resourcing shows a long-term inadequacy in responding to staff resourcing requirements. (see graph no 2: ACoBA Expenditure).³¹ Indeed, both PASC’s 2012 Report, [Business Appointment Rules](#), and ACoBA itself have expressed concerns about the time taken to process applications.³² In 2012 PASC expressed their dissatisfaction with ACoBA’s record of processing “over half of applications” in 2010–11 within its published deadlines despite the predictability of more applications following the General Election. They were however reassured that the Government had acknowledged that ACoBA may require more resources in the future.

24. Inadequate resourcing can also be seen very clearly in the expenditure reported annually by ACoBA. Despite small variations from year to year, the striking feature of these annual accounts is that while ACoBA’s workload has risen (from an annual average of 111 applications in the three years from 2009–10 to 2011–12, to 195 in the three years 2013–14 to 2015–16), its expenditure, averaged over the same three-year periods, fell

29 Cabinet Office ([ACB15](#)).

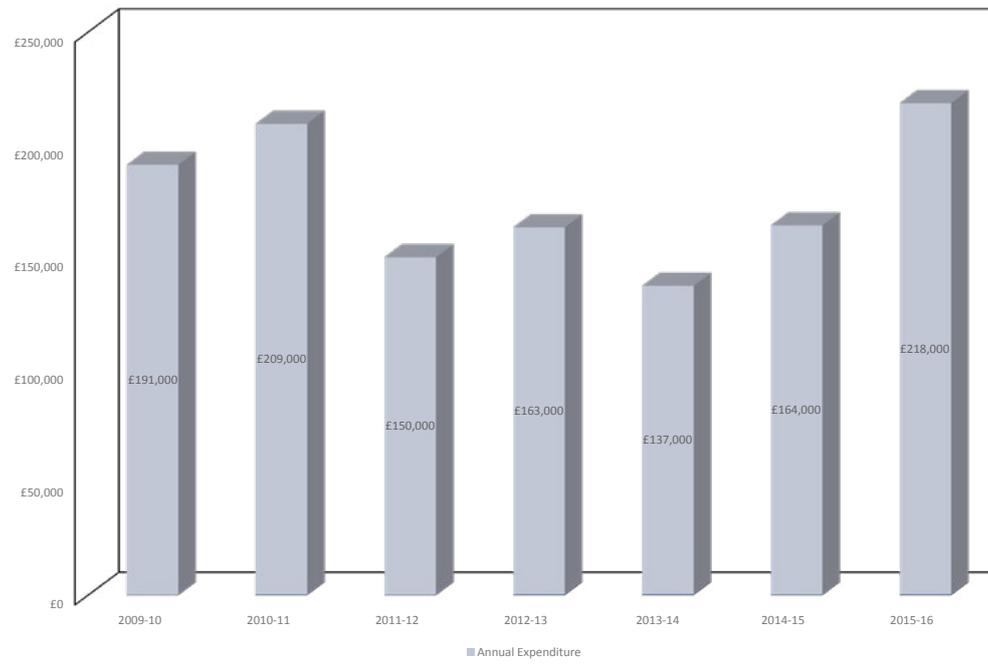
30 [Q6](#); If measured by the imposition of waiting periods, we can find evidence in ACoBA’s 2015–16 Annual Report (p3) which states that: “the Committee is clear that significant involvement with a sector while in office will increase the likelihood of us recommending a waiting period between an individual’s last day of service and the date an outside appointment can be taken up...it may also be instructive that the Committee recommended waiting periods of 14 appointments in 2015–16 (two of which have yet to be announced) compared to seven in 2014–15 and six in 2013–14”.

31 [Advisory Committee on Business Appointments Seventeenth Annual Report 2015–2016](#), p.6, point 10–11.

32 Public Administration Select Committee, Third Report of Session 2012–13, [Business Appointment Rules](#), HC 404, [incorporating HC 1762–i–v, Session 2010–12] p.18; para 56; [Advisory Committee on Business Appointment Annual Sixteenth Annual Report 2014–2015](#), p.1.

slightly. While this could, in part, be accounted for by changed accounting practices, it is clear that ACoBA's funding today remains at similar levels to its funding in 1998, and this is despite a clear and significant increase in its workload.³³

Graph 2: ACoBA Expenditure



Changes to the Rules

25. New Rules were issued by the Government in October 2014 which removed ACoBA's responsibility for monitoring and reporting on applications from special advisers below Director-General level (SCS3).³⁴ In acknowledgement of this change, ACoBA suggested in its 2014–15 annual report that the Cabinet Office should provide a central point of guidance for departments to ensure that a consistent approach in respect of special advisers be taken across government.³⁵

26. The Rules (2014) also included a statement, welcomed by ACoBA, that “retrospective applications will not normally be accepted”.³⁶ ACoBA had previously expressed its view that it should be able to offer the most appropriate advice in any situation without appearing to be constrained by an appointment already having been announced, or taken up.³⁷

27. Under the Government's 2014 reiteration of the Rules, the lobbying rules prevent former Ministers and Crown servants from lobbying departments where they have previously worked for a two-year period. In principle, ACoBA can reduce or dispense altogether with this ban where interaction with a government department is “part of the

33 Data for this paragraph is drawn from successive Annual Reports from the Advisory Committee on Business Appointments from 1998–99 onwards.

34 [The Advisory Committee Annual Report 2014–15](#), p.15; para 56.

35 [The Advisory Committee Annual Report 2014–15](#), p.15; para 56.

36 [Business Appointment Rules for former Ministers](#), point 4.

37 [The Advisory Committee Annual Report 2014–15](#), p.15; para 58.

normal course of business for their new employers”. ACoBA has however made clear its reluctance to make extensive use of this possibility, as to do so would increase the possibility of a real or perceived conflict of interest.³⁸

28. The 2014 Rules allow for a government department to continue to pay former civil servants or special advisors, who are required to observe a waiting period before taking up an outside appointment. However, ACoBA agreed that such a payment, (whether agreed or not) would not form part of its consideration when offering advice. This question merits further investigation given that the Rules allow for it.

The political context

29. Professor Hine, Oxford University noted that the most significant change which has occurred since the publication of PASC’s 2012 report, is in the political context within which ACoBA is operating. He said:

The main change has been in the political context, where a general narrative of low public trust in elites has certainly become increasingly pervasive, and has fed into growing media claims that the Rules are inadequate to protect against improper lobbying, the use of inside knowledge, and the risk that future employment prospects condition the behaviour of public servants while in office.³⁹

30. **We acknowledge the hard work of the ACoBA secretariat, and their efforts to improve the monitoring of post public employment of former public servants. However, ACoBA’s effectiveness remains restricted, by both its lack of powers and narrow remit. It is currently difficult to quantify and evaluate the increasing trend in Ministers leaving office to take up employment in sectors where they were previously responsible for policy. The Government’s response to our question on this issue was inadequate. The Government should ensure that ACoBA collate this data starting in 2017 as part of their annual reports. The failure of ACoBA to adequately distinguish between different types of post-ministerial appointments, for example, paid as opposed to unpaid work and an overreliance on standard template letters, fails to adequately inspire confidence in the ACoBA process. This should be refined.**

31. **PASC examined the key issues concerning ACoBA and the operation of the Business Appointment Rules over four years ago. The Committee made several recommendations, some of which reinforced PASC’s previous recommendations. Nothing has significantly changed. Meanwhile, the problem has escalated, with increased numbers of public servants moving between the public and private sectors, and with declining public confidence in a system that was set up to command trust by mitigating any breaches of the Rules. *The government must urgently review and address these longstanding and recurrent issues.***

Public servants not vetted by ACoBA

32. In 2010 the Government removed ACoBA’s responsibility to monitor and report on applications from Crown servants below SCS3. ACoBA currently provides independent

38 [The Advisory Committee Annual Report 2014–15](#), p.15; para 57.

39 Professor David Hine ([ACB04](#)), Point 2.

advice on business appointment applications to former Ministers and senior Crown servants at Director-General level and above. The Civil Service Code requires that those individuals at more junior levels observe the ACoBA rules and report to their relevant government department which advises on any applications.⁴⁰

33. In 2012 PASC's [Business Appointment Rules](#) report recommended greater transparency to increase public understanding of, and confidence in, the operation of the Rules. The report specifically proposed that - in line with the application information available on the ACoBA website - all Government Departments should publish information about the advice given to their former civil servants and any restrictions imposed on them.⁴¹ The Government accepted this proposal and amended the Business Appointment Rules for civil servants to include this procedure.⁴²

34. As highlighted in the High Pay Centre's report, *The "revolving door" and the Corporate Colonisation of UK Politics*, many of the issues surrounding the "revolving door" will also affect the lower ranks of Director and Deputy Director.⁴³ The report suggests that these are key grades for "developing policy, delivering services, making decisions and negotiating contracts" and may therefore be more attractive to private sector employers than more senior figures.⁴⁴ We have come across instances in which staff below the ACoBA sign off level are the Senior Responsible Officer for major projects. Also, Commercial Directors, responsible in most departments for the department's commercial strategy, will not be overseen by ACoBA.⁴⁵

35. Professor Hine, University of Oxford, told us that he was concerned about the scrutiny and transparency of departmental practice in monitoring and reporting on applications from Crown servants below SCS3. He said that Departments are required, on their own websites to post half yearly data on the advice given to applicants at SCS2 and 3 levels, although this only began in 2015–16⁴⁶. He stated that, "there is no evidence that this data is being aggregated to establish the overall picture, as was possible until 2009 by reading ACoBA's annual reports."⁴⁷ He added that:

It seems necessary with ACoBA no longer having any responsibility at all for most crown service applications, to publish the data on the Cabinet Office website or some other more accessible location. If the data is simply spread across individual departmental websites it is hard to find and even harder to make sense of.⁴⁸

40 Civil Service Management Code November 2015, point 12.

41 Civil Service Management Code November 2015, p.22; para 3.

42 The Business Appointment Rules for Civil Servants (including special advisers), para 22, state: "Departments will make public on their departmental websites summary information in respect of individuals at SCS2 and SCS1 level (and equivalents, including special advisers of equivalent standing)."

43 High Pay Centre, *The Revolving Door and the Corporate Colonisation of UK Politics*, 25 March 2015, p.28.

44 High Pay Centre, *The Revolving Door and the Corporate Colonisation of UK Politics*, 25 March 2015, p.29.

45 The following two references can be found on the Government website: Government Major Projects Portfolio: Senior Responsible Owners <https://www.gov.uk/government/collections/government-major-projects-portfolio-senior-responsible-owners>. Cabinet Office appointment letter of Susan Moore as Senior Responsible Owner for the Personal Independent Payment Programme at the Department of Work and Pensions; Letter of appointment to Bryan Clark for Director NOMS Digital & Change & Senior Responsible Owner for NOMS ICT Services Programme.

46 Professor David Hine, (ACB13), point 4

47 Professor David Hine, (ACB13), point 4

48 Professor David Hine, (ACB13), point 12

In supplementary evidence submitted to PACAC on 28 March 2017, the Government stated that: “Information on the outside appointments of other senior civil servants can be viewed on their departmental webpages on gov.uk, usually under the transparency data section.”⁴⁹

36. When asked what could be done to address a lack of departmental oversight of public appointments and lack of transparency, Lord Bew told us that ACoBA’s “transparency is remarkable” and that the issue was about “leadership in these areas which is not fully adapted”. He added that leadership in the area of departmental oversight could only happen if it was “accompanied” by providing the necessary resources⁵⁰. In response to the same issue of departmental transparency, Baroness Browning recommended that there should be an appointment of “a non-executive director on each departmental board with responsibility for oversight of the Business Appointment Rules.”⁵¹

37. Between 2000–01 and 2008–09 the average number of applications for post public service advice from senior civil servants (SCS1 and 2) being dealt with inside departments and Executive Agencies ran at a rate of 443 per annum⁵². After 2008 these numbers were no longer reported in ACoBA annual reports. Until 2015–16 there was no further publicly-available data on this matter. Reporting was started on individual department and agency websites to identify the numbers involved in 2016.

38. As of 20 December 2016, for the year 2015–16, 93 applications for advice were reported on departmental websites⁵³. This figure is much lower than that (443) on average reported by ACoBA in its annual reports until 2008–09. We are unable to account for this discrepancy, particularly in view of the rising trend of applications at SCS 3 level, dealt with and reported on by ACoBA.

39. One possible explanation is that almost none of the large number of Executive Agencies appear to have reported on post public employment advice given in 2015–16. From a sample of 23 Executive Agency websites which the Committee examined, only two reported on the question for this period. It should be noted also that out of eighteen departments seven had not, by 20 December 2016, reported on applications received during the period January-June 2016⁵⁴. Given the importance of timely posting of such information for transparency and public assurance purposes this seems to be a serious shortcoming. Some departments, were able to post the information in July and August.

