

# Advisory Committee on Business Appointments



21st Report - April 2020 to March  
2024

## Contents

Chair’s foreword- The time to restore trust is now .....	2
<b>Supporting good government</b> .....	2
<b>ACOBA’s incremental changes</b> .....	2
<b>The challenge</b> .....	2
<b>Why now?</b> .....	2
<b>Changes ready to be implemented now</b> .....	3
Executive summary - ACOBA’s casework .....	4
<b>Application numbers</b> .....	5
<b>Lower-risk roles</b> .....	5
<b>More complex applications and consideration time</b> .....	5
<b>Breaches</b> .....	7
<b>Key milestones</b> .....	8
What does ACOBA do? .....	9
What are the Business Appointment Rules? .....	10
How does ACOBA apply the Rules?.....	10
ACOBA’s caseload.....	12
<b>Applications year on year</b> .....	12
<b>Multiple applications</b> .....	13
<b>Unpaid and other lower-risk cases</b> .....	13
<b>Complexity of applications</b> .....	16
<b>The consultation process with government departments</b> .....	18
<b>Time with departments</b> .....	19
<b>ACOBA’s advice when risks of a role cannot be mitigated</b> .....	21
<b>Breaches</b> .....	22
<b>Secretariat outreach and informal advice</b> .....	22
Future plans.....	23
Our people .....	24
ACOBA’s history .....	25
Annex - Expanded department names and numbers of application from each department year on year.....	27

## Chair's foreword- The time to restore trust is now

1. I took up the role of Chair of the Advisory Committee on Business Appointments (ACOBA) in April 2020. The UK government has faced many challenges within the standards landscape over my term of office. In recent years, there has been greater unease and distrust than ever in relation to the movement of people between the public and private sectors. The business appointments system has not kept pace with the modern world; and the lack of necessary change has only served to weaken the assurance that the system provides.

### Supporting good government

2. A controlled 'Revolving Door' is a good thing. The smooth operation of this system is fundamental to ensuring the government benefits from the interchange of skills and experience between the public, private and charitable sectors, while protecting the integrity of government. I have spent my tenure as Chair implementing a programme of reform to strengthen ACOBA's approach within the framework set by the government. These reforms to increase transparency, improve risk assessment and ensure public letters are unambiguous can only go so far. The system is bust and needs fixing. To make the Rules fit for purpose and the modern world, a long overdue updating is necessary.

### ACOBA's incremental changes

3. ACOBA's approach is to focus on the risks most likely to damage the integrity of the government. Over time, ACOBA has implemented a number of changes to allow it to do so. This allows committee members to concentrate on more complex applications whilst providing prompt, predictable and consistent advice on appointments that are unremunerated or unrelated to an applicant's time in government. Non-compliance with the government's Rules or ACOBA's advice are treated as breaches and reported to government. The importance of reporting breaches to government has been to

highlight the impact of non-compliance, encourage applicants to follow the Rules and advice and underline the need for reform of the Rules.

### The challenge

4. The public instinctively distrusts a system in which there are no consequences for even the most egregious breaches of the Rules. A public reprimand and a couple of days of bad publicity for the miscreant only serve to underline how feeble the government's Rules are.

5. All government ministers and officials are expected to uphold the highest standards of propriety and act in accordance with the relevant codes of conduct and the Seven Principles of Public Life. It is also the responsibility of the government to foster a culture that supports this – where senior figures lead by example, demonstrating high standards of propriety with clear systems and processes to underpin this.

### Why now?

6. A newly established government is in an ideal position to take much needed control of this particular standards issue. ACOBA has been working with officials on possible policy options for a very long time. There are a number of improvements that this new government could implement during its first weeks.

7. Improvements must include an enforceable system with options to meaningfully sanction individuals for egregious breaches and which operates on an exceptions regime – setting clear expectations up front whilst individuals are in office and encouraging a culture of the proactive management of conflicts of interest.

8. There can be no credibility in a system that continues to:

- have no demonstrable consequences or deterrent for non-compliance.
- lack clear focus on the right things. Forced to expend considerable resources not only on those who have served at the heart of policy, regulatory and commercial decision-making that overlaps with the potential new employer, but also on unpaid roles that have no relation to someone's time in office. Scarce public resources should be directed to where the risks to government's integrity are greatest.
- mask the government's risk appetite. There is no clarity of purpose in the current Rules and what is and is not acceptable for all public office holders must be made clearer. This would allow expectations to be clearly managed up front, on entry to government service and appropriately managed on exit.
- tolerate risks below ACOBA level, where many of the commercial decisions are made.

