



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:

- *'What steps are you taking against this former minister for flouting the rules and taking up column writing barely a week after his resignation?'*
- *'What can members of the public do to ensure the rules and processes are tightened.'*

Background

The Advisory Committee on Business Appointments (ACOBA) 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 ACOBA'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 and as such, the Committee refused to provide advice on his appointment to *The Telegraph*. Please find the attached correspondence, sent to Mr Johnson on 8 August, which details ACOBA's views on this matter.

As explained above, ACOBA is an advisory body, which applies the Government's principle based Rules. 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.

It might also be helpful to explain that ACOBA is just one part of the Government's business appointments process. The Rules are owned by the Cabinet Office and each government department is responsible for applying the Rules and process within its department, including considering applications for advice under the Rules below Director General level. ACOBA considers applications under the Rules from former Ministers and former Crown Servants at the most senior level (Crown servants at Director General level and above).

The Business Appointments process has been subject to an inquiry by the Public Administration and Constitutional Affairs Committee (PACAC). PACAC published its report '*Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action*' in April 2017; and the Government responded in December 2017. Government concluded that its current system strikes the right balance between seeking to ensure there is no justified public concern about an appointment, whilst allowing movement between central government and other sectors.

PACAC's report and the Government's response can be found here:

<https://publications.parliament.uk/pa/cm201719/cmselect/cmpublic/731/73102.htm>

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

