



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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The Rt Hon Steve Barclay MP

Chancellor of the Duchy of Lancaster and Minister for Cabinet Office

5 May 2022

Dear Steve

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (ACOPA)¹ to bring to your attention a breach of the government's Business Appointment Rules (the Rules). This is outlined in the correspondence ACOPA has exchanged with the Cabinet Office and Mr Fisher enclosed.

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

Mr Fisher made a retrospective application for advice in relation to joining the Greater Manchester Integrated Care Service as Chief Executive. This appointment had already been announced by both the Greater Manchester Integrated Care Board and by Mr Fisher himself on his LinkedIn profile in March 2022.

The Rules state '*An application is required for any new appointment or employment that individuals wish to take up during the two year period after leaving office*'. Failure to seek and await advice in this case was a breach of the government's Rules and the requirements set out in the Civil Service Management Code. As you will see from our

¹ I recused myself from this application in line with ACOPA's published Code of Practice. The decision contained in the correspondence enclosed was arrived at without my input.

correspondence with Mr Fisher, he incorrectly believed advice from ACOBA was not needed for appointments in other parts of the public sector.

This lack of awareness of the Rules is a cause for concern. Although breaches of the Rules remain a very small proportion of the casework ACOBA sees, they are most often caused by a lack of clarity on the various processes and obligations that exist. I therefore remain concerned that not all former Ministers and Crown servants are sufficiently clear on the various standards of behaviour, rules and legislation that are incumbent on them.

In the Committee's experience, the risks under the Rules in public sector roles that do not overlap with an individual's responsibilities in government service, are usually limited. These are generally subject to a standard set of conditions preventing individuals from drawing on privileged information; and lobbying the UK government on regulatory and funding decisions where relevant. It is disappointing that in this case, a breach of the Rules has resulted in possible damage to the integrity of the system.

It is a matter for you to decide what appropriate action to take. However, given the public sector nature of the role and the lack of overlap with Mr Fisher's responsibilities in government, I believe it would be disproportionate to take any further action in this case. Public sector roles will be something the government wishes to consider in its ongoing work to reform the government's business appointments process.

It is the Committee's policy to act transparently, including making public any failure to follow the Rules that it is made aware of.

Yours ever
Sue Pickles

The Rt Hon Lord Pickles

Copied to: Darren Tierney, Director General, Propriety and Ethics, Cabinet Office and Lord True CBE, Minister of State, Cabinet Office



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5 May 2022

I am writing to you with reference to Mr Fisher's application for advice on a role with Greater Manchester Integrated Care Board, NHS in Greater Manchester, under the government's Business Appointment Rules (the Rules).

This appointment was announced by both the Greater Manchester Integrated Care Service and by Mr Fisher on his LinkedIn profile in March 2022. Mr Fisher did not make an application until after this; ACOBA received the application from the Cabinet Office for advice on 13 April 2022.

The Rules state that new appointments / employment must not be announced, or taken up, before advice is provided. Mr Fisher's explanation (annexed below) is that he checked with the recruitment consultant involved in the application to Greater Manchester Integrated Care Board, and was advised an application to ACOBA was not required. Mr Fisher said his mistake was not independently verifying this and he mistakenly believed the Rules did not apply to roles within the wider public sector. On that basis he signed a contract and the role was announced. Mr Fisher apologised to ACOBA for this oversight.

Failure to seek and await advice in this case was a breach of the government's Rules and the requirements set out in the Civil Service Management Code. Applicants have a personal responsibility to understand and comply with the Civil Service Management Code and manage the propriety of appointments taken up after leaving government service. The Committee² will therefore not provide advice on this appointment.

² This application for advice was considered by Jonathan Baume; Andrew Cumptsy; Isabel Doverty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles; Richard Thomas and Mike Weir. Larry Whitty was unavailable

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 Fisher

'It has come to my attention that I have made a mistake in reference to the applicability of ACOBA processes to my new appointment. I am currently a Director General in the Cabinet Office, on a permanent Civil Service contract, acting as Secretary to the Grenfell Tower Inquiry. From 1 July 2022 I am taking up a new permanent appointment within the public sector as Chief Executive of the Greater Manchester Integrated Care Board (responsible for the performance of the NHS within Greater Manchester, accountable to the Chief Executive of NHS England, and part of the core NHS structure). I will have no other paid employment, although will continue as Chairman of the Civil Service Sports Council.

On being offered this new role, I checked with the recruitment consultant whether ACOBA rules applied and was advised that they did not. My mistake was not independently to verify this, believing mistakenly that ACOBA processes did not apply to transfers between parts of the public sector. On that basis the appointment was confirmed publicly and I have signed a contract. I can only apologise to members of the Committee for this oversight.'