



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 Steve Barclay MP
Chancellor of the Duchy of Lancaster and Minister for Cabinet Office

22 November 2021

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (the Committee) to bring to your attention the correspondence I have exchanged with the Rt Hon Esther McVey, enclosed.

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

Esther McVey informed the Committee that she has been contributing to GB News since its launch in June 2021, and is now a presenter for GB News. Ms McVey did not seek ACOBA's advice for this appointment and said she did not believe being a contributor to a news programme required her to make an application to the Committee - noting that she is not drawing on privileged information.

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

The Ministerial Code is clear that an application for advice is required for all outside roles¹. 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.

It is a matter for you to decide what appropriate action to take. However, given the transparent nature of Ms McVey's role which is limited to presenting (not dealing with the commercial aspects of GB News business) I believe it would be disproportionate to take any further action in this case.

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
Eric Pickles

The Rt Hon Lord Pickles

Copied to: Darren Tierney, Director general, Propriety and Ethics, Cabinet Office and Chloe Smith MP, Minister of State for the Constitution and Devolution.

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 Ministers must abide by the advice of the Committee." [Ministerial Code, section 7.25]

Correspondence from Lord Pickles to Esther McVey, 2 November 2021



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>

Esther McVey

By email

19 November 2021

Dear Esther

Thank you for your response to my letter as Chair of the Advisory Committee on Business Appointments (the Committee), dated 19 October, in which you provided additional context regarding your role with GB News. This is attached below.

You informed the Committee you were first asked to appear on GB News around the time of its launch as a contributor, when there was another presenter for the show. You did not believe being a contributor to a news programme required an application to the Committee. You confirmed that over time the format altered and you now present the same programme.

I note you said it is clear your role does not draw upon any privileged information from your time as a minister. I mentioned previously that in the Committee's experience, the risks for journalism appointments under the Rules are usually limited as a result of high level transparency. However, not seeking the Committee's advice before taking up this role, no matter the limitations in the risks, is not in keeping with the government's Rules. The Rules are a set of principles that exist to protect the integrity of government.

As a former minister, as set out in the Ministerial Code, an application is required for any appointments or employment and it is for ACOBA to assess the associated risks. I must remind you to seek advice on any future roles outside of government. I have attached the most up to date guidance for former ministers for your reference.

In line with the Committee's policy of transparency, correspondence on this matter will be published on our website (enclosed below); and this letter will be copied to the Cabinet Office, as the owner of the Rules. It is for the government to decide what is appropriate, although I have recommended that no further action is necessary in this case.

Yours ever
Sue Pickles

The Rt Hon Lord Pickles

Correspondence from Esther McVey to Lord Pickles, 19 October 2021

Dear Eric,

Thank you for your follow up letter.

When first asked to appear on GBNews it was as a contributor - there was a presenter for the show. I didn't believe that being a contributor to a news programme required permission from ACOBA.

As time has passed the programme format has altered and I now present the same programme I was used originally as a contributor for.

Clearly, anyone can see that my role does not draw upon any privileged information from my time as a Minister.

As far as the role is concerned it is every Saturday morning on an ongoing basis.

Kind regards,

Esther

Esther McVey

Correspondence from Lord Pickles to Esther McVey, 13 October 2021



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 Esther McVey MP
House of Commons
London
SW1A 0AA

13 October 2021

Dear Esther

I am writing to you, as Chair of the Advisory Committee on Business Appointments following your recent contact with our Secretariat and media interest in your role at Good Morning Britain.

You informed the Committee that you have been contributing to Good Morning News (GB News) since its launch in June 2021. You said that given that GB News did not exist when you were a minister; and your role is to discuss the news from the previous and forthcoming week, you were surprised to learn this role has any relevance to ACOBA.

ACOBA does not seek to stop journalists from expressing their views generally, and certainly appearing as a guest for discussion would not fall to ACOBA for advice. ACOBA does not normally regard 'one-off' activities such as broadcasts or newspaper articles as

'appointments or employment' under the government's Business Appointment Rules (the Rules)².

However, the Rules are also clear that an application is required for any appointments or employment and it is for ACOBA to assess the associated risks. In the Committee's experience, the risks under the Rules in these types of appointments are usually limited. Previous advice for media roles, for example writing a column, have generally been subject to a standard set of conditions preventing individuals from: drawing on privileged information; and lobbying the UK government - in particular around regulatory and funding decisions.

It is a breach of the Rules to take up work without first seeking and awaiting ACOBA's advice where it is required. I am not certain if this role could be considered a 'one-off' or is a longer-term arrangement. I would be grateful for clarification on this point. If this does require an application, please provide any other information you wish the Committee to be aware of by Thursday 21 October 2021.

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

Yours ever
Sue Pickles

The Rt Hon Lord Pickles

²<https://www.gov.uk/government/publications/governments-business-appointment-rules-for-former-ministers/guidance-on-making-an-application-to-acoba-ministers>