



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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The Rt Hon Oliver Dowden CBE MP
Deputy Prime Minister and Chancellor of the Duchy of Lancaster

4 March 2024

Dear Oliver

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (ACOBA) regarding a failure to follow the government's Business Appointment Rules (the Rules) by Sir Max Hill, the former Director of Public Prosecutions. The relevant correspondence about his role with King and Spalding LLP is enclosed.

ACOBA is independent, with a remit to consider applications received under those Rules, consider the risks and advise on the conditions that should apply. The Rules are set by the government and the requirement for former Crown servants to seek and abide by ACOBA's advice is set out clearly in the Rules.

Whilst considering this application, ACOBA was informed by Sir Max he had already commenced employment on 1 February 2024 - before receiving ACOBA's advice.

In my initial correspondence with Sir Max he stated he had '*...abided by the enforced three month waiting period, to the letter, undertaking neither paid nor unpaid work 1st November '23 - 31st January '24 inclusive...I clearly indicated that my employment with King & Spalding LLP would commence on 1st February 2024. This allowed in excess of six weeks for consideration of my application*'. Sir Max also noted that he had submitted a 'test/speculative' application. This was considered by ACOBA, though this was withdrawn at the provisional advice stage as he had decided not to take it up. ACOBA and Sir Max exchanged several emails whereby he was made

aware of the process required of him under the Rules between August 2023 and January 2024. It is disappointing he chose to blatantly disregard the process as detailed to him.

It is not for applicants to second guess the likely advice and conditions that ACOBA will impose. Rather, each application must be considered on its merits. Having received what he describes as 'test' advice on a different position/organisation does not remove the requirement for Sir Max to seek and wait for advice in relation to any new role. When a former Director of Public Prosecutions is leaving office to return to private practice, there is a reasonable concern that their recent time in government could provide insight and influence for potential commercial gain. Managing the government's interest in such moves, and ensuring the public is aware of steps taken to manage the risks, is the reason for the existence of Rules and the business appointments process.

Separately, it has come to ACOBA's attention that Sir Max's unpaid role with the DriveForward Foundation was announced as of 1 February, again before advice had been finalised. Whilst the risks associated with unpaid cases are limited, this is also a breach of the Rules. This seems to illustrate that not all Crown servants are sufficiently clear of the standards of behaviour and rules that are incumbent on them.

Failure to seek and await advice in this case is a breach of the government's Rules and the requirements set out in the Civil Service Management Code. It is the Committee's policy to act transparently, including making public any failure to follow the Rules that it is made aware of.

This is an unambiguous breach of the Rules. The government owns both the Rules and their enforcement. It is now a matter for you to decide what appropriate action to take.

*Your ever
Sue*

The Rt Hon Lord Pickles

Copied to: The Rt Hon John Glen MP Minister for the Cabinet Office, Darren Tierney
Director general, Propriety and Ethics, Cabinet Office.

Correspondence from the Chair of ACOBA, the Rt Hon Lord Pickles, to Crown Prosecution Service and Sir Max Hill, 4 March 2024



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Douglas Wilson OBE, Director General of the Attorney General's Office
CC: Sir Max Hill KBC KC, former Director of Public Prosecutions for England and Wales
By email

4 March 2024

Dear Douglas Wilson

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (ACOBA) with reference to Sir Max Hill's application for advice to join King & Spalding LLP as a Consultant.

ACOBA received a completed application with the necessary information from Sir Max, the Cabinet Office and the Crown Prosecution Service on 22 January 2024. While still considering the application, and before its advice had been finalised, ACOBA was informed by Sir Max that he had commenced employment on 1 February 2024.

In my initial correspondence with Sir Max he stated he had '*...abided by the enforced three month waiting period, to the letter, undertaking neither paid nor unpaid work 1st November '23 - 31st January '24 inclusive...I clearly indicated that my employment with King & Spalding LLP would commence on 1st February 2024*'. Sir Max also noted that he had submitted a 'test/speculative' application. ACOBA considered and responded to this application with provisional advice, though this was withdrawn as the role was not taken up. This correspondence is copied below in the annex for information.

ACOBA and Sir Max exchanged several emails whereby he was made aware of the process required of him under the government's Business Appointment Rules (the Rules) between August 2023 and January 2024. The Rules clearly state that new

appointments or employment must not be taken up or announced before advice is provided. It is disappointing he chose to blatantly disregard the process detailed to him.

It is not for applicants to second guess the likely advice and conditions that ACOBA will impose. Rather, each application must be considered on its merits. Having previously received what he describes as 'test' advice on a different position/organisation does not remove Sir Max's requirement to seek and wait for advice in relation to this and other future roles.