40. We are aware that, in many situations, civil servants in positions lower down the organisation perform significant roles in respect both of policy formation and commercial relationships, including some senior responsible officers for major projects. Currently these staff fall outside ACoBA’s remit. Government Departments currently have the responsibility to regulate their relationships with, and any moves to, the private sector. However evidence reveals that there is a clear lack of scrutiny and transparency in departments’ monitoring and reporting of civil servants below SCS 3.

49 Cabinet Office ([ACB15](#)).

50 [Q 150](#)

51 ACOBA ([ACB08](#)), point 9

52 Professor David Hine, ([ACB13](#)), Appendix 2.

53 Professor David Hine, ([ACB13](#)), Appendix 1.

54 Professor David Hine, ([ACB13](#)). Data in this paragraph was drawn from individual department and agency websites as at 1 December 2016.

41. *The Cabinet office must publish aggregated data on all applications of members of the Senior Civil Service below SCS3, and the departmental decisions made on them, showing proportions approved without conditions, and, in the case of conditionality, the categories of decisions made. The data must also cover Executive Agencies. Publication should allow public scrutiny of practice across individual departments and Executive Agencies. The Government's response on this issue was inadequate. All of the above data should be aggregated and available on the ACoBA website.*

42. *The Government should nominate a departmental non-executive director on each government department board to take on responsibility for oversight of the Business Appointment Rules. He or she should ensure full compliance with the Rules by Crown servants below SCS 3 and greater transparency. The responsible non-executive director on each board should be identified and announced within the next three months.*

3 The Business Appointment Rules and Lobbying

Introduction to the Rules

43. As previously noted, the Business Appointment Rules govern post public employment of former Ministers and Crown servants (civil servants including special advisers, Diplomats, members of the Armed Forces and members of the Security Services) for a two-year period after they leave public office.⁵⁵ These Rules are the responsibility of Ministers; prepared by the Cabinet Office and approved by the Prime Minister. They have no statutory basis and include no sanctions for non-compliance, although compliance with the Rules forms part of the Ministerial Codes for the UK Government, Scottish Government and Welsh Government, and of the terms and conditions of appointment of civil servants and special advisers. The Police Service and local government are not covered by ACoBA.

Lobbying rules

44. In the evidence we received, some witnesses criticised the rigour and efficacy of the Rules in their current form. Private Eye journalist, Richard Brooks told us that, “it is hard to see how even the longest waiting periods or the standard two-year lobbying ban imposed by ACoBA can alter the essential problem”.⁵⁶ The current Rules for former Ministers include a lobbying ban which states that:

a former Minister should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials) with a view to influencing a government decision or policy in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted.⁵⁷

45. Richard Brooks suggested that it was incredibly difficult to monitor this because “records of meetings at which proscribed lobbying may have occurred, and the identities of those attending them, are not published. Nor are they released upon request under freedom of information laws”.⁵⁸ Unlock Democracy and Spinwatch said that the Rules around lobbying were not effective “due to their ambiguous nature”. They suggested that the definition of the lobbying ban was problematic because it left room for interpretation and did not specifically include, “informal lobbying” which may take place for example at social events.⁵⁹

46. Baroness Browning acknowledged that the definition of lobbying is particularly problematic and in November 2015, she wrote to the then Cabinet Office Minister, the

55 [Business Appointment Rules for former Ministers. The Business Appointment Rules for Civil Servants, including Special Advisers.](#)

56 Richard Brooks ([ACB05](#)).

57 [Business Appointment Rules for former Ministers](#), point 7.

58 Richard Brooks ([ACB0005](#)), point 3.

59 Unlock Democracy and Spinwatch ([ACB0006](#)), points 17–18.

Rt Hon Matt Hancock MP, proposing an amendment with regard to the definition of the lobbying ban.⁶⁰ She recommended that the Rules could more helpfully define the lobbying ban as:

Communication with public office holders (including Ministers, special advisers, civil servants and military personnel) with a view to influencing a government decision or policy (including competitions for contracts, awards or grants) in relation to their own interests, or the interest of the organisation by which they are employed, to which they are contracted or with which they hold office. For the avoidance of doubt, lobbying includes any such communication even if it takes place in a social or other non-professional context.

47. In ACoBA's 2015–16 annual report, Baroness Browning repeated her recommendation, and explained that, “based on their experience of dealing with cases,” it was necessary to tighten the definition of lobbying in order to “capture the spirit of the rules and the principles they are designed to uphold more comprehensively”.⁶¹

48. In oral evidence to us, Chris Skidmore MP, Minister for the Constitution, Cabinet Office told us that the Government would “obviously be looking at the definition of lobbying that ACoBA have come to us and want to amend”.⁶² While this report was in draft the Cabinet Office amended the Business Appointment Rules for both former Ministers and civil servants in response to our follow up correspondence of 3 May 2016 in support of ACoBA's recommendation, and to the points put to the Minister during our inquiry.⁶³

49. In line with current UK Government practice,⁶⁴ the Welsh Government announced in January that it will be also publishing the “details of Ministers’ meetings with external organisations and attendance at engagements” as a step to aiding transparency. The information will be published on the Welsh Government website quarterly, with the first publication expected in March 2017.⁶⁵ In a BBC interview Alexandra Runswick, Director, Unlock Democracy welcomed the Welsh Government's decision but said the public needed access to “meaningful information”—such as details of policy discussed—if publishing diaries was to be an “effective tool to scrutinise actions taken and policy decisions made behind closed doors.” She added that “diary publication measures” already taken by the UK Government and the Scottish Parliament “can create the illusion of transparency where in fact very little exists”.⁶⁶

50. We welcome the Government's recent action to extend the definition of lobbying, now covering informal social contact as well as formal lobbying, though we are somewhat dismayed about how long the Government took to respond to Baroness

60 [Q 20; Correspondence sent from Baroness Browning to the Rt Hon Matt Hancock MP.](#)

61 [Advisory Committee on Business Appointments Seventeenth Annual Report, 2015–2016, p.2.](#)

62 [Q 265](#)

63 [Correspondence from Bernard Jenkin MP, Chair of PACAC, to the Rt Hon Matt Hancock MP; Q 265](#)

64 In response to the Public Administration Select Committee's report on [Lobbying: Access and influence in Whitehall](#), First Report of Session 2008–09, HC 36–I, p66; point 38, the Government agreed to publish online, on a quarterly basis, information about ministerial meetings with outside interest groups. This became effective from 1 October 2009. See government response: Public Administration Select Committee, [Eighth Special Report, Lobbying: Access and influence in Whitehall Session 2008–09.](#)

65 [The Welsh Government](#), Publication of Ministerial Diaries [accessed 24.2.17].

66 [BBC News, Welsh ministerial diaries to be published](#), 2 February 2017.

Browning’s proposals for change. The new lobbying rules will still never be effective without clear and transparent monitoring and reporting of lobbying contacts. Even for formal meetings between lobbyists and Ministers and Crown servants, there is only limited public information made available about the details of meetings. In their current form, the effectiveness of the Rules relies too much on individuals’ own willingness to abide by the Nolan Principles, which are much too broad for this purpose, and not specifically addressed to the problem of lobbying. *The Business Appointment Rules are the responsibility of Ministers and we will hold Ministers accountable for their effectiveness and the way ACoBA administers them.*

51. There should be nothing wrong with business and other interests making their case to government Ministers and civil servants. Indeed it is a right for people to do so and it should improve policy and administration. *However, the Government must accept that the transparency of such exchanges is essential to avoid the perception that private interests are covertly capturing decision makers.*

4 Interchange between the public and private sector

52. The Business Appointment Rules (The Rules) are intended to govern the nature of post public employment which former senior Ministers and Crown servants can accept within two years of leaving office.⁶⁷ The Rules are in place to try to address potentially inappropriate conduct of public servants, both while still in public office, and possibly anticipating private-sector employment, or after leaving public office, by exploiting insider knowledge and/or contacts for private gain. This chapter considers the benefits and risks of interchange between the public and private sector—often referred to in the media as the “revolving door”—and how the potential for actual and perceived conflict of interests can be best managed and addressed. This is particularly significant in light of the current political climate which poses ever greater pressures for the Civil Service to recruit private sector specialists.

Benefits and risks

53. Research by the High Pay Centre states that between 2000 and 2014, 600 former Ministers and top level civil servants were appointed to over 1,000 different business roles.⁶⁸ This flow of personnel between the public and private sector⁶⁹ is a continued cause for concern arising both from perceived impropriety and actual impropriety that negatively impacts on levels of public trust in the public sector.⁷⁰ Transparency International told us that this interchange is in principle “a good thing—it enables a sharing of expertise to assist in increasingly complex areas of government activity”.⁷¹ Nevertheless, as has been noted in PASC’s previous reports on this topic, if this interchange is not regulated effectively, then it remains open to abuse and this is detrimental to public confidence.⁷²

54. The potential risks of conflict of interest posed by the movement of staff between government and private companies were illustrated in the National Audit Office (NAO) report: *Conflicts of Interest*, published 27 January 2015.⁷³ The report cites the case of a former Director-General of commissioning at the Department of Health, who became Global Head of Healthcare at KPMG, a company that was bidding for many of the new contracts that were a direct consequence of reforms to the Department of Health. The application was made while the individual was in post as the Director-General of commissioning. ACoBA approved his appointment subject to a three month waiting period and a twelve month ban on lobbying Ministers. His successor also joined KPMG a year later. The successor did not have to seek ACoBA approval as he had only served as “acting” Director-General of Commissioning. However, the DoH gave its approval and

67 [ACoBA business appointments for Ministers and senior Crown servants](#).

68 High Pay Centre, [The Revolving Door and the Corporate Colonisation of UK Politics](#), 25 March 2015, p.5.

69 The movement of personnel between roles as legislators, Ministers, civil servants and regulators, and the industries affected by the government procurement, legislation and regulation.

70 High Pay Centre, [The Revolving Door and the Corporate Colonisation of UK Politics](#), 25 March 2015, p.17.

71 Transparency International UK ([ACB02](#)).

72 Noted in the summary of the Public Administration Select Committee’s Third report of Session 2012–13, [Business Appointment Rules](#), HC 404 [incorporating HC 1762–i–v, Session 2010–12].

73 The National Audit Office in their [Conflict of Interest report](#) p.4, define a conflict of interest as a set of circumstances that creates a risk that an individual’s ability to apply judgement or act in one role is, or could be, impaired or influenced by a secondary interest. The perception of competing interests, impaired judgement or undue influence can also be a conflict of interest.

imposed the same conditions on him as ACoBA had done in the previous case. KPMG went on to be awarded three NHS related contracts. KPMG stated that “both men had actively observed and fully complied at all times with the restrictions placed on them ...”.⁷⁴

The Ministry of Defence

55. The numbers of former senior officials, military staff and former Ministers who have taken up appointments with arms companies and the security industry has been widely covered in the media over recent years.⁷⁵ Freedom of Information (FoI) requests made by the Guardian newspaper in 2012 found that 3,500 former senior military officers and Ministry of Defence officials had been approved for arms company jobs since 1996.⁷⁶ In 2015, the Guardian also reported on the large number employees of arms companies being seconded to positions at the Ministry of Defence (MoD) and other parts of government.⁷⁷ The article highlighted that: “Nine BAE executives were seconded to senior positions in the MoD’s Defence Equipment and Support branch, which has a £14 billion annual budget to buy and support equipment used by the Navy, Army and RAF”.⁷⁸

56. In evidence to PACAC, the Campaign Against Arms Trade (CAAT) said the arms industry is “generally considered to have one of the closest relationships with government”.⁷⁹ In order to increase transparency in this area, CAAT has developed an online browser to capture the meetings that Ministers and civil servants are holding with arms company executives. Through FoI requests, CAAT found that BAE Systems plc alone, (a British multinational defence, security and aerospace company) “enjoyed over 600 meetings” with government officials in recent years.⁸⁰ It cited one example on its online browser which, following a breakdown in diplomatic relations between the UK and Saudi Arabia “exposed the government resources devoted to helping BAE secure contracts to sell Eurofighter Typhoon jets”.⁸¹ It found that “from November 2011, when BAE was invited to pitch to the repressive United Arab Emirates, to December 2013 when negotiations broke down, Susanna Mason, the former Director-General Commercial at the Ministry of Defence (MoD) met with BAE to discuss United Arab Emirates 40 times”.⁸²

Recruiting expertise externally

57. In evidence to our inquiry, Private Eye journalist, Richard Brooks challenged the assumption that interchange between the public and private sectors is a good thing. He highlighted the potential risk of “groupthink” which could result in unchallenged, poor-quality decision-making.⁸³ He said:

74 [NAO Report, Conflicts of Interest, 27 January 2015](#) p 14

75 [Private Eye](#), No. 1426, September 2016, Public Servants, Private Paydays, p.21; [The Guardian 16 February 2015](#); [The Guardian 15 October 2012](#); [The Daily Telegraph 15 October 2012](#); [The Daily Telegraph 10 December 2011](#)

76 [The Guardian 15 October 2012](#)

77 [The Guardian 16 February 2015](#)

78 [The Guardian 16 February 2015](#)

79 Campaign Against Arms Trade ([ACB01](#)), para 4.

80 Campaign Against Arms Trade ([ACB01](#)), para 5.

81 Prior to the findings of the Foreign Affairs Committee inquiry into UK relations with Saudi Arabia and Bahrain in 2013, Saudi officials told the BBC they were evaluating their country’s historic relations with Britain. See: <http://www.bbc.co.uk/news/uk-politics-19943865>, 15 October 2012.