### Changes ready to be implemented now

9. Three areas of reform can be put into action quickly.

10. Taking action now does not prejudice future statutory measures; it would lay down a firm foundation for change and demonstrate a willingness to get things moving immediately.

### Recommendations for reform

1. **Fairness and predictability** – introduce a formal mechanism – for example via a ministerial deed – to commit ministers to compliance with the Rules, and set out the expectations under the Rules clearly and up front.
2. **Sanctions for non-compliance** – require compliance with the Rules as a formal obligation, so that individuals may face a range of sanctions including legal action for non-compliance.
3. **A risk-based approach for better use of limited public funds:**
  - a. exempt certain low risk applications, for example, roles in academia, media and those in the wider public sector.
  - b. set minimum mandatory conditions, operating on an exception basis to waive those, or add additional conditions.
  - c. clarify which roles would be considered high risk and subject to additional conditions – for example, longer waiting periods.

11. I note the new government's manifesto pledge to review and update the Business Appointment Rules. Some long overdue changes could be implemented in a matter of weeks without the need for legislation. This would also make an unambiguous statement of intent for future statutory measures. ACOBA stands ready to help the government and its officials take this opportunity to make impactful changes to the system.

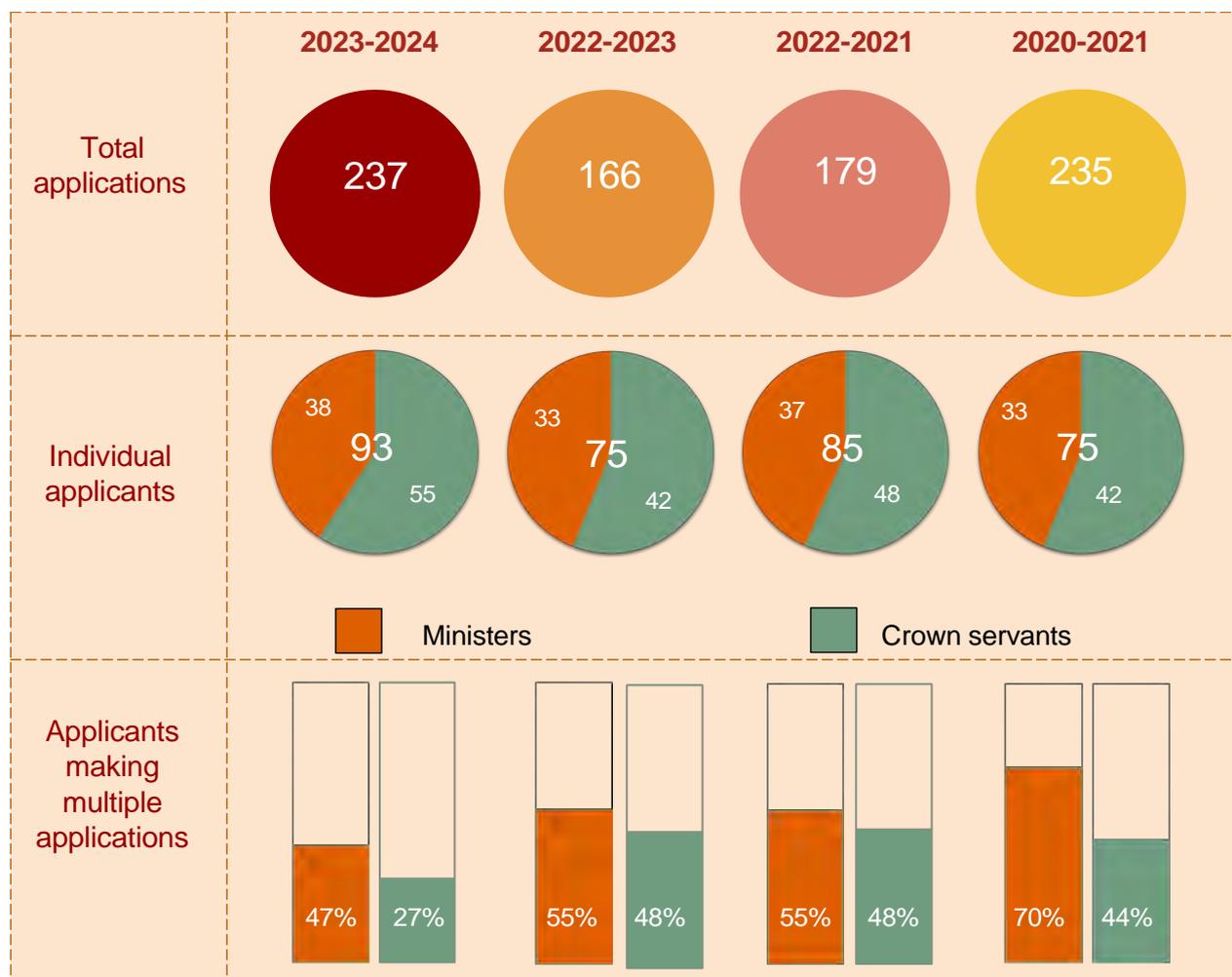
12. Lastly, I would like to take this opportunity to thank the committee members and our small secretariat, who work diligently to ensure fair consideration of each case. I would also like to give a particular thanks to Jonathan Baume, Dr Susan Liautaud, Richard Thomas CBE and the Rt Hon Lord Whitty for their conscientious work during their tenure, before leaving us in 2023.



