



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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28 August 2018

By email:

Dear

I am responding to your enquiry, received on 8 August 2018, which we considered under the Freedom of Information Act 2000 (the Act).

In your enquiry, with reference to Mr Boris Johnson's appointment to *The Telegraph*, you asked:

- *'Can you please confirm whether or not he has sought your advice in this matter and, if so, what advice you provided?'*
- *'Should it be that Mr Johnson has not sought your advice, could you please describe what action is being taken or sanction enforced to ensure compliance with the Ministerial Code?'*

Background

It may be helpful to first explain that the Advisory Committee on Business Appointments (ACOPA) is independent from Government and its role is to provide advice on applications submitted under the Government's Business Appointment Rules (the Rules). In doing so it considers the risks posed by an application and advises on the conditions that should apply. It is not ACOPA's role to pass judgment on the appointment/ employment with regard to other matters.

The Rules for former Ministers seek to counter suspicion that:

1. the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
2. an employer could make improper use of official information to which a former Minister has had access; or
3. there may be cause for concern about the appointment in some other particular respect.

Response

I can confirm that Mr Johnson sought retrospective advice from ACOBA on his appointment to *The Telegraph*. Due to the timing of his application, the Committee refused to provide advice. Please find the attached correspondence, sent to Mr Johnson on 8 August, which sets out ACOBA's views; and steps taken by Mr Johnson to limit the risks associated with the Rules in this case.

As explained above, ACOBA is an advisory body, which applies the Government's principle based Rules. Whilst the Ministerial Code is the vehicle by which the Rules apply to Ministers, it is owned by Government. It is not ACOBA's role to enforce the Ministerial Code; nor is it within ACOBA's remit to apply sanctions.

However, as you can see from the letter sent to Mr Johnson, the Rules make it clear that retrospective applications will not normally be accepted. The Committee needs to be free to offer the most appropriate advice in any situation without it appearing to be constrained by an appointment already having been announced, or an individual already having signed a contract or taken up a post. The Committee therefore makes its concerns public when applications are received retrospectively, as it did in this case.

The Committee takes this approach in the expectation that drawing attention to a failure to submit an application, will encourage others to follow the correct process. It also means that any improper appointment does not pass without comment. It is through this transparency that individuals are held to account publicly.

Next steps

If you are unhappy with this response to your request, you may write to the senior manager with responsibility for ACOBA, Peter Lawrence, at the address below to ask for an internal review. Please note that we will not normally accept an application for internal review if it is received more than two months after the date that the reply was issued.

Peter Lawrence
Room G/08, 1 Horse Guards Road
London
SW1A 2HQ
Email: acoba@acoba.gov.uk

If you are not then content with the reply, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Sarah Parkington
Committee Secretariat