82 Campaign Against Arms Trade ([ACB01](#)), para 6.

83 A psychological phenomenon that occurs within a group of people in which the desire for harmony or conformity in the group results in an irrational or dysfunctional decision-making outcome.

There is an assumption that rarely goes challenged that somehow it is a good thing for expertise to be shared, and we need to get expertise in. But I think there is a danger that individual institutions lose their identity, and the healthy tensions you get between regulated and regulator, and between Government Departments that are setting policy and those who are affected by the policy. They ought to be making conflicting arguments, sorting it out between themselves. When you get this continual crossover you end up with groupthink, for one thing. I think that is a big problem.⁸⁴

58. The Government denies this risk, and it is evident from a number of recent reports, for example, [Contracting out Public Services to the Private Sector](#), published by the Committee of Public Accounts on 14 March 2014, and [The Revolving Door and the Corporate Colonisation of UK Politics](#) published by High Pay Centre on 25 March 2015, that the Government is keen to maintain and grow this interchange by recruiting expertise externally, often at great expense to the British taxpayer and - in the case of outsourcing - potentially out of reach of ACoBA's radar.⁸⁵ According to an NAO report, the *Use of Consultants and Temporary staff*, published in May 2015, 47 individuals were being paid more than £1,000 per day as temporary staff.⁸⁶ We contacted the Cabinet Office on 10 November 2016 to verify if such individuals were subject to the ACoBA rules, and if not, did they deem it necessary to apply appropriate and equivalent exit safeguard rules. The Cabinet Office responded on 28 March 2017 stating that the Rules are not applied to temporary workers and consultants:

The Business Appointment Rules apply to all civil servants, including those employed on fixed term contracts. Regarding temporary workers and consultants, as per the relevant CCS frameworks, we would expect contracts to have clear and robust confidentiality clauses. In addition, all potential suppliers should declare conflicts of interest when responding to requests.⁸⁷

59. It is also evident from the Foreign and Commonwealth Office report, *Future FCO Report*, published on 9 May 2016 that temporary staff via secondments *in* to the FCO will play a major role in the department's future strategy. The report states that it will establish a new unit to deliver more targeted and better valued secondments in and out, stating: "Secondments, interchange and inward transfer are vital means of injecting the FCO with new ways of thinking, wider networks and important skills".⁸⁸ The inclusion of "wider networks" within the FCO's strategy is very welcome but also suggests that the FCO is looking above and beyond acquiring new skills.

60. The current political climate poses ever greater pressures for the Civil Service to attract expertise from other sectors, particularly those which can support the post EU referendum workload and the requirement for new knowledge and skills, as well as for commercial, digital and other professional knowledge and skills. In addition to this, government reforms to the Civil Service continue alongside an increased reliance on the private sector in the delivery of public services. This shift in public-service delivery

84 Q 74 [Richard Brooks].

85 Committee of Public Accounts, *Contracting out public services to the private sector*, Forty Seventh Report of Session 2013–14, HC 777 [Incorporating HC 791, of Session, 2013–14] p 9; High Pay Centre, [The Revolving Door and the corporate colonisation of UK Politics](#), p.30.

86 National Audit Office, *Use of Consultants and Temporary Staff*, HC 603, Session 2015–16, 13 January 2016.

87 Cabinet Office (ACB15).

88 [Future FCO Report](#), 31 March 2016, p.24.

has brought recruitment of substantial numbers of contractors and temporary staff in to the Civil Service. Many of these people also contribute to strategy and policy development as well as managing major government contracts. They are gaining considerable inside Whitehall knowledge as they do so.

61. The risk arising from the interchange between the public and private sector is the opportunity it affords to the less scrupulous to conduct themselves in public office in the hope that the people who they are regulating or contracting with, or the relationships they are managing, will somehow prove fruitful to them at a future date.

62. While there is little hard evidence that the movement to the private sector is not conducted appropriately, the present ACoBA regime provides little, if any, assurance on this point. Parts of the private sector wish to recruit former public servants for their relevant knowledge and experience. But it is clearly unacceptable for public servants to use the contacts or experience they acquire in the public sector with the intention of securing a future private gain in this way. It is this possibility which opens them to the suspicion that they may have been conflicted during their time in public office. Nor should it be acceptable for private sector employers to recruit where there is a conflict of interest, since it may create an expectation in those still serving in the public sector that, all things being equal, they can anticipate that they will be treated in the same favourable manner at some future date as a consequence of the current office they hold.

63. The Rules currently do not define when and how a former public servant's knowledge and experience is considered to be used improperly, and whether or not certain appointments will be acceptable. It has become part of the culture in public life that individuals are entitled to capitalise on their public sector experience when they move into the private sector—the “new normal”—but there is a lack of clear boundaries defining what behaviour is or is not acceptable. *The Rules should be amended to include a clearly defined principle that at a minimum, public servants should avoid taking up appointments within a two year time period that relate directly to their previous areas of policy and responsibility when they have had direct regulatory or contractual authority within a particular sector.*

64. In Chapter 5, we discuss how the right values, principles and rules concerning the conduct of public servants in office and their future employment beyond the public sector can be better expressed in the Ministerial and Civil Service codes.

65. *It is obvious that consultants and temporary staff in Whitehall departments may have access to information which could be of use to private sector employers. The Government's response to us on this matter is unclear and does not confirm if consultants and temporary workers are subject to the ACoBA rules. The Government must be transparent about how such conflicts of interest are to be managed. If the ACoBA rules are not to be applied, then the Government should publish a code of conduct and a clear set of rules that will apply to temporary workers and consultants working in the public service.*

Public trust

66. As part of the ethos of British public service values, all public office holders are expected to uphold Lord Nolan's Seven Principles of Public Life, which have formed a

cornerstone for the development and clarification of general values for the public service in the UK over the last two decades.⁸⁹ Public trust is undermined when it is perceived that a public servant may not have upheld those Principles and may have placed their personal gain before the public interest.

67. There have been a series of damaging media headlines over the last few years that have only served to challenge and weaken public confidence in ACoBA's role to regulate the "revolving door". For example In January 2016, a [Daily Mirror investigation](#) reported that 25 former Ministers in the coalition government had taken paid roles in sectors they once oversaw. The list included former Energy Secretary, the Rt Hon Sir Edward Davey, who is now an [adviser to MHP Communications](#), the lobbying firm that conducts the bidding of EDF, the French energy giant to whom Mr Davey awarded the controversial contract for the Hinkley Point C power station.⁹⁰

68. To take a more recent example, on 20 January 2017, it was widely reported in the media, that the former Chancellor of the Exchequer, the Rt Hon George Osborne MP had accepted a post as an adviser to the BlackRock Institute, part of the BlackRock Investment Group, a global investment management company.⁹¹ Mr Osborne complied with the Rules for former Ministers, and referred the case to ACoBA. ACoBA noted in their advice to Mr Osborne that he had had contact both with BlackRock and with its competitors in the same field, and ACoBA advised Mr Osborne that they had sought reassurance from the Treasury that none of Mr Osborne's decisions were specific to BlackRock. They also consulted the Treasury Permanent Secretary whether he had any concerns about Mr Osborne taking up this post. ACoBA advised Mr Osborne as follows:

Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises the appointment be subject to the following conditions:

– you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in ministerial office; and – for two years from your last day in ministerial office you should not become personally involved in lobbying the UK Government on behalf of Blackrock Investment Institute or any part of the Blackrock group or its clients.⁹²

69. Some media outlets and individuals have challenged the propriety of this appointment, given that, as Chancellor, Mr Osborne will have taken decisions which have a direct effect on the business of BlackRock, and BlackRock even lobbied in favour of such decisions prior to their being taken. In his 2014 Budget speech the former Chancellor stated: "I am announcing today that we will legislate to remove all remaining tax restrictions on how

89 [The Seven Principles of Public Life](#), known as the Nolan Principles, were set out by Lord Nolan in 1995. They set out the ethical standards expected of public office holders and are included in the Ministerial Code.

90 In a special report; Public Servants, Private Paydays (16 September 2016), p.6, *Private Eye* highlighted an [approved ACoBA application by Dave Hartnett in 2013](#), former Permanent Secretary of HMRC, to take up an appointment with HSBC as a member of their 'financial systems vulnerabilities'. *Private Eye* reported that Hartnett had met "the bank half a dozen times to discuss the [Swiss tax evasion scandal](#) yet the approval letter for this job said his HSBC contacts were no more significant than the contacts he had with other banks operating in the UK".

91 <https://www.theguardian.com/politics/2017/jan/20/george-osborne-investment-advice-blackrock-fund-manager>

92 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585668/2017-01-24_lettertoGO-Blackrockfinal1.docx__1_.pdf

pensioners have access to their pension pots. Pensioners will have complete freedom to draw down as much or as little of their pension pot as they want, anytime they want”.⁹³ The Taxation of Pensions Act 2014 subsequently received Royal Assent on 17 December 2014.⁹⁴ Following Mr Osborne’s proposed pension reforms, Robert Kapito, President of BlackRock told investors that up to \$25 billion of UK pension savings annually now is “money in motion”, thanks to the Government’s decision to remove an effective requirement for pensioners to buy annuity. It added that BackRock was “uniquely positioned because of our multi-asset strategies and our product development specifically tailored to the retirement area.”⁹⁵ There is no way of knowing whether or not he will “draw on (or disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information”.

70. We have taken no evidence with regard to Mr Osborne’s acceptance of the BlackRock appointment and as such cannot make a judgement on his personal conduct at this point. ACoBA has sought reassurances from senior civil servants, and this itself might be thought to be enough to deter a person from accepting such an appointment within the two year restricted period. However, such assurances rely on senior civil servants who themselves may be seeking employment outside the public service, and therefore who will be subject to the same ACoBA process.

71. The only justification for a Minister or civil servant taking public or private sector employment in a field for which they had responsibility is where they might be returning to or continuing to work in an occupation or profession where they already had an established track record and experience. In these circumstances it may still be necessary to impose the maximum cooling-off period.

72. In a less remarked case, Mr Osborne’s former special adviser at HM Treasury, Mr Rupert Harrison, also joined BlackRock. On 28 May 2015, ACoBA approved Mr Harrison’s request for permission to become Managing Director of their Dynamic Diversified Growth, Multi Assets division. In its approval letter, ACoBA said it “had also taken into consideration the fact that HMT supports Mr Harrison’s appointment and does not consider that there are any conflicts of interest or commercially sensitive issues to consider”.⁹⁶

73. PACAC makes no judgement of the conduct of any of the individuals we mention in this report. However, the cases cited illustrate the point that, as it currently operates, neither the ACoBA process nor the Rules it administers, are sufficiently robust to command public confidence in its advice and decisions, or capable of protecting the reputation of those who have complied with its rules and followed its processes.

74. While drafting this report, it has also been reported that Mr Osborne has accepted the appointment as Editor of the Evening Standard, without waiting for advice from ACoBA. At the time of writing, we await ACoBA’s response to Mr Osborne’s decision to accept this

93 <https://www.gov.uk/government/speeches/chancellor-george-osbornes-budget-2014-speech>

94 House of Commons library standard note SN7036. Taxation of Pensions Bill 2014–15, debates in Parliament.

95 *The Financial Times*, 18 April 2014, Black Rock Challenges UK pension providers <https://www.ft.com/content/61162aae-c64f-11e3-9839-00144feabdc0>

96 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437626/Letter_to_Department_-_Harrison_-_HMT_FIN.pdf

appointment, and whether they believe the appointment would comply with the Business Appointment Rules if they were given time to consider the matter in accordance with the Rules.

75. We disapprove of the announcement of Mr Osborne’s appointment as Editor of the Evening Standard without waiting for ACoBA’s advice. This demonstrates disrespect for ACoBA and for the Business Appointment Rules and sets an unhelpful example to others in public life who may be tempted to do the same. Whilst ACoBA remains a non-statutory body without any power of redress, the system remains open to similar abuses. On this and on the BlackRock appointment, we have invited Mr Osborne to give oral evidence to PACAC in order to explore the details of the abovementioned appointments as part of our scrutiny of the ACoBA system; and we expect our successor Committee in the new Parliament to renew this invitation.