**The Rt. Hon. Lord Pickles**

Chair of the Advisory Committee on Business Appointments

## Executive summary - ACOBA's casework



13. This report covers the last four reporting periods – 2023-2024, 2022-2023, 2021-2022 and 2020-2021. Given resourcing and casework numbers, ACOBA was unable to collate information already in the public domain into an annual report before now. This report now brings its data on casework already in the public domain into one place.

14. Over this period, ACOBA has:

- considered over 800 applications;
- investigated all reported potential breaches;
- developed recommendations for improving the business appointments system; and
- written to and spoken to hundreds of officials and former ministers and wider stakeholders about the Rules.

15. To do so, Committee members meet twice a week to consider casework, and the secretariat team work with applicants and departments to gather the information required, administer the process and [publish all advice provided to applicants on gov.uk](https://www.gov.uk) if and when

appointments are taken up. ACOBA also publishes its guidance, relevant correspondence, and reported breaches of its advice and/or the government's Rules.

16. There has always been a correlation between changes in government and the volume of applications to ACOBA, as people move in and out of government, which the graph at figure 3 (on page 12) demonstrates.

17. This report is more than just numbers: it sets out what we can learn from the casework of the last four years to help improve understanding around the work of ACOBA and the Rules.

### **Application numbers**

18. The landscape has changed significantly since the Rules were brought in, almost 50 years ago, though the principles remain the same. The practical operation of the system needs significant updating to better address the risks to government integrity.

19. Many people leaving office seek out multiple roles, portfolio careers or consulting work. The majority of applications from former officials in the reporting period concerned roles with some overlap with the policy or operational area or with specific decisions they were responsible for in office; or roles with advisory/consulting firms in which the potential risks, whether real or perceived, are harder to judge.

### **Lower-risk roles**

20. Applications considered on the lower-risk end of ACOBA's workload have a significant impact on our efficiency, much of which is disproportionate to the risks, owing in no small part to the need to advise in consultation with departments.

21. ACOBA's recommendations for reform seek to make this process more straightforward – stripping them out of the current application process and moving to a simpler reporting/transparency regime. This would allow greater focus on those roles more likely to pose a threat to the integrity of government. It would also reduce the administrative burden on departments, provide greater certainty to applicants and allow people to carry out these roles without any unnecessary delay.

### **More complex applications and consideration time**

22. Given ACOBA's remit only covers the most senior Crown servants, the majority of applications to ACOBA come from departments with the largest number of senior staff. The last four years have been no exception, with the greatest proportion of applications relating to the Ministry of Defence (the MOD) and the Cabinet Office. These are also often the most complex because of the wide-ranging responsibility most of these applicants had in office.

23. A large proportion of applications have also been to work with advisory/consulting firms, which makes it harder to judge what risks could arise in the work that they plan to go on to do.

24. The time taken to provide advice varies from application to application depending on complexity. This is reflected in the average timescales across the last four years. What this does not represent though is the short time taken to consider lower-risk applications, which now have a defined risk profile and a simplified process.

**Tables 1-4 below show the proportion of cases completed within the 15 and 20 working day timelines, plus those within an additional 5 days**

Applications from ministers advised on within 15 working days of receiving information	
2023-2024	79%
2022-2023	82%
2021-2022	82%
2020-2021	74%

