

# ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

31 January 2022

## **Present**

### Committee

Rt Hon Lord Pickles (Chair)  
Jonathan Baume  
Andrew Cumpsty  
Isabel Doverty  
Sarah de Gay  
Dr Susan Liautaud  
Richard Thomas  
Lord Larry Whitty  
Mike Weir

### Secretariat

Peter Lawrence  
Cat Marshall  
Maggie O'Boyle  
Isabella Wynn  
Will Young

## **Chair's introduction**

1. The Chair welcomed all members and the newest member of the Secretariat - Will Young to his first meeting.
2. The Chair noted this meeting was a chance to update everyone on where we are with the rolling programme of reform internally and the wider reform agenda. Particularly in light of considerations around the Standards Matter 2 review published by The Committee for Standards in Public Life (CSPL); and the Boardman review. CSPL's report looked at the strengths and weaknesses of the institutions, processes and structures in place to support high standards of conduct in public life. The Boardman review was carried out in the wake of the Greensill scandal, and looked at a range of matters including mechanisms to manage risks around improper lobbying and conflicts of interest in, and on leaving, office. Both these made a number of recommendations currently being considered by the government.

## **Guest speaker - update from the Cabinet Office**

3. The Chair welcomed members of the Propriety and Ethics Team (PET) at the Cabinet Office to discuss the government's Business Appointment Rules and ACOBA's role in the system. This focussed in particular on government's

commitment to system-wide reforms. The PET team noted the desire for a clearer set of rules and principles; and to explore building the principles into government employment more explicitly upfront - for example via senior civil servants' contracts.

### **Minutes of the last meeting**

4. The minutes of the previous meeting were approved.

### **Communications**

5. The Press Officer updated the Committee on recent press coverage.

### **An update on the rolling programme of reform**

6. The Committee discussed the work it has been doing to continuously improve its risk based approach, and to remove ambiguity in its approach to the Rules and advice - including:

- increasing the transparency in advice letters - the Committee has continued to review and update its advice letters to be clear about its risk appetite; and the requirement for individuals to manage priority of an appointment in other respects, including following the various other codes and rules in place they may be subject to (e.g. the Parliamentary Commissioner for Standards or the Office of the Registrar of Consultant Lobbyists). The Committee noted this work needed to continue and the secretariat agreed to continue to review its approach, with a view to continuously improving the clarity of its advice.
- unpaid cases will be subject to standard conditions which is also made clear in ACOBA's guidance. As agreed by members, details of unpaid cases will be circulated weekly - members have the right to call in papers on any case for further discussion.
- reporting breaches to the government. The Committee noted the reduction in retrospective applications received this year to date and the increase in cases where there was a failure to seek or follow advice. These cases continue to account for a very small percentage of ACOBA's overall caseload (between 2 and 5% of all cases each year). Publishing correspondence in these cases helps to increase understanding around what is and is not appropriate within the Rules.

### **Issues arising from casework**

7. Committee members noted the current approach to advising individuals where they set up individual consultancies. It was agreed that submitting each commission on a case by case basis was the only way the Committee could consider the risks.

8. The system ultimately relies on the integrity of individuals. The 'court of public opinion' is a useful tool - very few individuals, or their employers, wish to be found acting contrary to the high standards expected of public office holders. Transparency and the reputational damage that can occur as a result can act as a deterrent - there is anecdotal evidence that this has resulted in lost opportunities to

work. However, the high profile nature of specific failures can also damage the reputation of the system as a whole.

9. The Committee discussed and agreed that speaking agency cases should be processed in a similar manner to unpaid cases. Experience shows that these cases do not require complex consideration and they will be subject to standard conditions with details circulated weekly - with members having the right to call in papers on any case for further discussion.

10. The recusals policy was recirculated and discussed amongst members. The process remains the same.