76. The link between the actual integrity of people in public life and changes in public confidence is hard to establish. Since 2004 the Committee on Standards in Public Life has regularly commissioned surveys of public attitudes towards integrity in public life that provides a time-series data of changing attitudes and values toward public institutions and public office holders, but the questions used in such surveys and therefore the data are highly subjective. Rapidly changing public values and attitudes suggests there is little consensus on causality.⁹⁷ Professor Philp, Chair of the Committee on Standards in Public Life’s Research Advisory Board says that “in the UK most people do not have confidence that high standards are maintained in public institutions, and they are sceptical about the efficacy of measures that are in place to enforce standards”.⁹⁸ He said :

In general regulatory changes probably do not have a direct impact on public attitudes. Nor do reports saying that all is well. What matters is that the institutions are seen to respond quickly, proportionately and effectively, and that institutions responsible for enforcing regulation or advisory codes and standards are seen to act impartially on principles that the public can understand and that they think reasonable.⁹⁹

77. In response to the question about whether ACoBA commanded extensive public confidence, Baroness Browning said she doubted that many members of the public know that ACoBA exists, and she agreed that this is worrying.¹⁰⁰ Professor Philp, Chair of the Committee on Standards in Public Life’s Research Advisory Board said that if ACoBA is serious about improving public confidence it needs to realise that it “is most likely seen by many as another case of insiders regulating themselves on the basis of gentlemanly advice”.¹⁰¹ He acknowledges that the public’s expectations are “in some respects unreasonable and often ill-informed” but suggests that “identifying clear, carefully articulated principles and publicly defending them should play a role in informing expectations and public debate”.

78. Alexandra Runswick, Director of Unlock Democracy highlighted a further potential challenge for ACoBA: its lack of powers to proactively investigate those who do not seek ACoBA’s advice. She told us how LinkedIn can prove more informative than the ACoBA website about what jobs former public officials have taken, and she said:

97 [CSPL surveys of public attitudes](#)

98 Committee on Standards in Public Life ([ACB07](#)) 3.1

99 Committee on Standards in Public Life ([ACB07](#)) 4.1

100 [Qq86–87](#)

101 Committee on Standards in Public Life ([ACB07](#)), point 5.4.

If you have a body where LinkedIn is a more accurate record of what people are doing now in terms of the “revolving door”, then I think there is a very strong argument that that body needs to be changed.¹⁰²

79. In her evidence to us, Baroness Browning said that they do check LinkedIn but suggested that the key problem is that they “do not have either a remit or the resources to investigate who does not come to us”.

80. *It is of great concern to the Committee that websites like LinkedIn may be providing the public with a more accurate record of the “revolving door” than ACoBA. This reinforces the impression that the regulatory system for monitoring post public employment of former public servants allows, and even approves of, appointments being taken up in pursuit of personal gain and contrary to the public interest. This must change. While ACoBA is constituted on the present basis, it should carry such information on its website so it can command public confidence that it knows what is going on.*

81. *In its current form, ACoBA does not have the remit or resources to investigate those who do not seek their advice or to monitor non-compliance of the Rules. Consequently the system is open to abuse, where former public servants may potentially evade the Rules. In the absence of other reforms, the Government should at the very least furnish ACoBA with sufficient additional resources to investigate and monitor non-compliance with ACoBA rules including those who do not approach ACoBA in the first instance.*

Transparency of ACoBA’s decision making process

82. In her appearance before PACAC on 19 April 2016, Baroness Browning told us that since 2012, ACoBA “have done a lot” to ensure greater transparency, including publishing minutes of their meetings four times a year and putting all of their casework on to the ACoBA website, which is now hosted on the Government website.¹⁰³

83. However, many of our witnesses spoke about a lack of transparency with regard to ACoBA’s decision making process.¹⁰⁴ This included, retrospective applications for appointments already taken up, or publicly announced by the future employer ahead of the appointment, and advice from ACoBA that is not published when advising former public servants *not* to take up an appointment. Unlock Democracy and Spinwatch stated that a quarter of cases that ACoBA dealt with from 2011–12 were “retrospective applications”.¹⁰⁵ In their view “it is clear that ACoBA is not always taken seriously”.¹⁰⁶

84. Currently, ACoBA only publishes its advice to applicants once an appointment has been taken up. Transparency International suggest that ACoBA should disclose full information about the procedures for assessing applications and the reasons for its judgements.¹⁰⁷ They noted that “the current system does not lend itself to building public

102 [Q2](#) [Alexandra Runswick]

103 Oral evidence taken before the Public Administration and Constitutional Affairs Committee, 19 April 2016, [Q 87](#) [Baroness Browning].

104 UK Open Government Civil Society Network ([ACB03](#)), point 17; Campaign Against Arms Trade ([ACB01](#)), point 9.

105 The Government amended the Rules in 2014 to make clear that retrospective applications will not normally be accepted; Unlock Democracy and Spinwatch ([ACB06](#)), point 12.

106 Unlock Democracy and Spinwatch ([ACB06](#)), point 6.

107 Transparency International UK ([ACB02](#)), Key recommendations, point 3.

confidence in the integrity of the UK’s political institutions”.¹⁰⁸ They pointed out that trust in government is damaged by appointments that may have the “appearance of impropriety, even if it often remains unclear whether an actual distortion of public policy has taken place”.¹⁰⁹ A *Private Eye* magazine special report on the “revolving door”: *Public Servants, Private Paydays* comments that, of the 394 jobs for which Ministers have sought clearance since 2010, ACoBA has not publicly refused any.¹¹⁰ Unlock Democracy and Spinwatch told us that this “lack of strong government regulation of business appointments can make it seem like the Government is complicit in public officials exploiting positions”¹¹¹ with “no tangible consequences” for non-compliance of the Rules.

85. *Private Eye* journalist, Richard Brooks told us that “former senior officials and their new employers see the process as a mere rubber stamp”.¹¹² In written evidence, he referred to the case of former acting permanent secretary to the Treasury, Sir John Kingman, whose appointment as Chairman of Legal & General was announced on 28 June 2016 by the company, to the Stock Exchange, with personal comment from Sir John before ACoBA had advised on the appointment.¹¹³ In its approval letter to Sir John, ACoBA noted that at HMT he “had occasional dealings with Legal & General, including participation in very occasional gatherings of senior insurance executives organised by the Association of British Insurers ... but that the main relationship with HMT had been managed elsewhere in the department”.¹¹⁴

86. In 2012, concerned about senior public servants’ lack of awareness of the Rules and ACoBA’s receipt of retrospective applications, PASC’s [Business Appointment Rules](#) report recommended that public sector candidates should be made explicitly aware of the Rules before taking up a post, and at appropriate intervals during their public service career, such as on promotion or when moving between departments.¹¹⁵ The Government accepted these proposals for increased transparency and in addition stated that the Rules should clarify that “retrospective applications will not normally be accepted”.¹¹⁶ Despite this change to the 2014 Rules, it is evident that this Rule continues to be flouted.

87. We commend the Chair of ACoBA for taking steps to improve the transparency of the Committee’s work. However ACoBA does not engender public trust and transparency by publishing its advice to applicants only once appointments are taken up. The advice given can seem opaque and bears little relation to the perceived conflict being addressed, as far as the public is concerned. It is not known how many appointments are not taken up as a consequence of its advice. This is a perverse shortcoming of the whole concept of ACoBA that it’s visible work is seen as giving

108 Transparency International UK ([ACB02](#)).

109 Transparency International UK ([ACB02](#)).

110 *Private Eye*, 16 September 2016, *Public Servants, Private Paydays*, p.1, N.B: ACoBA may occasionally advise that a post is unsuitable, however we do not know how often this occurs as this information is not currently publicly available.

111 Unlock Democracy and Spinwatch ([ACB06](#)).

112 Richard Brooks ([ACB0005](#)), point 6.

113 www.legalandgeneralgroup.com/investors/news_releases/releases.asp?newsid=2897 accessed 1 December 2016; [ACoBA advised that Sir John Kingman should not take up his new post until 22 October 2016](#)

114 [ACoBA approval letter to Sir John Kingman](#), 13 October 2016.

115 The Public Administration Select Committee, [Business Appointment Rules](#), Third Report of Session 2012–13, 25 July 2012, HC 404 [incorporating HC 1762–i–v, Session 2010–12], p.14; para 41.

116 [The Business Appointment Rules for Civil Servants, including Special Advisers](#), October 2014, point 6.

permission to individuals to take up employment, rather than as enforcing high standards of conduct by being seen to advise against it. It is damaging to the reputation of the public service and of those who subject themselves to the system.

88. The Rules state that retrospective applications will not normally be accepted but it is clear from press coverage that this element of the Rules is meaningless. ACoBA can choose not to accept an application but this does not stop individuals taking up the post regardless of the lack of advice from ACoBA about its propriety. Currently, the only action that the Committee can take in response to a retrospective application is to send a letter conveying its displeasure. This does not instil public confidence in a system that was established to prevent any perceived or actual impropriety that may result from moving between the public and private sector. Ministers and senior civil servants seem complacent about the effect that this has on public confidence in the values of people who lead in politics and in Whitehall.

Transparency in the media

89. In 1995, Lord Nolan proposed that transparency of breaches of the Rules could be exposed by “a free press using fair techniques of investigative journalism”.¹¹⁷ Yet despite extensive media reporting of high profile “revolving door” controversies, and ACoBA’s application approval process—the resulting reputational damage has done little to deter former Ministers from taking up employment in sectors for which they have had dealings while in public office, a trend on the increase, as reported in ACoBA’s latest annual report.¹¹⁸

90. Transparency International UK told us that ACoBA’s “lack of monitoring capacity” means that scrutiny of senior public servants’ post public employment falls to the media who are not always interested in portraying the complexities of cases, “with some media tending to sensationalise the risks and ignore any potential benefits”.¹¹⁹ Richard Brooks however highlighted the challenges that journalists can face in obtaining access to transparent information to enable accurate reporting of any breaches of the Rules:

I have made freedom of information requests to ACoBA for the relevant applications and been refused on the grounds of opening up the process would impair Ministers’ and officials’ cooperation with it. I believe that, on the contrary, it would force applicants to give accurate accounts of their prior involvement with a potential employer for fear of having any misstatements or down-playing of such matters exposed.

91. On 3 November 2015, the Daily Telegraph won a Freedom of Information (FOI) battle to uncover ACoBA advice on taking up private sector work, given to former Prime Minister, Tony Blair. It was reported in 2008 that Tony Blair “would be earning around £2 million a year in his part-time role as adviser to the Wall Street bank JP Morgan”.¹²⁰ In this recent FOI case, the Final Tier Tribunal (FTT) concluded that:

117 [Standards in Public Life First Report of the Committee in Standards in Public Life Volume 1 Report, May 1995 p16, para 5.](#)

118 [Advisory Committee on Business Appointments Seventeenth Annual Report 2015–16](#)

119 Transparency International UK (ACB02).

120 <http://www.telegraph.co.uk/news/politics/labour/1575247/Tony-Blair-to-earn-2m-as-JP-Morgan-adviser.html>

ACoBA's reliance on the qualified exemption in section 36 (2) was unreasonable as it failed to take account of the committee chair's own evidence to Parliamentary committees on the importance of investigative journalism and the "court of public opinion" in helping ensure that Ministers followed the advice it gave on whether they should take up various private sector appointments or work.¹²¹

92. The central role of the media in holding former public servants to account, by publishing apparent or actual breaches of the Rules, can in part be attributed to ACoBA's limited powers and remit to effectively investigate the risk of business appointments and monitor compliance.

93. **Whilst Lord Nolan was right to suppose that transparency of breaches in the Rules could and should be exposed by using "fair techniques of investigate journalism", the media cannot report accurately without access to detailed and accurate information from ACoBA. Nevertheless, it is completely unacceptable to continue to rely on media coverage to expose perceived or actual breaches of the Business Appointment Rules, where all discussions are conducted in public and no sanctions are seen to be imposed. This continued trial by media only serves to further weaken public confidence, and runs the risk of being unjust. The media also have regard to their own commercial interests in pursuing such stories, and therefore cannot themselves claim to be unconflicted. Nor is the "court of public opinion" impartial or objective about such matters, and therefore it cannot be a fair means of applying what should be a matter of public policy.**

94. *ACoBA should disclose full information about its procedures for assessing applications and the reasons for its judgements. The Committee should also publish applications on receipt, and ahead of the judgements it issues on them, to enable journalists, those who may have had official dealings with the individual, and relevant others, to draw any misrepresentation to the Committee's attention. ACoBA would then be seen to be doing its job and this would reinforce public confidence in ACoBA and its processes. This would also deter people from making some more tendentious applications, and potential employers from making more tendentious job offers, for fear of the reputational consequences.*

121 <http://www.pressgazette.co.uk/telegraph-wins-foi-battle-over-advice-to-tony-blair/>;

Section 36 (2) provides an exemption if disclosing the information would be likely to inhibit the free and frank provision of advice or would be likely to prejudice the effective conduction of public affairs.

5 The importance of values and of the principles behind the Rules

95. The values and principles governing integrity are currently set out in three main sources: the Ministerial Code, the Civil Service Code and the Civil Service Management Code (CSMC).¹²² All three codes are based on the Seven Principles of Public Life (the Nolan Principles). Ministers are solely responsible for the governance and content of both the Ministerial and Civil Service codes, as they are for the Business Appointment Rules (the Rules).