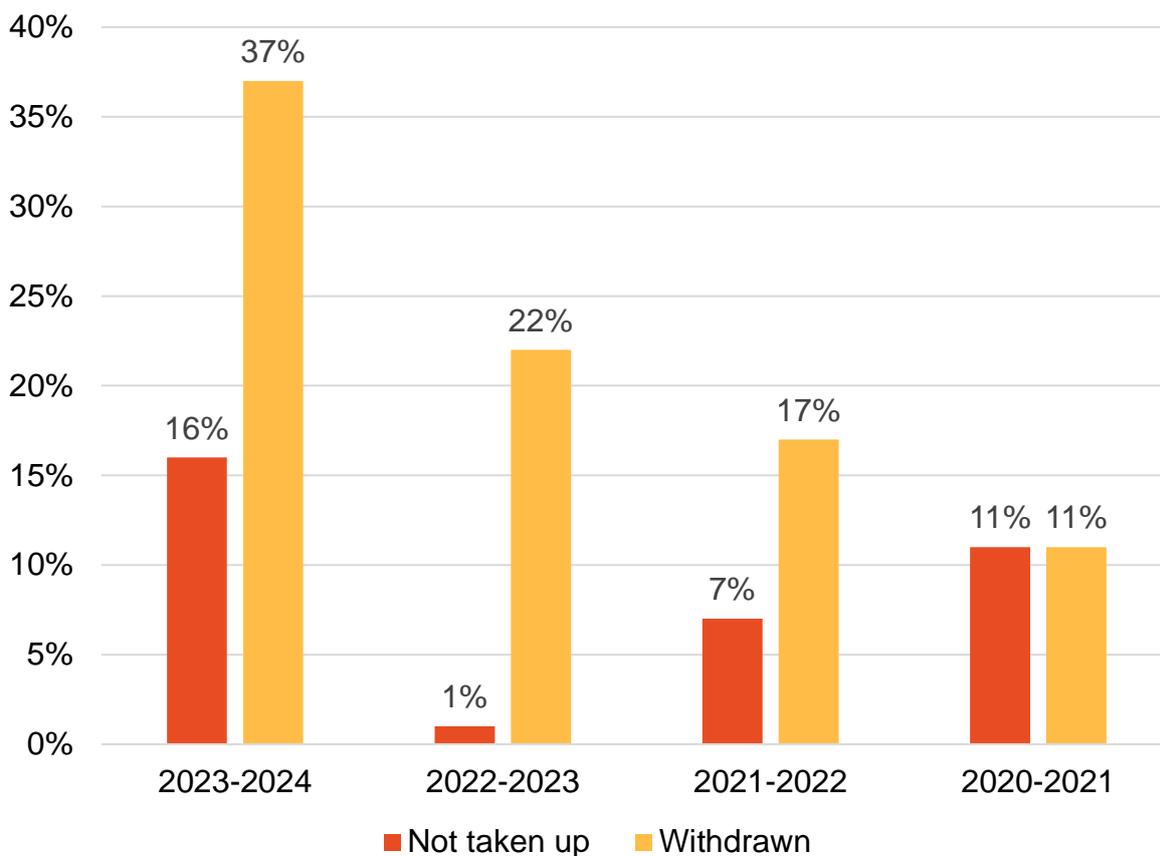
Applications from ministers advised on within 20 working days of receiving information	
2023-2024	89%
2022-2023	93%
2021-2022	93%
2020-2021	83%

Applications from Crown servants advised on within 20 working days of receiving information	
2023-2024	58%
2022-2023	63%
2021-2022	56%
2020-2021	63%

Applications from Crown servants advised on within 25 working days of receiving information	
2023-2024	71%
2022-2023	74%
2021-2022	64%
2020-2021	71%

25. Not all applications for ACOBA’s advice are followed by the prospective role being taken up. For example, ACOBA can and will advise applicants that the risks attached to a specific role cannot be adequately mitigated for the two years the government’s Rules apply for. Further, ACOBA’s advice can make it untenable or unattractive to carry out the role as intended; additionally, applicants may decide not to pursue a role for reasons unrelated to the risk profile and conditions imposed.

Figure 1: Proportion of applications not taken up or withdrawn in each of the last four years

