



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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I am writing to you with reference to Mr Coats' application for advice on a role with West Hertfordshire Hospitals NHS Trust, under the government's Business Appointment Rules (the Rules).

Mr Coats made an application for advice to join the West Hertfordshire Hospitals NHS Trust (the Trust) as Chief Executive Officer. ACOBA received the completed application from the Cabinet Office on Thursday 6 April. Whilst considering this application, the Trust announced the appointment at a public board meeting¹ on Friday 7 April.

The Rules state that new appointments / employment must not be announced, or taken up, before advice is provided. When asked for an explanation, the Cabinet Office provided a statement (annexed). It said Mr Coats had explained that any announcement must wait until the full process had been completed. The Trust opted not to comply with the Rules and did not await advice for this appointment. The Cabinet Office told ACOBA this was due to growing concerns the anonymous announcement did not create enough certainty once the Deputy Chief Executive also announced their departure² on 5 April.

Mr Coats also wrote directly to ACOBA stating *'I'd be very grateful if you could pass on to the Committee my sincere apologies and regret that my new appointment was announced unilaterally by my prospective employer ahead of the ACOBA process being completed. I have tried to follow the process, and had informed this organisation about the process too. I'm very sorry this has happened'*.

¹<https://www.watfordobserver.co.uk/news/20052058.matthew-coats-appointed-new-chief-exec-west-hertfordshire-hospitals/>

²<https://www.borehamwoodtimes.co.uk/news/20046093.deputy-chief-exec-helen-brown-leave-west-herts-nhs-trust/>

Failure to seek and await advice before this role was announced in this case is a breach of the government's Rules and the requirement set out in the Civil Service Management Code.

The Committee recognises it was not Mr Coats who made the announcement. On the contrary, he has confirmed he told the Trust that he was subject to the Rules, and that any announcement had to wait until the full process had been completed. The Trust opted not to comply with the process and await advice. While the fault lies with the organisation, the Committee will not provide advice on this appointment.

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

Isabella Wynn
Committee Secretariat

Annex - Statement from Mr Coats' office at the Cabinet Office

'The Trust had already announced an appointment without specifically naming Matthew Coats, however the Chair felt that this did not create enough certainty in the circumstances where the Deputy Chief Executive and CEO were both leaving. They were worried about the level of certainty they could offer at an important time for the local NHS to both medical staff within the Trust and partners in the wider health system. In addition, the Trust was worried about this leaking since inevitably a number of people at their end knew about the appointment of Matthew Coats to this role.'

Matthew explained the purpose and nature of the ACOBA process to the Trust, and directed them to the published detailed guidance. He explained that the process applied to everybody, that this was clear in the guidance, and that announcements had to wait until the full process had been completed.

The Trust Chair included this in his opening statement in the public part of the Trust Board meeting. He qualified the appointment by saying that there were still processes to be completed but was not specific about the ACOBA process.'