- a) The Ministerial Code reiterates the Nolan Principles but is largely a list of rules and procedures for Ministers to observe while in office. It opens with the “General principle” that “Ministers for the Crown are expected to behave in a way that upholds the highest standards for propriety”, and under “principles of ministerial conduct” it states: former Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests.” Paragraph 7 deals with “Ministers’ Private Interests”. This is almost entirely taken up with the question of how Ministers should address their current interest, though paragraph 7.7 states, “Ministers’ decisions should not be influenced by the hope or expectation of future employment with a particular firm or organisation”. This represents a mere 20 words in a document of more than 9,000 words. There is no text or guidance about how to be alert to, or to manage, this particular potential conflict. At the same time however, we also need to be mindful of younger Ministers’ legitimate aspiration to earn a living post public office. Achieving ministerial office is not necessarily deemed to be the pinnacle of an individual’s career, nor indeed a job for life. Paragraph 7.25 makes reference to the Business Appointment Rules to be observed but only “On leaving office”.
- b) The Civil Service Code is a high-level statement outlining the Civil Service’s core values (“integrity”, “honesty”, objectivity” and “impartiality”) and the standards of behaviour expected of all civil servants in upholding these values.¹²³ This is backed up by the CSMC, which is a more detailed manual outlining civil servants’ terms and conditions of service for Government Departments and agencies.¹²⁴

96. From these values it is possible to deduce indirectly that a civil servant should never use their public office to benefit a prospective third party in anticipation of an offer of future employment. However, the Code places no explicit obligation on civil servants never to act in a way that furthers a post-public employment objective, as in the Ministerial

122 See the Ministerial Code: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/579752/ministerial_code_december_2016.pdf ; the Civil Service Code: <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>, and the Civil Service Management Code: <https://www.gov.uk/government/publications/civil-servants-terms-and-conditions>

123 <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code>

124 The Civil Service Management Code was issued under the authority of Part 1 of the Constitutional Reform and Government Act 2010 authorising the Minister for the Civil Service to regulate the whole Civil Service, including terms and conditions of service. <http://www.legislation.gov.uk/ukpga/2010/25/part/1>

Code. It therefore lacks the clear principle which would express their obligation to give their total commitment to public service and which refers clearly to their conduct in their public employment.

97. The CSMC does link the Civil Service Code’s four high-level values directly to post-public employment but primarily only as a justification for the operational rules to be applied by ACoBA and departments in granting or withholding approvals, rather than as a statement of overriding principle guiding the behaviour of public servants themselves, and while they remain in office¹²⁵. Moreover what little is said is only set out in an annex (Annex A, S 4.3.1 of the CSMC), rather than in the main body of ethical requirements. This relegates the statement from a fundamental principle, while holding office, to a compliance regulation on exit. In fact we note that in a document of 30,000 words, the “principles” section of the CSMC takes up a mere twenty-three lines. Moreover, as with the Civil Service Code, it does not explicitly mention the importance of the principles that should guide office-holders when in office, and when seeking subsequent private-sector employment.

98. PACAC took advice from Dame Janet Paraskeva on the operation of rules for regulating conduct. This advice was reflected in our submission to the Parliamentary Commissioner for Standards on the revised Code of Conduct for MPs.¹²⁶ As well as having clear rules for governing conflicts of interest in respect of post-public employment of Ministers and public servants, it is also vital and in the public interest to have a clear statement of the principles to underpin and inform the rules. It should also be clear that these principles rest upon and reflect the values by which we expect Ministers and public servants to live in their working lives. Moreover, the values, principles and rules and their purpose must be understood. Otherwise there is a danger that individuals interpret the rules, or absence of a particular rule, in such a way as to justify their conduct, or even as implicit permission to do something which conflicts with the intended purpose of the rules.

99. As highlighted in PASC’s 2012 report, [Business Appointment Rules](#), the Rules are for the most part focussed on the procedures to be followed, rather than on values and principles. They are not clear about the principles that should guide individuals’ conduct and inform ACoBA’s advice¹²⁷. Such principles, if clear and published, would also serve as a guide to better inform the behaviour and attitudes of public servants. This should be ACoBA’s prime purpose: to influence and to promote attitudes and behaviour. Only the first three paragraphs address the “Key principles” and “aim” of the Rules, while paragraphs 4 to 22—the bulk of the Rules—focus on “Who must apply, when and how”. This means that these so called rules are merely procedures to be followed.

100. Private Eye journalist, Richard Brooks highlighted the importance of principles in preventing potential conflicts of interest:

I think you do not have hard and fast rules; you have principles. Your code has principles and you have commissioners, or Committees like yours that

125 Civil Service Management Code, November 2016: Chapter 4, <https://www.gov.uk/government/publications/civil-servants-terms-and-condition>.

126 <http://www.parliament.uk/documents/5-Written-evidence-Review-of-Code-2016.pdf>

127 The Public Administration Select Committee, [Business Appointment Rules](#), Third Report of Session 2012–13, 25 July 2012, HC 404 [incorporating HC 1762–i–v, Session 2010–12], para 38.

can pass judgment on whether those principles have been followed. You say that a principle, for example, is that you do not take a job in an area where you have had influence in public life. It is pretty simple.¹²⁸

101. Professor Philp, Chair of the Committee on Standards in Public Life Research Advisory Board said that “institutions responsible for enforcing regulation or advisory codes and standards” should be “seen to act impartially on principles that the public can understand and that they think reasonable”. Unlock Democracy and Spinwatch shared this view and highlighted that within the Rules “there is no indication of any thresholds of appropriateness in each of these areas”.¹²⁹ They believe that this therefore “makes the judgment entirely subjective, which without detailed justifications, makes public or parliamentary scrutiny difficult”.¹³⁰ The UK Open Government Civil Society Network told us that “increased clarity around decision-making guidelines is also necessary to allow the press, public and wider civil society to engage with and scrutinise the Committee’s decisions”.¹³¹

102. In PASC’s report, [Business Appointment Rules](#), the Committee proposed that these principles should be made explicit, and should be consistent for all applications (whether considered by ACoBA or departments, and whether from former Ministers or civil servants).¹³² At present, the Rules state “there should be no cause for any suspicion of impropriety” in respect of former Ministers and civil servants taking up appointments after leaving public office. Again, there is no explanation or guidance setting out what steps should be followed to avoid any such suspicion. The Rules themselves are more concerned with the ACoBA procedures. The Government rejected this proposal, stating that the “Rules for both former Ministers and former civil servants, strike an appropriate balance between explaining the propriety aims and principles that underpin them, and the practical process that applicants need to follow in submitting an application under the Rules”.¹³³

103. In an age where a certain set of shared values can no longer be assumed to be embedded in our society, the Government must set out clear values and a clear set of principles to define how public servants should think about their future career moves and their subsequent career outside of the public sector. These values and principles need to be made explicit and understood by public servants, in order to foster an improvement in attitudes and behaviour, in order to challenge what has become the established culture—the “new normal”. As such they should be included in amendments to the Ministerial Code and the Civil Service Code. This is a pre-requisite for strengthening public confidence, which is lacking in the current operation of ACoBA and the Business Appointment Rules.

104. The key principles should be that no one takes a job for a specified period, currently two years, in which there is a perceived conflict of interest with their past employment in the public service, and no one should have a job in the public service in which there could be a perceived conflict with their past career in the private sector. This would address the

128 [Q69](#)

129 Unlock Democracy and Spinwatch ([ACB06](#)), point 16.

130 Unlock Democracy and Spinwatch ([ACB06](#)).

131 UK Open Government Civil Society Network ([ACB03](#)), point 19.

132 UK Open Government Civil Society Network ([ACB03](#)).

133 The Public Administration Select Committee, [Business Appointment Rules: Government Response to the Committee’s Third Report of Session 202–13](#), First Special Report of Session 2014–15, HC 563, para 15.

concern that a public servant’s conduct in public office is being compromised by their hope of gaining employment from the companies they deal with in their work. The head of the Civil Service and the Prime Minister are personally responsible to Parliament for ensuring that Ministers and civil servants follow such a set of principles. At present this responsibility is not being adequately fulfilled.

105. *PACAC recommends the Government should adopt the principles and incorporate the following text into the Civil Service Code*

“You must:

- take decisions in the public interest alone*
- never allow yourself to be influenced in contracting, procurement, regulation or the provision of policy advice, by your career expectations or prospects if you leave the public service*
- always report to your line managers any offers of jobs or other rewards, or any informal suggestions of such rewards, that may have, or be reasonably seen to have a bearing on your role as a public servant*
- take particular care in your relations with former colleagues who may seek to influence your decisions as a public servant*

“You must not:

- take up any post outside the public service in businesses or [commercial] organisations operating in areas where you have been directly responsible in the previous [currently] two years for any form of contracting, procurement or regulation”¹³⁴*

106. *These principles (also set out in out in Appendix 2 to this report) set out how public servants should behave in respect of private sector interests while conducting their work in the public sector, and how they should therefore conduct themselves in respect of any move or potential move to the private sector. As well as informing the purpose and scope of the ACoBA rules, leaders in the public sector must impress upon all public servants, the need to reflect these principles in their attitude and behaviour, in respect of potential private sector employers. Without greater clarity and understanding of what moral behaviour is expected of public servants, the culture that has become established in public life that individuals are entitled to capitalise on their public sector experience when they move into the private sector without clear boundaries—the “new normal”—will become ever more entrenched, and public confidence in the effectiveness of ACoBA’s advice to former Ministers and civil servants will diminish further.*

107. *Equivalent text should also be included in the Ministerial Code.*

108. *The Civil Service Management Code should also be amended along the lines set out in Appendix 2. Only by reinforcing these principles while civil servants are in*

¹³⁴ This injunction is to last for whatever period is determined by your employing department, or, in the case of officials at SCS 3, by the Advisory Committee on Business Appointments. For a specified period, [currently] two years after leaving the public service you may not take any employment without the specific prior approval of your department or the Advisory Committee. These requirements form part of your conditions of employment as a public servant, as set out in the Civil service Management Code.

office will it be possible to inculcate a strong public-service ethos that continues to influence the behaviour of office-holders once they have departed public service. At that career point, other than through post-employment enforcement, which presents difficulties of its own, principles can only affect behaviour if they have already been very strongly internalised. In the Committee's view this makes it all the more urgent that the Government moves quickly to revise both the Civil Service Code and the Civil Service Management Code in the way we propose.

Making Ministers and civil servants aware of the Rules

109. The ACoBA 2015–16 annual report states that the Rules for civil servants can be found on the ACoBA website and departmental intranets. The report also notes that “the Ministerial Code for the UK Government, Scottish Government and Welsh Government all require former Ministers to seek the Committee’s advice before taking up appointments in the two-year period after they leave Ministerial office”.¹³⁵ At the time of our oral evidence sessions, [October 2016] the only reference to the Rules in the Ministerial Code was made in paragraph 7.25.¹³⁶ Baroness Browning was aware of this lack of prominence and in November 2015 recommended in correspondence to the then Cabinet Office Minister, the Rt Hon Matthew Hancock MP that the Rules should be annexed in full to the Ministerial Code.¹³⁷ Chris Skidmore MP told us that the Cabinet Office is keen to work out how it “can communicate more effectively, either to Ministers or civil servants that the rules and regulations should be taken seriously”. He added that “when it comes to, for instance, appending the rules to the Ministerial Code, that will be taking place”.¹³⁸ While this report was in draft the Cabinet Office annexed the Rules in full to the Ministerial Code, which was published on 21 December 2016.¹³⁹

110. In relation to guidance to civil servants and departmental managers, Professor Hine suggested that much more could be done to increase the prominence of the Rules in the Civil Service Management Code (CSMC), parts of which (especially section 4.3) constitute a more detailed and instructive code of professional ethics for civil servants than the Civil Service Code.¹⁴⁰ He noted however that recent versions of the CSMC seemed to have lost important parts of the guidance on post-employment ethics that had been present in earlier versions of the Code.¹⁴¹ In particular he noted that the helpful and detailed statement to departments on the principles to be used in handling applications for post public employment was no longer present.¹⁴²

111. *The guidance to civil servants and departmental managers which has for some reason been removed from the Civil Service Management Code should be reincluded in a prominent position. It is reproduced at the end of this report as Appendix 1. We believe this is important for all civil servants, including those below the level of SCS3*

135 [ACoBA 2015–16 Annual Report](#), p.14; para 44.

136 Reference to the Rules is made in the main body of the [Ministerial Code, December 2016](#), p.18; para 7.25.

137 [Supplementary evidence from Baroness Angela Browning](#), Chair, Advisory Committee on Business Appointments (ACO 01)

138 [Q 265](#)

139 Cabinet Office ([ACB15](#)).

140 Civil Service Management Code, see Section 4.3: <https://www.gov.uk/government/publications/civil-servants-terms-and-conditions>

141 Professor David Hine ([ACB13](#)), para 10.

142 Civil Service Management Code 2006, Annex 4.3 B: Guidance to Departments and Agencies on the Rules on the Acceptance of Outside Appointments by Crown servants. <http://webarchive.nationalarchives.gov.uk/20110112043301/civilservice.gov.uk/about/resources/csmc/index.aspx>

who on transfer out of public service, will have their post-employment requests dealt with by their departments. It also needs to be reinforced in respect of departmental officials who deal with such requests. It is vital that the principles are clearly defined in the Civil Service Management Code, which is in matters of procedure, just as important as the ethical guidance contained in the shorter and more generic Civil Service Code.