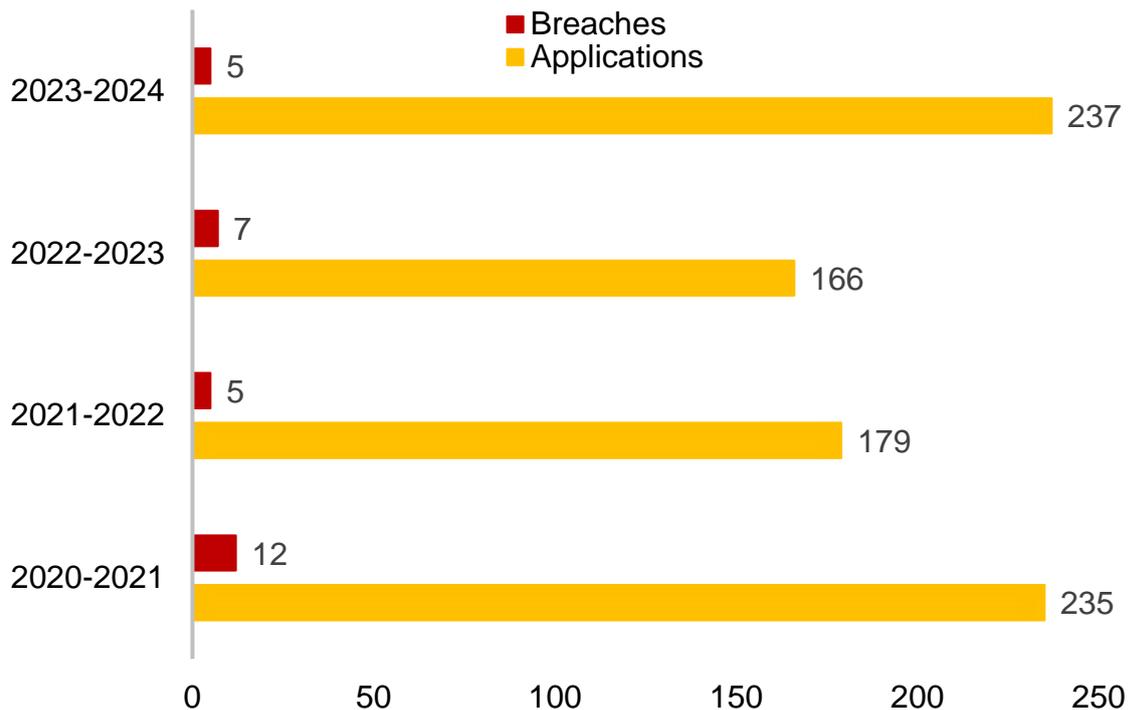


26. Figure 1 shows the percentage of cases that were withdrawn or not taken up over the reporting year, with withdrawn cases at their highest level last year. 37 percent of roles advised or withdrawn and 16 percent were not taken up by the applicant by the end of the year. This compares to 22 percent and 1 percent in 2022-2023, 17 percent and 7 percent in 2021-2022 and 11 percent and 11 percent in 2020-2021 respectively.

## Breaches

Breaches of ACOBA's advice and/or the government's Rules form a very small percentage of ACOBA's overall caseload year on year as the numbers set out in this report show. Figure 2 below illustrates the breaches caseload, relative to applications.

**Figure 2: Volume of breaches of the Rules/ACOBA's advice in comparison to applications received by ACOBA**



27. Whilst there have been instances of blatant disregard for the Rules, the evidence suggests that most breaches are inadvertent. Notwithstanding the low number and the typical circumstances, breaches have a detrimental impact on public perception of the integrity of government and of those serving it. There can be no credibility in a system that continues to have little tangible deterrent for non-compliance against a backdrop of a record low in public trust and confidence in the government. ACOBA will continue to investigate reported instances of non-compliance and report any breaches to the government.

## Key milestones

- The move to investigating and unambiguously reporting breaches to the government, publishing relevant correspondence and where appropriate, writing to the relevant employer. This helps to discourage non-compliance and illustrate to the government where appropriate steps could be taken to improve compliance.

- Increasing engagement with employers, including to require written confirmation that the organisation can and will commit to compliance with ACOBA's advice to limit certain roles. This confirmation is made publicly available with ACOBA's advice letter.
- An increase in working one-to-one with former ministers, senior Crown servants and potential employers to provide early advice and guidance.
- Standardising a minimum set of conditions and clear expectations for lower-risk applications, setting clear expectations for applicants and quickening the pace of ACOBA's consideration.
- Imposing strict limitations on any role that presents a risk of a specific overlap with an applicant's access to information in office, or their perceived sphere of influence within government – possible only where the risk can demonstrably be mitigated.
- ACOBA's transparent approach to breaches uncovering concerns about the previous departmental approach to the management of conflicts relating to outside roles; this was as a result of an [investigation into a breach of the Rules](#) where a former lead commercial official in the Cabinet Office had joined Greensill Capital whilst in service and, after leaving, took on a fuller role with the company.
- Working with the Cabinet Office to bring in a consultation process between ACOBA and the Honours and Appointments Secretariat, as part of its existing vetting process. ACOBA is now consulted on an individual's compliance with the Business Appointment Rules as part of the vetting process. This information is considered alongside all other information before advice is provided on such appointments.
- The Chair gave evidence to a number of different inquiries and reviews, including:
  - the Committee on Standards in Public Life [on its review, Standards Matter 2](#)
  - the Public Administration and Constitutional Affairs Committee [on ACOBA's work](#)
  - the Public Administration and Constitutional Affairs Committee [on propriety of governance in light of Greensill](#)
  - [written evidence to](#) various Greensill enquiries: the Review into the Development and Use of Supply Chain Finance (and associated schemes) related to Greensill Capital in Government, led by Nigel Boardman; Propriety of governance in light of Greensill – Public Administration and Constitutional Affairs Committee inquiry; Lessons from Greensill Capital – Public Accounts Committee inquiry; and Lessons from Greensill Capital – Treasury Select Committee inquiry.

