



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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December 2014

### **BUSINESS APPOINTMENT APPLICATION: SIR BOB KERSLAKE**

The Committee has been asked to consider two applications from Sir Bob Kerslake, the Permanent Secretary at the Department for Communities and Local Government (DCLG), and former Head of the Civil Service, who is seeking permission to accept: a part-time paid appointment as Chairman of the King's College Hospital NHS Foundation Trust (KCH); and a part-time unpaid appointment as Chairman of the Board of Peabody, the housing association.

When considering these applications, the Committee noted that Sir Bob has been involved in the development of policy which has affected (or could affect) his new employers or their competitors.

With regard to the KCH appointment, the Committee took into account that DCLG is jointly responsible with the Department of Health (DoH) for the development of policy on the Better Care Fund. However, the Committee noted that the principal relationship for this, in terms of implementation and funding, is between local Health and Wellbeing Boards and NHS England. The Committee received assurances, from both the Cabinet Secretary and the Permanent Secretary at DoH, that the public interest in ensuring that KCH has continuity in strategic leadership during a period of operational and financial challenge was best served by Sir Bob being able to take up the role at the beginning of April.

The Committee noted that this challenge included the consequences of KCH taking over responsibility for the Princess Royal University Hospital in Bromley, and a major Care Quality Commission inspection, which is due in April 2015. The Committee judged that no questions of propriety or public concern arose from the appointment and that therefore, exceptionally, the standard three-month waiting period should be reduced to one month.

Regarding the Peabody appointment, the Committee noted that DCLG is the department responsible for housing policy, including affordable housing. The Committee took into account that, prior to joining the civil service, as Chief Executive of the Homes and Communities Agency (HCA), Sir

Bob was responsible for staff who had a direct contractual relationship with Peabody, as the HCA was responsible for the disbursement of grant funding to build affordable housing. They further noted that, as Permanent Secretary at DCLG, Sir Bob has had infrequent contact (no more than once a year) with Peabody through its membership of housing association groups. He has, therefore, also had incidental contact with other organisations in this field, but has not had access to commercially sensitive information about these competitors.

When reaching their decision the Committee noted that Peabody is limited to operating in London, and that the responsibility for the funding of affordable housing in London has been devolved to the Greater London Authority (rather than DCLG or the HCA). The Committee further noted that the appointment with Peabody is unpaid, and that Sir Bob was offered both roles having applied for an advertised post.

The Prime Minister has accepted the Committee's recommendation that these applications be approved subject to the following conditions:

- A three month waiting period from his last day in Crown service in the case of the appointment with Peabody, and one month in the case of KCH;
- Sir Bob should not draw on privileged information available to him from his time in Crown service; and
- for two years from his last day of service, Sir Bob should not become personally involved in lobbying the UK Government on behalf of his new employers, their parent companies or their clients.

The Business Appointment Rules define lobbying in the following way: "Lobbying in this context means that the former civil servant should not engage in communication with Government – including Ministers, special advisers and 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".

I should also be grateful if you would ask that Sir Bob informs us if he proposes to extend or otherwise change either of these roles as, depending on the circumstances, it may be necessary for him to make a fresh application.

Once these appointments have been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the applications, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

Yours sincerely

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Committee Secretariat