Embedding ethical standards

112. It is one thing to have guidance published; it is another for Ministers, civil servants and departmental managers to be aware of it and to internalise it. Currently, the Government does not provide much if any training in ethics to civil servants and Ministers. In response to a question about how the Government can embed ethical standards by changing organisational culture, Alexandra Runswick, Director of Unlock Democracy said that “a lot of it is about training” but that “there was some resistance to that because the concern was if you have ethics training, the suggestion is that you didn’t have ethics beforehand, and it gets caught up politically. A lot of it is about the values of the organisation, understanding that transparency is not a threat”.¹⁴³

113. In its report, *Ethics in Practice: Promoting Conduct in Public Life*, published in 2014 the Committee on Standards in Public Life looked at the issue of embedding ethical standards.¹⁴⁴ It concluded that leadership was key to embedding ethical standards and that leaders should specifically accept, promote and participate in “the guidance and education, and in particular the induction training, that formed Lord Nolan’s third thread for ensuring that the Principles were understood and the highest standards of propriety in public life established and maintained”.¹⁴⁵

114. **We welcome the Government’s action to append in full the Business Appointment Rules to the Ministerial Code. We believe this will help to ensure that Ministers are fully aware of the Rules and hence what is expected of them if they move into the private sector. We recommend that the statement on principles to be used in handling applications for post public employment, as included in the 2006 Civil Service Management Code (CSMC), also be attached as an annex to the Ministerial Code. We also recommend that this is reincluded into the CSMC itself, as used to be the case.**

115. **A principles-based system, if it is effectively taught by leaders and learned by everyone to be intrinsic to the public service, creates an expectation that individuals will act with integrity and regulate their own behaviour and attitudes according to those principles. If people are expected to be alive to conflicts, actual, potential and perceived, and that they will exclude themselves from decision-making where such conflicts arise, they are far more likely to behave accordingly. We commend the research undertaken by the Committee on Standards in Public Life to address how principles can be embedded into public service. The Government must ensure that compulsory training on the principles of public ethics and standards are provided as**

143 [Q 33](#)

144 [Committee on Standards in Public Life, Ethics in Practice: Promoting Conduct in Public Life](#), July 2014, p.32.

145 The Seven Principles of Public Life were accompanied by three ‘threads’ intended to establish the principles in practice: codes of conduct, independent scrutiny, and guidance and education. See [Commons Library Briefing Paper 04888](#), 27 May 2015, p.6.

part the induction process for any new public servant, including for new Ministers. This must be reinforced in leadership training provided to public servants, whenever they are moved to a new appointment and again on departure from public office.

6 Revisiting statutory enforcement of the Business Appointment Rules

116. In 2012, PASC proposed that ACoBA should be abolished in favour of statutory ethics regulation with a code of conduct and enforceable statutory penalties, overseen by an independent ethics Commissioner. The Government rejected this on the basis that there was “already a good level of compliance and did not believe the introduction of a Commissioner would provide any “tangible increase in compliance”.¹⁴⁶

117. The Government remains firmly against statutory regulation of ACoBA. Chris Skidmore MP, Minister for the Constitution explained: “What I do not want to happen is that we move away from public service and end up with public serfdom, which is the risk if we create a statutory body and we turn around to people and say, ‘I am sorry, but once you are here, it is a job for life’”.¹⁴⁷ The Committee too is against serfdom, but does not believe the alternative is a free-for-all. It believes that much more needs to be understood about the extent of flows between the private and public sectors (in both directions) and this requires fine-grained analysis of not just the benefits of interchange but also their costs. In her evidence, Baroness Browning said that “a cost-benefit analysis should be undertaken of a statutory scheme with a prohibited period at the end of public service/ministerial office”.¹⁴⁸ Until such analysis is undertaken she suggests it will be “difficult to judge the merits of a move from an advisory committee to a statutory one”. As an alternative, Baroness Browning would like to see a “more flexible system” to enable ACoBA itself to propose and “consider enhancements to the Rules”.¹⁴⁹ This chapter examines the benefits and risks of statutory regulation of ACoBA.

118. Lord Bew, Chair of the Committee on Standards in Public Life suggested that there was “room for a debate about statutory status of ACoBA and for a debate about the Canadian model”.¹⁵⁰ However, he emphasised that it is a complex area to get right.¹⁵¹ Similarly, Sheila Drew Smith said that although “statutory footing may signal change” the challenge of codification still remains. She questioned for example how “lobbying”, “transfer of information”, and “inappropriate personal gain” would be defined.¹⁵² In recent correspondence (29 March 2017) to the Chair of PACAC, Lord Bew reaffirms his support for ACoBA and the possible need for statutory intervention if ACoBA is not given the “respect and time it needs to fulfil its role”.¹⁵³

119. There are two aspects to the question of statutory status. The first is the merit of giving a statutory footing to an agency that currently is simply an advisory non-departmental government body: a matter of status alone, irrespective of whether changes were made to the standard restrictions as they exist in current ACoBA advice. The second concerns the restrictions themselves, a matter that can be sub-divided into various parts: whether

146 [The Public Administration Select Committee, Business Appointment Rules: Government response to the Committee's Third Report of Session 2012–13, First Special Report of Session 2014–15, HC 563, p 9, para 32](#)

147 [Q 251 O](#)

148 ACoBA (ACB08), point 4.

149 ACOBA (ACB08), points 4; 7– 8.

150 [Q 108](#)

151 [Q 109](#)

152 [Q 112](#) [Sheila Drew Smith]

153 <http://www.parliament.uk/documents/commons-committees/public-administration/Letter-from-Lord-Bew-to-Bernard-Jenkin-MP-regarding-ACoBA-Independent-adviser-on-Ministers-interests-inquiry-29-03-17.pdf>

the range of powers a new statutory agency uses should be different from those currently employed by ACoBA; whether the current powers should simply be used more flexibly; or whether the change in powers should include wider powers of follow-up and investigation, and the power to impose penalties for non-compliance.

120. We continue to see merit in a statutory scheme on both fronts. ACoBA’s current status, and its power only to give “advice” self-evidently weakens the authority of its judgements. Statutory status, even without enhanced powers, could bring significant gains in terms of status and visibility, perceptions of independence, and moral leadership. If statutory status were accompanied by enhanced powers as regards the length of prohibited periods and the powers of ACoBA to investigate breaches of the conditions it imposes, as well as powers to penalise non-compliance with the Rules, the gains could be even more significant. There could also be sufficient penalty for failure to comply with these principles. The current system fails to a large extent due to the knowledge that there is limited, if any, penalty for non-compliance with the Rules.

121. The precise form of these additional powers requires further consideration. We asked our Special Adviser, Professor Hine, to consider how evidence for any particular set of statutory powers might be assembled.¹⁵⁴ On the matter of enhanced powers, his view is that such an analysis would probably show that legislation should not seek to lay down any form of single statutory condition such as a one-year prohibited period for those who have previously worked as regulator, contractor, or policy-maker in the area in which they seek to work after leaving public service, since this is likely to prove inflexible and costly. Rather the Committee believes the powers should include a “norm” (which itself might be a standard one-year period), but also the discretionary power to vary the norm up or down depending on how seriously the statutory agency viewed the ethical risk involved in the particular case. This follows the current ACoBA practice, and would include the flexibility, as now, to approve the immediate acceptance of a post accompanied by conditions surrounding such matters as lobbying contact or the use of inside information. However the decision might be increased to a two-year or longer prohibited period. If that power of extension were used sparingly, and associated in some cases with compensation arrangements, there should be no question of a widespread perception of “public serfdom”.¹⁵⁵

122. A further strengthening of current powers could be achieved by extending the period during which a former public servant should seek permission to hold any post. And in some cases restrictions may need to be strengthened by the possibility of absolute bans, to prevent the damaging and egregious cases that have been made public in recent years. Increased investigative powers are also required to check that the procedures are followed both in terms of initial applications and adherence to any conditions imposed. As ACoBA has repeatedly told us and our predecessor committee, it has no resources or powers to pursue this.¹⁵⁶

123. As for eventual sanctions for non-compliance, it may be appropriate initially to limit such penalties to the reputational cost of having defied the authority of a statutory regulatory agency. That, and the possibility of the heightened exposure risk if it is understood that enhanced powers to investigate are being used, may be sufficient to assure compliance. If that fails, it may also be necessary to consider more tangible penalties.

154 Professor David Hine ([ACB14](#)).

155 [Q259](#) [Chris Skidmore MP]

156 [Q170](#)

124. *PACAC recognises that further investigation needs to be undertaken before the adoption of a statutory scheme. It supports Baroness Browning’s proposal that a cost-benefit analysis of a statutory scheme should be undertaken.*

125. *The Government should undertake a cost-benefit analysis, in the manner explored in Professor Hine’s evidence as supported by the Chair of ACoBA, to establish the basis on which there can be further discussion as to whether a statutory regulator is the most appropriate way forward. This analysis should be completed and sent to our successor Committee by the end of 2017.*

Conclusions and recommendations

Changes to the Rules

1. We acknowledge the hard work of the ACoBA secretariat, and their efforts to improve the monitoring of post public employment of former public servants. However, ACoBA's effectiveness remains restricted, by both its lack of powers and narrow remit. It is currently difficult to quantify and evaluate the increasing trend in Ministers leaving office to take up employment in sectors where they were previously responsible for policy. The Government's response to our question on this issue was inadequate. The Government should ensure that ACoBA collate this data starting in 2017 as part of their annual reports. The failure of ACoBA to adequately distinguish between different types of post-ministerial appointments, for example, paid as opposed to unpaid work and an overreliance on standard template letters, fails to adequately inspire confidence in the ACoBA process. This should be refined. (Paragraph 30)
2. PASC examined the key issues concerning ACoBA and the operation of the Business Appointment Rules over four years ago. The Committee made several recommendations, some of which reinforced PASC's previous recommendations. Nothing has significantly changed. Meanwhile, the problem has escalated, with increased numbers of public servants moving between the public and private sectors, and with declining public confidence in a system that was set up to command trust by mitigating any breaches of the Rules. *The government must urgently review and address these longstanding and recurrent issues.*(Paragraph 31)

Public servants not vetted by ACoBA

3. We are aware that, in many situations, civil servants in positions lower down the organisation perform significant roles in respect both of policy formation and commercial relationships, including some senior responsible officers for major projects. Currently these staff fall outside ACoBA's remit. Government Departments currently have the responsibility to regulate their relationships with, and any moves to, the private sector. However evidence reveals that there is a clear lack of scrutiny and transparency in departments' monitoring and reporting of civil servants below SCS 3. (Paragraph 40)
4. *The Cabinet office must publish aggregated data on all applications of members of the Senior Civil Service below SCS 3, and the departmental decisions made on them, showing proportions approved without conditions, and, in the case of conditionality, the categories of decisions made. The data must also cover Executive Agencies. Publication should allow public scrutiny of practice across individual departments and Executive Agencies. The Government's response on this issue was inadequate. All of the above data should be aggregated and available on the ACoBA website.* (Paragraph 41)
5. *The Government should nominate a departmental non-executive director on each government department board to take on responsibility for oversight of the Business Appointment Rules. He or she should ensure full compliance with the Rules by Crown*

servants below SCS 3 and greater transparency. The responsible non-executive director on each board should be identified and announced within the next three months. (Paragraph 42)

Lobbying rules

6. We welcome the Government's recent action to extend the definition of lobbying, now covering informal social contact as well as formal lobbying, though we are somewhat dismayed about how long the Government took to respond to Baroness Browning's proposals for change. The new lobbying rules will still never be effective without clear and transparent monitoring and reporting of lobbying contacts. Even for formal meetings between lobbyists and Ministers and Crown servants, there is only limited public information made available about the details of meetings. In their current form, the effectiveness of the Rules relies too much on individuals' own willingness to abide by the Nolan Principles, which are much too broad for this purpose, and not specifically addressed to the problem of lobbying. *The Business Appointment Rules are the responsibility of Ministers and we will hold Ministers accountable for their effectiveness and the way ACoBA administers them.* (Paragraph 50)
7. There should be nothing wrong with business and other interests making their case to government Ministers and civil servants. Indeed it is a right for people to do so and it should improve policy and administration. *However, the Government must accept that the transparency of such exchanges is essential to avoid the perception that private interests are covertly capturing decision makers.* (Paragraph 51)