## What does ACOBA do?

28. Government considers it to be in the public interest for individuals to move between the public and private sectors and to have a right to do so. Movement of skills and experience is essential to good government and delivery of good policy for the citizen.

29. Movement from public office into outside roles brings real and perceived risks that decisions in office could be impacted by the opportunity of a future job; or that government information and contacts could be improperly exploited after leaving office. This could

compromise the government's integrity and damage public trust in its governance and decision-making. These risks therefore need to be appropriately managed.

30. ACOBA is the most visible aspect of a much wider business appointments system. The government's Business Appointment Rules (the Rules) are a set of principles designed to protect the integrity of government, whilst allowing movement between the public and private sectors. ACOBA is the government's independent advisory committee, set up to provide independent advice to government and the wider public on the application of the government's Rules.

## **What are the Business Appointment Rules?**

31. The government sets and is responsible for all aspects of the Rules, including their content, amendment and enforcement. There are two sets of rules with which ACOBA is concerned:

- a. [the Rules for Civil Servants \(accessible here\)](#), which apply to all 'Crown servants', including all Civil Servants (in the UK, Scottish and Welsh Governments), Special Advisers, the Diplomatic Service and the Military; and
- b. [the Rules for Ministers \(accessible here\)](#), which apply to all former Ministers, including in the Scottish and Welsh administrations.

Whilst aimed at different audiences, the same principles and tests are applied.

## **How does ACOBA apply the Rules?**

32. In implementing the Rules, ACOBA:

- provides independent, well informed and constructive advice to the government on matters related to the application of the Rules;
- provides advice on individual applications received from the most senior level of Crown servants (those at SCS 3, e.g., Directors General and above) and all former ministers;
- publishes the advice ACOBA has provided to Crown servants and former ministers if and when appointments are made public or are taken up; and
- advises the Cabinet Office when ACOBA considers there has been a breach of the Rules by the most senior level of Crown servants and former ministers.

33. Government departments implement the Rules at all other levels for officials (those below Director General).

34. ACOBA's members sit twice a week by correspondence. Once the secretariat has all the information it needs on a case, it will prepare a recommendation and committee members will consider, discuss and come to a majority view on its advice. Committee members declare any individual interests related to a case and, if necessary, recuse themselves. This is set out in the Code of Practice available on the website.

35. Transparency is a key tool for ACOBA. It publishes its advice in all cases where it is aware that the appointment/employment has been taken up. It makes public as much detail as it can, after taking into account its responsibilities under data protection and freedom of information legislation. The Committee also continues to publish minutes, guidance, and relevant correspondence – for example submissions to parliamentary inquiries.

36. It is not ACOBA's role to pass judgement on any appointment/employment with regard to other matters or to endorse it. It is an applicant's personal responsibility to understand any other rules and regulations to which they may be subject in parallel with this Committee's advice; to manage the propriety of any appointment; and uphold the highest standards of propriety in accordance with the [Seven Principles of Public Life](#).