Applicants have a personal responsibility to understand and comply with the Rules and to manage the propriety of appointments taken up on leaving government service.

Failure to seek and await advice before this role was taken up in this case is a breach of the government's Rules and the requirement set out in the Civil Service Management Code. As such ACOBA will not be providing advice in this case.

In line with the Committee's policy of transparency, correspondence on this matter will be published on our website and reported to the Cabinet Office, including the Deputy Prime Minister, as owner of the Rules.

A handwritten signature in black ink that reads "Sir Pickles". The signature is written in a cursive, slightly slanted style.

The Rt Hon Lord Pickles

Cc Alex Chisholm, Permanent Secretary for the Cabinet Office and Darren Tierney, Director General, Propriety and Constitution Group.

Correspondence from Sir Max Hill to the Chair of ACOBA, the Rt Hon Lord Pickles, 19 February 2024

I am sorry and upset by receiving the letter from The Rt Hon Lord Pickles today. I respect ACOBA, the principles applied by the Committee, and the Nolan Principles. I have acted carefully at every stage of the process on my departure from Crown Service.

On 29th August 2023 I completed and submitted a test/speculative application in respect of future employment in the legal sector. The principles espoused in that application remain true. I engaged in draft correspondence, via Shaneez in your team.

I abided by the enforced three month waiting period, to the letter, undertaking neither paid nor unpaid work 1st November '23 - 31st January '24 inclusive. Having been in Crown Service for 5 years, I did not depart with a full pension or anything approaching that, and it was imperative that I return to paid employment as soon as possible.

That is why, on 18th December 2023 at 1441, I submitted a new and full application in respect of employment at King & Spalding LLP. This was the soonest I could apply, my offer of employment having crystallised at that time.

In the accompanying email sent on 18th December 2023 I clearly indicated that my employment with King & Spalding LLP would commence on 1st February 2024. This allowed in excess of six weeks for consideration of my application. Further, payment of salary by the CPS on leaving Crown Service expired on 31st January 2024, making it imperative that I commence paid employment on 1st February.

In the circumstances I am aggrieved at any suggestion that I have either taken the Committee by surprise, or have acted in breach of the principles of maintaining a separation between my former service and my current employment. On the contrary, my new firm is actively considering the latest draft received from the Committee last week, in fact we are convening later today for further discussion with a view to affirming to the Committee my/our adherence to the rules.

Please bring this email to the early attention of The Rt Hon Lord Pickles, assuring him and the Committee of my best endeavours. I await your further guidance on how to proceed. After careful deliberation last autumn, the Committee imposed a three month waiting period, but no more. I have obeyed that imposition, but must return to paid employment, which I signalled very clearly to the Committee in December.

Your sincerely
Max Hill

Correspondence from the Chair of ACOBA, the Rt Hon Lord Pickles, to Sir Max Hill, 19 February 2024



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Sir Max Hill KBC KC
By email

19 February 2024

Dear Sir Max

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (ACOBA) about your application for advice to join King & Spalding LLP as a Consultant. You advised ACOBA on 14 February 2024 that you commenced your employment earlier this month, on 1 February 2024. This was before receiving ACOBA's advice.

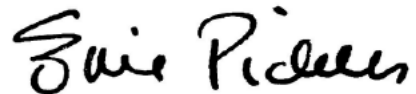
The Rules state that new appointments or employment must not be taken up or announced before advice under the government's Business Appointment Rules (the Rules) is provided. Failure to seek and await advice in this case was a breach of the government's Rules and the requirements set out in the Civil Service Management Code.

Applicants have a personal responsibility to understand and comply with the Rules and to manage the propriety of appointments taken up after leaving government service. You were also made aware of the process you are required to follow under the Rules in the guidance, application forms and the provisional advice you received between August 2023 and January 2024.

The Rules are a set of principles which exist to protect the integrity of government. This is impossible to do credibly after someone has taken on a role. From your application there is overlap with your proposed work with King & Spalding and your

time in government. Any risks around this and proposed mitigations is exactly the kind of risk to the integrity of government that the Rules are designed to protect.

The Committee therefore requires an explanation in respect of you taking up this role before you have received ACOBA's advice. It is the ACOBA policy to report breaches of the Rules to government and to publish correspondence on the matter. If you wish your explanation to be published alongside this, please reply to this letter before Monday 26 February. Any failure to respond will be included in our publication.

A handwritten signature in black ink that reads "Sir Pickles". The signature is written in a cursive, slightly slanted style.

The Rt Hon Lord Pickles