Recruiting expertise externally

8. The current political climate poses ever greater pressures for the Civil Service to attract expertise from other sectors, particularly those which can support the post EU referendum workload and the requirement for new knowledge and skills, as well as for commercial, digital and other professional knowledge and skills. In addition to this, government reforms to the Civil Service continue alongside an increased reliance on the private sector in the delivery of public services. This shift in public-service delivery has brought recruitment of substantial numbers of contractors and temporary staff in to the Civil Service. Many of these people also contribute to strategy and policy development as well as managing major government contracts. They are gaining considerable inside Whitehall knowledge as they do so. (Paragraph 60)
9. The risk arising from the interchange between the public and private sector is the opportunity it affords to the less scrupulous to conduct themselves in public office in the hope that the people who they are regulating or contracting with, or the relationships they are managing, will somehow prove fruitful to them at a future date. (Paragraph 61)
10. While there is little hard evidence that the movement to the private sector is not conducted appropriately, the present ACoBA regime provides little, if any, assurance on this point. Parts of the private sector wish to recruit former public servants for their relevant knowledge and experience. But it is clearly unacceptable for public

servants to use the contacts or experience they acquire in the public sector with the intention of securing a future private gain in this way. It is this possibility which opens them to the suspicion that they may have been conflicted during their time in public office. Nor should it be acceptable for private sector employers to recruit where there is a conflict of interest, since it may create an expectation in those still serving in the public sector that, all things being equal, they can anticipate that they will be treated in the same favourable manner at some future date as a consequence of the current office they hold. (Paragraph 62)

11. The Rules currently do not define when and how a former public servant’s knowledge and experience is considered to be used improperly, and whether or not certain appointments will be acceptable. It has become part of the culture in public life that individuals are entitled to capitalise on their public sector experience when they move into the private sector—the “new normal”—but there is a lack of clear boundaries defining what behaviour is or is not acceptable. *The Rules should be amended to include a clearly defined principle that at a minimum, public servants should avoid taking up appointments within a two year time period that relate directly to their previous areas of policy and responsibility when they have had direct regulatory or contractual authority within a particular sector.* (Paragraph 63)
12. *It is obvious that consultants and temporary staff in Whitehall departments may have access to information which could be of use to private sector employers. The Government’s response to us on this matter is unclear and does not confirm if consultants and temporary workers are subject to the ACoBA rules. The Government must be transparent about how such conflicts of interest are to be managed. If the ACoBA rules are not to be applied, then the Government should publish a code of conduct and a clear set of rules that will apply to temporary workers and consultants working in the public service.* (Paragraph 65)

Public trust

13. PACAC makes no judgement of the conduct of any of the individuals we mention in this report. However, the cases cited illustrate the point that, as it currently operates, neither the ACoBA process nor the Rules it administers, are sufficiently robust to command public confidence in its advice and decisions, or capable of protecting the reputation of those who have complied with its rules and followed its processes. (Paragraph 73)
14. We disapprove of the announcement of Mr Osborne’s appointment as Editor of the Evening Standard without waiting for ACoBA’s advice. This demonstrates disrespect for ACoBA and for the Business Appointment Rules and sets an unhelpful example to others in public life who may be tempted to do the same. (Paragraph 75)
15. *It is of great concern to the Committee that websites like LinkedIn may be providing the public with a more accurate record of the “revolving door” than ACoBA. This reinforces the impression that the regulatory system for monitoring post public employment of former public servants allows, and even approves of, appointments being taken up in pursuit of personal gain and contrary to the public interest. This*

must change. While ACoBA is constituted on the present basis, it should carry such information on its website so it can command public confidence that it knows what is going on. (Paragraph 80)

16. *In its current form, ACoBA does not have the remit or resources to investigate those who do not seek their advice or to monitor non-compliance of the Rules. Consequently the system is open to abuse, where former public servants may potentially evade the Rules. In the absence of other reforms, the Government should at the very least furnish ACoBA with sufficient additional resources to investigate and monitor non-compliance with ACoBA rules including those who do not approach ACoBA in the first instance. (Paragraph 81)*

Transparency of ACoBA's decision making process

17. We commend the Chair of ACoBA for taking steps to improve the transparency of the Committee's work. However ACoBA does not engender public trust and transparency by publishing its advice to applicants only once appointments are taken up. The advice given can seem opaque and bears little relation to the perceived conflict being addressed, as far as the public is concerned. It is not known how many appointments are not taken up as a consequence of its advice. This is a perverse shortcoming of the whole concept of ACoBA that its visible work is seen as giving permission to individuals to take up employment, rather than as enforcing high standards of conduct by being seen to advise against it. It is damaging to the reputation of the public service and of those who subject themselves to the system. (Paragraph 87)
18. The Rules state that retrospective applications will not normally be accepted but it is clear from press coverage that this element of the Rules is meaningless. ACoBA can choose not to accept an application but this does not stop individuals taking up the post regardless of the lack of advice from ACoBA about its propriety. Currently, the only action that the Committee can take in response to a retrospective application is to send a letter conveying its displeasure. This does not instil public confidence in a system that was established to prevent any perceived or actual impropriety that may result from moving between the public and private sector. Ministers and senior civil servants seem complacent about the effect that this has on public confidence in the values of people who lead in politics and in Whitehall. (Paragraph 88)

Transparency in the media

19. Whilst Lord Nolan was right to suppose that transparency of breaches in the Rules could and should be exposed by using "fair techniques of investigate journalism", the media cannot report accurately without access to detailed and accurate information from ACoBA. Nevertheless, it is completely unacceptable to continue to rely on media coverage to expose perceived or actual breaches of the Business Appointment Rules, where all discussions are conducted in public and no sanctions are seen to be imposed. This continued trial by media only serves to further weaken public confidence, and runs the risk of being unjust. The media also have regard to their own commercial interests in pursuing such stories, and therefore cannot themselves

claim to be unconflicted. Nor is the “court of public opinion” impartial or objective about such matters, and therefore it cannot be a fair means of applying what should be a matter of public policy. (Paragraph 93)

20. *ACoBA should disclose full information about its procedures for assessing applications and the reasons for its judgements. The Committee should also publish applications on receipt, and ahead of the judgements it issues on them, to enable journalists, those who may have had official dealings with the individual, and relevant others, to draw any misrepresentation to the Committee’s attention. ACoBA would then be seen to be doing its job and this would reinforce public confidence in ACoBA and its processes. This would also deter people from making some more tendentious applications, and potential employers from making more tendentious job offers, for fear of the reputational consequences.* (Paragraph 94)

Chapter 5: The importance of values and of the principles behind the Rules

21. *In an age where a certain set of shared values can no longer be assumed to be embedded in our society, the Government must set out clear values and a clear set of principles to define how public servants should think about their future career moves and their subsequent career outside of the public sector. These values and principles need to be made explicit and understood by public servants, in order to foster an improvement in attitudes and behaviour, in order to challenge what has become the established culture—the “new normal”. As such they should be included in amendments to the Ministerial Code and the Civil Service Code. This is a pre-requisite for strengthening public confidence, which is lacking in the current operation of ACoBA and the Business Appointment Rules.* (Paragraph 103)
22. *The key principles should be that no one takes a job for a specified period, currently two years, in which there is a perceived conflict of interest with their past employment in the public service, and no one should have a job in the public service in which there could be a perceived conflict with their past career in the private sector. This would address the concern that a public servant’s conduct in public office is being compromised by their hope of gaining employment from the companies they deal with in their work. The head of the Civil Service and the Prime Minister are personally responsible to Parliament for ensuring that Ministers and civil servants follow such a set of principles. At present this responsibility is not being adequately fulfilled.* (Paragraph 104)
23. *PACAC recommends the Government should adopt the principles and incorporate the following text into the Civil Service Code:*

“You must:

- *take decisions in the public interest alone*
- *never allow yourself to be influenced in contracting, procurement, regulation or the provision of policy advice, by your career expectations or prospects if you leave the public service*

- *always report to your line managers any offers of jobs or other rewards, or any informal suggestions of such rewards, that may have, or be reasonably seen to have a bearing on your role as a public servant*
- *take particular care in your relations with former colleagues who may seek to influence your decisions as a public servant*

“You must not:

- *take up any post outside the public service in businesses or [commercial] organisations operating in areas where you have been directly responsible in the previous [currently] two years for any form of contracting, procurement or regulation.” (Paragraph 105)*
24. *These principles (also set out in out in Apendix 2 to this report) set out how public servants should behave in respect of private sector interests while conducting their work in the public sector, and how they should therefore conduct themselves in respect of any move or potential move to the private sector. As well as informing the purpose and scope of the ACoBA rules, leaders in the public sector must impress upon all public servants, the need to reflect these principles in their attitude and behaviour, in respect of potential private sector employers. Without greater clarity and understanding of what moral behaviour is expected of public servants, the culture that has become established in public life that individuals are entitled to capitalise on their public sector experience when they move into the private sector without clear boundaries—the “new normal”—will become ever more entrenched, and public confidence in the effectiveness of ACoBA’s advice to former Ministers and civil servants will diminish further. (Paragraph 106)*
 25. *Equivalent text should also be included in the Ministerial Code. (Paragraph 107)*
 26. *The Civil Service Management Code should also be amended along the lines set out in Appendix 2. Only by reinforcing these principles while civil servants are in office will it be possible to inculcate a strong public-service ethos that continues to influence the behaviour of office-holders once they have departed public service. At that career point, other than through post-employment enforcement, which presents difficulties of its own, principles can only affect behaviour if they have already been very strongly internalised. In the Committee’s view this makes it all the more urgent that the Government moves quickly to revise both the Civil Service Code and the Civil Service Management Code in the way we propose. (Paragraph 108)*

Making Ministers and civil servants aware of the rules

27. *The guidance to civil servants and departmental managers which has for some reason been removed from the Civil Service Management Code should be reincluded in a prominent position. It is reproduced at the end of this report as Appendix 1. We believe this is important for all civil servants, including those below the level of SCS 3 who on transfer out of public service, will have their post-employment requests dealt with by their departments. It also needs to be reinforced in respect of departmental officials who deal with such requests. It is vital that the principles are clearly defined in the*

Civil Service Management Code, which is in matters of procedure, just as important as the ethical guidance contained in the shorter and more generic Civil Service Code. (Paragraph 111)

Embedding ethical standards

28. We welcome the Government’s action to append in full the Business Appointment Rules to the Ministerial Code. We believe this will help to ensure that Ministers are fully aware of the Rules and hence what is expected of them if they move into the private sector. *We recommend that the statement on principles to be used in handling applications for post public employment, as included in the 2006 Civil Service Management Code (CSMC), also be attached as an annex to the Ministerial Code. We also recommend that this is reincluded into the CSMC itself, as used to be the case. (Paragraph 114)*
29. A principles-based system, if it is effectively taught by leaders and learned by everyone to be intrinsic to the public service, creates an expectation that individuals will act with integrity and regulate their own behaviour and attitudes according to those principles. If people are expected to be alive to conflicts, actual, potential and perceived, and that they will exclude themselves from decision-making where such conflicts arise, they are far more likely to behave accordingly. We commend the research undertaken by the Committee on Standards in Public Life to address how principles can be embedded into public service. *The Government must ensure that compulsory training on the principles of public ethics and standards are provided as part the induction process for any new public servant, including for new Ministers. This must be reinforced in leadership training provided to public servants, whenever they are moved to a new appointment and again on departure from public office. (Paragraph 115)*

Chapter 6: Revisiting statutory enforcement of the Business Appointment Rules

30. We continue to see merit in a statutory scheme on both fronts. ACoBA’s current status, and its power only to give “advice” self-evidently weakens the authority of its judgements. Statutory status, even without enhanced powers, could bring significant gains in terms of status and visibility, perceptions of independence, and moral leadership. If statutory status were accompanied by enhanced powers as regards the length of prohibited periods and the powers of ACoBA to investigate breaches of the conditions it imposes, as well as powers to penalise non-compliance with the Rules, the gains could be even more significant. There could also be sufficient penalty for failure to comply with these principles. The current system fails to a large extent due to the knowledge that there is limited, if any, penalty for non-compliance with the Rules. (Paragraph 120)
31. *PACAC recognises that further investigation needs to be undertaken before the adoption of a statutory scheme. It supports Baroness Browning’s proposal that a cost-benefit analysis of a statutory scheme should be undertaken. (Paragraph 124)*

32. *The Government should undertake a cost-benefit analysis, in the manner explored in Professor Hine's evidence as supported by the Chair of ACoBA, to establish the basis on which there can be further discussion as to whether a statutory regulator is the most appropriate way forward. This analysis should be completed and sent to our successor Committee by the end of 2017. (Paragraph 125)*

Appendix 1: Annex B from 2006 Civil Service Management Code

4.3 ANNEX B: GUIDANCE FOR DEPARTMENTS AND AGENCIES ON THE RULES ON THE ACCEPTANCE OF OUTSIDE APPOINTMENTS BY CROWN SERVANTS

1. The rules are designed primarily to counter any suspicion that an appointment might be a “reward for past favours” granted by the applicant to the employer, or that a particular employer might gain an unfair advantage over its competitors by employing someone who had access to what they might legitimately regard as their own “trade secrets”.
2. An appointment might also be sensitive because of the employer’s relationship with the department and because of the nature of any information which the applicant possesses about Government policy.
3. While appointments must not only be but also be seen to be free from reproach and departments must therefore take account of public perception, departments should be prepared to defend an appointment which they were otherwise willing to approve when public concern can be shown to be unjustifiable.