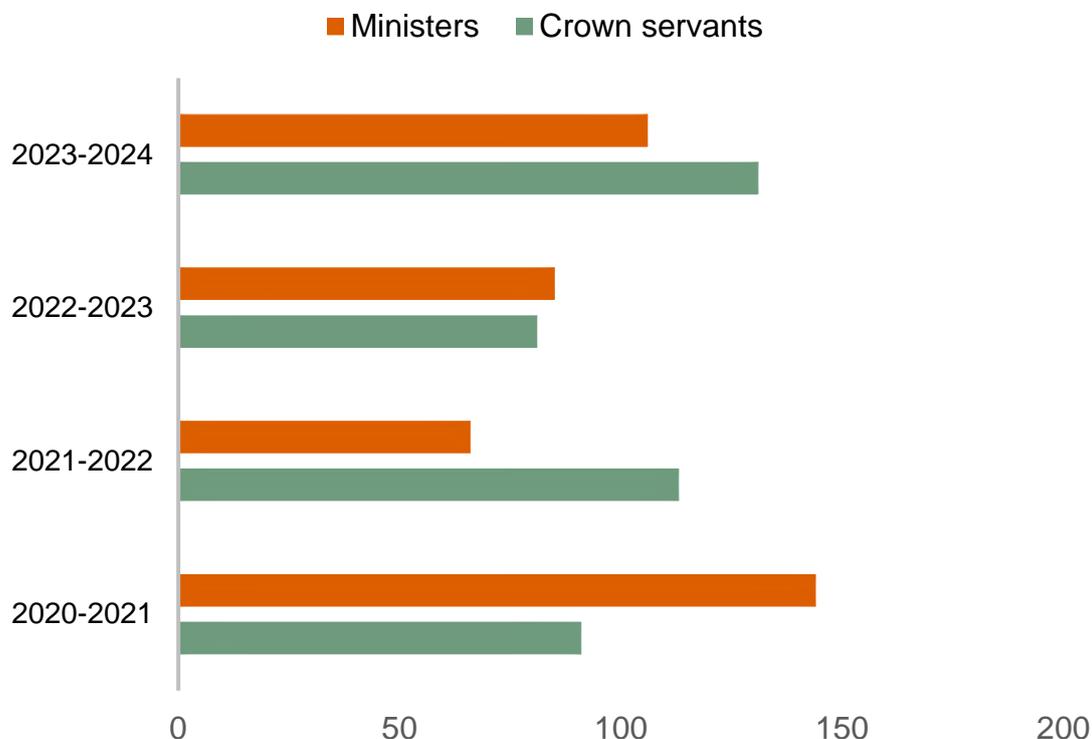
37. ACOBA, its advice and the Rules exist separately from the rules administered by other bodies including but not limited to:

- [The Code of Conduct for Members of Parliament](#)
- [The Code of Conduct for Members of the House of Lords](#)
- [The Office of the Registrar of Consultant Lobbyists](#), which administers the [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014](#).
- [The Seven Principles of Public Life](#).

## ACOBA's caseload

### Applications year on year

*Figure 3: Volume of applications received in each of the last four years*

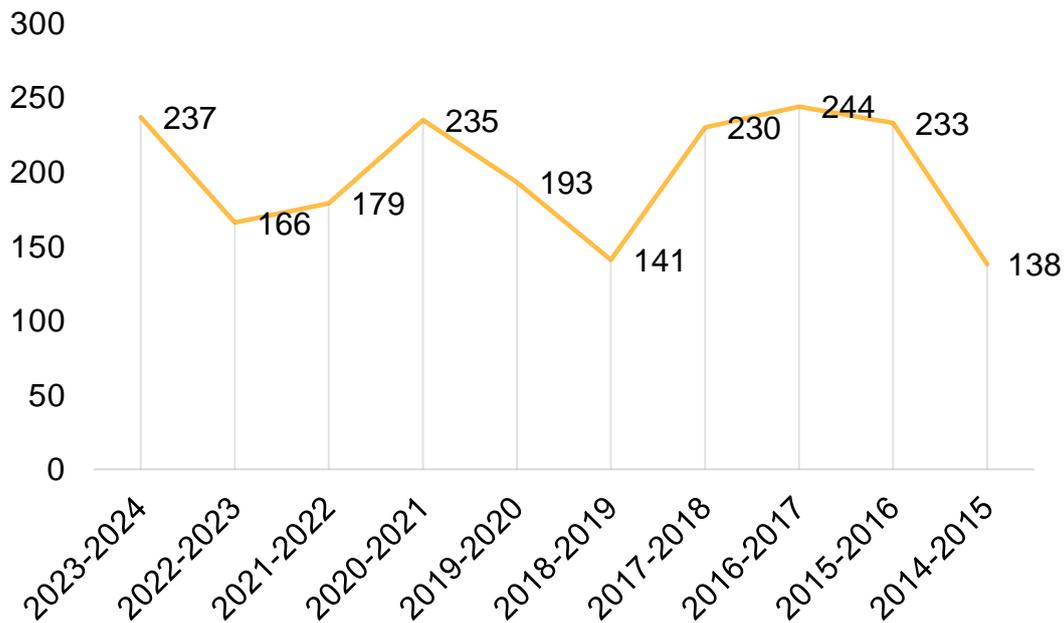


38. Application numbers cannot be entirely predicted as they vary depending on how many ministers leave office and how many applications individuals make. On leaving office, some individuals may not take up any work outside of other government/parliamentary roles, others may take up multiple outside roles. The volume tends to increase following changes in government and decrease when those who left government (most notably former ministers) are no longer required to make applications (two years from their last day in service).

