



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/08 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://acoba.independent.gov.uk>

The Rt Hon Oliver Dowden CBE MP
Chancellor of the Duchy of Lancaster

22 November 2022

Dear Oliver

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (ACOBA) to bring to your attention a breach of the government's Business Appointment Rules (the Rules). This is outlined in the correspondence ACOBA has exchanged with the Rt Hon Matt Hancock enclosed.

The Rules are set by the government, with the policy owned by the Cabinet Office. ACOBA is independent, with a remit to consider applications received under those Rules, consider the risks and advise on the conditions that should apply.

Mr Hancock did not seek ACOBA's advice before signing up for two television series - ITV's 'I'm a Celebrity... Get Me Out of Here' and Channel 4's 'SAS Who Dares Wins'. As you will see from the correspondence, Mr Hancock said he did not believe he needed to seek advice as *'Each of these separate activities is not a "longer term arrangement", but are each individual appearances, albeit substantial ones'*. In the Committee's experience, the risks under the Rules in these types of appointments are usually limited. Previous advice for media roles have generally been subject to a standard set of conditions preventing individuals from: drawing on privileged information; and lobbying the UK government. However, the Rules are clear that an application for advice is required for all outside roles¹ and our guidance

¹ "On leaving office, Ministers will be prohibited from lobbying Government for two years. They must also seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wish to take up within two years of leaving office. Former

is clear that a series of media events would require an application. No matter the potential limitation in the risk, this is not for applicants to determine and so not seeking advice is a breach of the government's Rules here.

ACOBA's guidance on 'one-off' activities is not intended to allow individuals to carry out short-term appointments without seeking advice, or to create a loophole to carry out advisory work.

It is a matter for you to decide what appropriate action to take. However, given the transparent nature of Mr Hancock's role which is limited to appearing on these shows (not dealing with the commercial aspects of Channel 4 or ITV business) I believe it would be disproportionate to take any further action in this case.

I would also like to stress that cases on the low risk end of the spectrum such as as media and broadcast appointments will be something the government wishes to consider in its ongoing work to reform the government's business appointments process - to simplify the process and allow the system to focus on more complicated roles which overlap with an applicant's responsibility in government service.

It is the Committee's policy to act transparently, including making public any failure to follow the Rules, or the Committee's advice, that it is made aware of.

Yours ever
Ernie Pickles

The Rt Hon Lord Pickles

Copied to: Darren Tierney, Director general, Propriety and Ethics, Cabinet Office and The Rt Hon Jeremy Quin MP, Paymaster General and Minister for Cabinet Office



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

The Rt Hon Matthew Hancock MP
House of Commons
London
SW1A 0AA

November 2022

Dear Matt

Thank you for your response to my letter as Chair of the Advisory Committee on Business Appointments (ACOPA), dated 4 November 2022, in which you provided context regarding you signing up for two television series - ITV's 'I'm a Celebrity... Get Me Out of Here' and Channel 4's 'SAS Who Dares Wins'. This is attached below.

You said you consulted ACOPA's website and its guidance on 'one-off' activities such as speeches, broadcasts, or newspaper articles. From that you understood you were not required '*...to write to ACOPA to ask permission for either 'SAS: Who Dares Wins' or 'I'm a Celebrity... Get Me Out of Here!', as the guidelines state that one-off media appearances such as these do not count as an appointment or employment. Each of these separate activities is not a "longer term arrangement", but are each individual appearances, albeit substantial ones. I have no ongoing commitments outside each one-off appearance*'.

ACOPA does not seek to stop ministers from expressing their views generally or taking part in televised series, and certainly appearing as a guest or as a guest presenter in a television series would not fall to ACOPA for advice.

ACOBA's guidance on 'one-off' activities is not intended to allow individuals to carry out short-term appointments without seeking advice, or to create a loophole to carry out advisory work.

The Rules are clear that an application is required where individuals plan a series of media activities and it is for ACOBA to assess the associated risks. As such, failing to seek and await advice before these roles were announced or taken up in this case is a breach of the government's Rules and the requirements set out in the ministerial code.

In the Committee's experience, the risks under the Rules in these types of appointments are usually limited. Previous advice for media roles have generally been subject to a standard set of conditions preventing individuals from: drawing on privileged information; and lobbying the UK government.

As we previously stated, ACOBA encourages early approaches if applicants are unsure about whether an application is required. Had you or your office contacted ACOBA, any advice offered at that stage would have allowed us to advise you appropriately in advance of any media or public scrutiny.

In line with the Committee's policy of transparency, correspondence on this matter will be published on our website; and will be reported to the Cabinet Office, as the owner of the Rules.

Your ever
Sue Pickles

The Rt Hon Lord Pickles

Correspondence from Matthew Hancock to Lord Pickles, 4 November 2022

Dear Lord Pickles,

Thank you for your letter.

The 'Speaking Engagements, Media Appearances and Newspaper Articles' section of ACOBA's website clearly says "ACOBA does not regard 'one-off' activities such as speeches, broadcasts, or newspaper articles as 'appointments or employment' under the government's Rules."

Having consulted this advice, I, therefore, understood that I did not need to write to ACOBA to ask permission for either 'SAS: Who Dares Wins' or 'I'm a Celebrity... Get Me Out of Here!', as the guidelines state that one-off media appearances such as these do not count

as an appointment or employment. Each of these separate activities is not a "longer term arrangement", but are each individual appearances, albeit substantial ones. I have no ongoing commitments outside each one-off appearance.

I appreciate your enquiry is on the process, but it's worth noting that on the substance of the matter, these media appearances in no way conflict with any of my past work in Government, and are a way to speak to a wider audience about my campaigns in Parliament.

I hope you find this reassuring. As you know I take the ACOBA process very seriously, and would be grateful for your confirmation that I followed the guidance in these instances.

Kind regards,

Matt

Correspondence from Lord Pickles to Matthew Hancock, 3 November 2022



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

The Rt Hon Matthew Hancock MP

3 November 2022

I am writing to you, as Chair of the Advisory Committee on Business Appointments following media enquiries received in relation to you signing up for two television series - ITV's 'I'm a Celebrity... Get Me Out of Here' and Channel 4's 'SAS Who Dares Wins'.

As you know, as a former Minister you are required to seek advice from the Committee for any appointments or employment within two years of leaving office under the government's Business Appointments Rules (the Rules).

ACOPA does not regard one-off activities such as speeches, broadcasts or newspaper articles as an appointment or employment requiring an application for advice under the government's Rules. ACOPA's guidance is clear that, if you intend to enter into a longer term arrangement, e.g. to join a speakers' agency, plan a series of remunerated speeches, broadcasts or write a regular newspaper column, they should submit an application before accepting this work.

Our guidance also says '...if an applicant is unsure whether an application is required in a particular case, please contact ACOPA in the first instance. Early approaches are encouraged and ACOPA can provide advice at any stage in the recruitment/offer process as long as it is before the role is announced or taken up'.

You appear to have signed up for both of these television series and ACOPA was not consulted on either. You therefore appear to be in breach of the Rules. ACOPA requires an explanation as to why you failed to seek its advice. Please provide any explanation and/or any other information you wish ACOPA to be aware of by 10 November 2022.

In line with our policy of transparency, I will be publishing our correspondence in due course.

Yours ever
Suw Pickles

The Rt Hon Lord Pickles