The employer and the applicant

4. In most cases problems will occur only if the applicant has had some degree of contact with the prospective employer, giving rise to criticism that the post is a “reward for past favours”. Departments are asked to take the following into account:

- a) how much of the contact was in the course of official duties;
- b) how significant was the contact;
- c) the nature of the proposed employment;
- d) the connection between the new job and the applicant’s previous official duties.

5. In order to establish whether the applicant was able to exert any degree of influence over the outcome of contractual or other dealings with the prospective employers, departments are advised to establish:

- a) whether the individual was acting as a member of a team, jointly with other individuals in the department or in Government more widely, or taking sole responsibility;
- b) whether the employer benefitted substantially from such dealings;
- c) whether contact was direct;
- d) whether it was indirect (i.e. through those for whom the applicant was responsible, whether or not they normally worked for him or her).

6. Departments are advised to take into account contacts in the course of official duty which have taken place:

- a) at any time in the two years before resignation or retirement;
- b) earlier, where the association was of a continued or repeated nature.

7. Departments are advised to consider in particular whether the applicant has been:

- a) dealing with the receipt of tenders from the employer;
- b) dealing with the award of contracts to the employer;
- c) dealing with the administration or monitoring of contracts with the employer;
- d) giving professional or technical advice about such contracts whether before or after they were awarded;
- e) involved in dealings of an official but non-contractual nature with the employer (this is particularly important in the circumstances set out in paragraph 9 below).

8. Departments should consider the circumstances of an applicant's departure as a component of considering each application on its merits. Staff-reduction policies will not justify reducing standards of propriety, or any weakening of the element of protection which the rules offer to third parties in respect of trade secrets. If a civil servant is asked to retire, or is offered early retirement, at relatively short notice, or is unexpectedly made redundant, any presumption that he or she had been paving the way to subsequent employment by offering favours to potential employers may largely be removed. Conversely a protracted period of uncertainty might heighten concerns that individuals were anticipating redundancy by cultivating potential employers improperly. On balance, where departments and agencies intend to reduce numbers during a relatively short period of a year or so, unexpected departures should normally be considered as a factor mitigating any concerns on grounds of rewards.

The employer and the Government

9. The relationship of the prospective employer to the Government may be a relevant factor in considering applications. Departments are advised to pay special attention to appointments where the employer:

- a) has a contractual relationship with the department;
- b) is regulated by the department;
- c) receives subsidies, loans, guarantees or other forms of financial assistance from the department;
- d) is one in which the Government is a shareholder; or
- e) is one with which departments or branches of Government or the Armed Services are, as a matter of course, in a special relationship.

Overseas employers

10. The same considerations apply to foreign publicly-owned institutions or companies as to their UK counterparts. If the prospective employer is a foreign government, departments are advised to consider whether the applicant has information that would benefit that government to the detriment of HM Government or its allies. This can arise where the person:

- a) has been giving advice to HM Government on policies affecting the foreign government; or
- b) would have been in a position to gain special knowledge of HM Government's policies and intentions concerning the foreign government.

Government policy or business

11. Many Crown servants deal with private interests on behalf of the Government. They have special knowledge of how the Government would be likely to react in particular circumstances. Departments are advised to consider whether the application could be, or could be thought to be, significantly helpful to the employer in dealing with matters where policy is developing or legislation is being prepared in a way which might disadvantage competitors of that employer. This applies in particular to specific areas where:

- a) there has been a negotiating relationship between the Department and the employer;
- b) the applicant has been involved in policy discussions within the department leading to a decision of considerable benefit to the employer;
- c) the applicant has been involved in policy discussions within the department, knowledge of which might give the employer an improper advantage over its competitors; or
- d) where there is a risk of public criticism that the applicant might have scope to exploit contacts in his or her former department for commercial purposes.

In such cases, departments are asked to consider the implications of the applicant's joining the employer, and be guided accordingly.

The employer and competitors' trade secrets

12. Appointments might be criticised on the grounds that the applicant had access to information about his or her prospective employer's competitors which they could legitimately regard as "trade secrets". Concern on this score can arise whether or not the applicant has had previous dealings with the prospective employer. Departments are strongly advised to consult competitors as a matter of course preferably using a standard letter based on the Cabinet Office model letter, to see whether they have any objections to the appointment.

Consultancies

13. Individuals who are to be employed on a consultancy basis (either for a firm of consultants or as an independent, self-employed consultant, competing for commissions in the open market—a “brass plate” consultancy) should be treated in the same way as other applicants under the rules. Extra care is needed, however, in dealing with such applications.

14. In the case of an applicant wishing to take up a salaried appointment with a firm of consultants, the “rewards for past favours” issue will relate almost exclusively to the nature of any previous dealings between the applicant and the firm he or she is seeking to join. Departments will, however, need to consider the “trade secrets” question both from the point of view of any competitors of the consultancy firm and then, more generally from the point of view of the service which the applicant will be offering on behalf of the consultant. It may be necessary to impose conditions on the appointment to protect the “trade secrets” of firms with which the applicant or the department had dealings.

15. Where an applicant wishes to set up a “brass plate” consultancy, the question of “rewards for past favours” does not arise in the usual way. But departments will wish to keep in mind the need:

- a) to counter any suspicion of impropriety that might arise if such individuals were to be given lucrative contracts by clients with which they or their former departments had dealings; and
- b) to protect “trade secrets” to which such individuals may have had access. There may be circumstances in which it would be undesirable for an independent consultant to offer services to a particular client where he or she has had access to the trade secrets of a competitor of the client. The fact that the competitor might also be free to use the same consultant, but did not choose to do so would not make the information any less sensitive or negate the potential advantage which could be gained by the client.

In approving applications to set up “brass plate” consultancies departments will, therefore, need to consider carefully the imposition of conditions in cases where such considerations apply.

16. Departments will also need to consider whether to apply conditions limiting contacts between applicants proposing to work as consultants and their former departments. This may be particularly relevant in the case of staff at senior levels, where there is a risk of public criticism that they could be exploiting contacts in their former departments for commercial purposes.

Appendix 2: Proposed fifth principle to be added to the Civil Service Code

Commitment to public service

You must:

- take decisions in the public interest alone
- never allow yourself to be influenced in contracting, procurement, regulation or the provision of policy advice, by your career expectations or prospects if you leave the public service
- always report to your line managers any offers of jobs or other rewards, or any informal suggestions of such rewards, that may have, or be reasonably seen to have a bearing on your role as a public servant
- take particular care in your relations with former colleagues who may seek to influence your decisions as a public servant

You must not:

- take up any post outside the public service in businesses or [commercial] organisations operating in areas where you have been directly responsible in the previous [currently] two years for any form of contracting, procurement or regulation.¹⁵⁷

¹⁵⁷ This injunction is to last for whatever period is determined by your employing department, or, in the case of officials at SCS 3, by the Advisory Committee on Business Appointments. For a specified period, [currently] two years, after leaving the public service you may not take any employment without the specific prior approval of your department or the Advisory Committee. These requirements form part of your conditions of employment as a public servant, as set out in the Civil service Management Code.

Formal Minutes

Tuesday 18 April 2017

Members present:

Bernard Jenkin, in the Chair

Ronnie Cowan	Kelvin Hopkins
Mr Paul Flynn	Dr Dan Poulter
Marcus Fysh	Mr Andrew Turner
Mrs Cheryl Gillan	

Dr Dan Poulter declared an interest that, as a former Minister, he is currently subject to the 2 year ACoBA rule.

Draft Report (*Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 125 read and agreed to.

Appendices agreed to.

Summary agreed to.

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

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

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No.134.

[Adjourned till Tuesday 25 April at 9.15am.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 11 October 2016

Question number

Alexandra Runswick, Director, Unlock Democracy, and **Professor David Hine**, Department of Politics and International Relations, University of Oxford

[Q1–53](#)

Ian Hislop, Editor, and **Richard Brooks**, Journalist, Private Eye

[Q54–106](#)

Tuesday 25 October 2016

Lord Bew, Chair, and **Sheila Drew Smith OBE**, Member, Committee on Standards in Public Life

[Q107–162](#)

Baroness Browning, Chair, Advisory Committee on Business Appointments

[Q163–232](#)

Wednesday 26 October 2016

Chris Skidmore MP, Parliamentary Secretary, Cabinet Office

[Q233–277](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

ACB numbers are generated by the evidence processing system and so may not be complete.

- 1 ACOBA ([ACB0008](#))
- 2 Cabinet Office ([ACB0011](#), [ACB0015](#))
- 3 Campaign Against Arms Trade ([ACB0001](#))
- 4 Committee on Standards in Public Life ([ACB0007](#))
- 5 First Civil Service Commissioner ([ACB0012](#))
- 6 Professor David Hine ([ACB0004](#), [ACB0013](#), [ACB0014](#))
- 7 Professor Rosalind Searle ([ACB0009](#))
- 8 Richard Brooks ([ACB0005](#))
- 9 Transparency International UK ([ACB0002](#))
- 10 UK Open Government Civil Society Network ([ACB0003](#))
- 11 Unlock Democracy and Spinwatch ([ACB0006](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

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

Session 2015–16

First Report	Follow-up to PHSO Report: Dying without dignity	HC 432 (HC 770)
Second Report	Appointment of the UK's delegation to the Parliamentary Assembly of the Council of Europe	HC 658
Third Report	The 2015 charity fundraising controversy: lessons for trustees, the Charity Commission, and regulators	HC 431 (HC 980)
Fourth Report	The collapse of Kids Company: lessons for charity trustees, professional firms, the Charity Commission, and Whitehall	HC 433 (HC 963)
Fifth Report	The Future of the Union, part one: English Votes for English laws	HC 523 (HC 961)
Sixth Report	Follow up to PHSO Report of an investigation into a complaint about HS2 Ltd	HC 793 (HC 258)
Seventh Report	Appointment of the Commissioner for Public Appointments	HC 869
Eight Report	The Strathclyde Review: Statutory Instruments and the power of the House of Lords	HC 752
Ninth Report	Democracy Denied: Appointment of the UK's delegation to the Parliamentary Assembly of the Council of Europe: Government Response to the Committee's Second Report of Session 2015–16	HC 962
First Special Report	Developing Civil Service Skills: a unified approach: Government Response to the Public Administration Select Committee's Fourth Report of Session 2014–15	HC 526
Second Special Report	Lessons for Civil Service impartiality for the Scottish independence referendum: Government Response to the Public Administration Select Committee's Fifth Report of Session 2014–15	HC 725
Third Special Report	Follow-up to PHSO Report: Dying without dignity: Government response to the Committee's First Report of Session 2015–16	HC 770

Fourth Special Report	The Future of the Union, part one: English Votes for English laws: Government response to the Committee's Fifth Report of Session 2015–16	HC 961
Fifth Special Report	The collapse of Kids Company: lessons for charity trustees, professional firms, the Charity Commission, and Whitehall: Government Response to the Committee's Fourth Report of Session 2015–16	HC 963
Sixth Special Report	The 2015 charity fundraising controversy: lessons for trustees, the Charity Commission, and regulators: Government response to the Committee's Third Report of Session 2015–16	HC 980

Session 2016–17

First Report	PHSO review: Quality of NHS complaints investigations	HC 94 (HC 742)
Second Report	Appointment of the Chief Investigator of the Healthcare Safety Investigation Branch	HC 96
Third Report	Better Public Appointments?: The Grimstone Review on Public Appointments	HC 495
Fourth Report	Appointment of the First Civil Service Commissioner	HC 655
Fifth Report	Follow-up to PHSO report on unsafe discharge from hospital	HC 97 (HC 1016)
Sixth Report	The Future of the Union, part two: Inter-institutional relations in the UK	HC 839
Seventh Report	Will the NHS never learn? Follow-up to PHSO report 'Learning from Mistakes' on the NHS in England	HC743
Eighth Report	Appointment of the Parliamentary and Health Service Ombudsman	HC 810
Ninth Report	Appointment of the Chair of the UK Statistics Authority	HC 962
Tenth Report	Lessons Learned from the EU Referendum	HC 496
Eleventh Report	Better Public Appointments? Follow-up and the Government Response to the Committee's Third Report, Better Public Appointments?: The Grimstone Review on Public Appointments	HC 1062
Twelfth Report	Lessons learned from the EU Referendum	HC 496
First Special Report	Follow up to PHSO Report of an investigation into a complaint about HS2 Ltd: Government and HS2 Ltd responses to the Committee's Sixth Report of Session 2015–16	HC 258
Second Special Report	PHSO review: Quality of NHS complaints investigations: Government response to the Committee's First Report of Session 2016–17	HC 742

Third Special Report Follow-up to the PHSO report on unsafe discharge from hospital: Government response to the Committee's Fifth Report of Session 2016–17

HC 1016