39. As shown in figure 4 (below), the various changes in government administrations since 2019 were followed by increased application numbers. This included a significant rise in the number of senior Crown servants seeking advice on leaving government – the highest since the peak following the general election in 2015 and the change in Prime Minister in 2016. This pattern also correlates with the reported increase in the number of Civil Servants leaving<sup>1</sup>.

<sup>1</sup> <https://www.gov.uk/government/statistics/civil-service-statistics-2023/statistical-bulletin-civil-service-statistics-2023#entrants-and-leavers>

**Figure 4: Applications received by ACOBA each year, over 10 years, from 2014 to 2024**



### Multiple applications

40. Applicants making multiple applications, rather than taking on one post-government role, is a feature of ACOBA's workload. The specific proportions fluctuate from year to year.

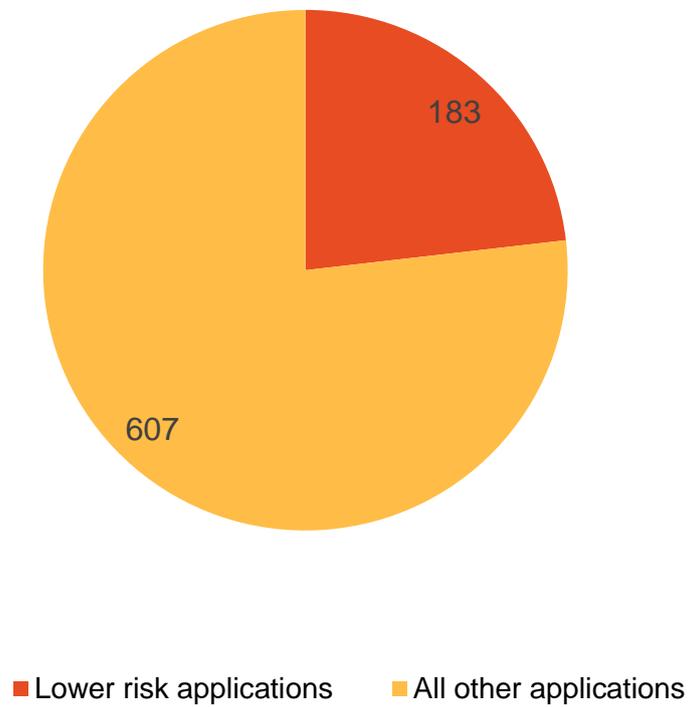
41. In the three years to the end of March 2023, more than half of former ministers making applications to ACOBA made multiple applications. In 2023-2024, however, less than half of former ministers made more than one application.

42. As mentioned above, the number of applications from individual Crown servants has increased, with a significant uptick 2023-2024 coinciding with a decrease in the proportion of applicants making multiple applications.

### Unpaid and other lower risk cases

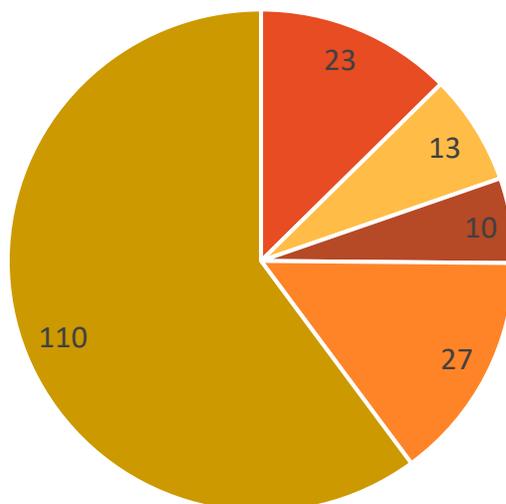
43. The government's Rules currently require all work to be considered, regardless of the risk profile, sector or level of remuneration. Though the majority of applications considered are for paid roles, there is a significant number each year for unpaid work.

**Figure 5: Proportion of ACOBA's applications that are lower risk over the last four years**



44. Unpaid roles may vary from academic posts, which are often unpaid, to becoming a charity trustee or working in the wider public sector. ACOBA views unpaid roles as having limited risks which can usually be adequately mitigated by applying a set of standard conditions to prevent both the use of privileged information and offering an advantage to organisations in respect of influencing decisions on policy and commercial/funding matters.

**Figure 6: A breakdown of lower risk applications by role type**



- Speaking agency
- Journalism and other media roles
- Academic (paid)
- Academic (unpaid)
- Unpaid (not including unpaid academic applications)

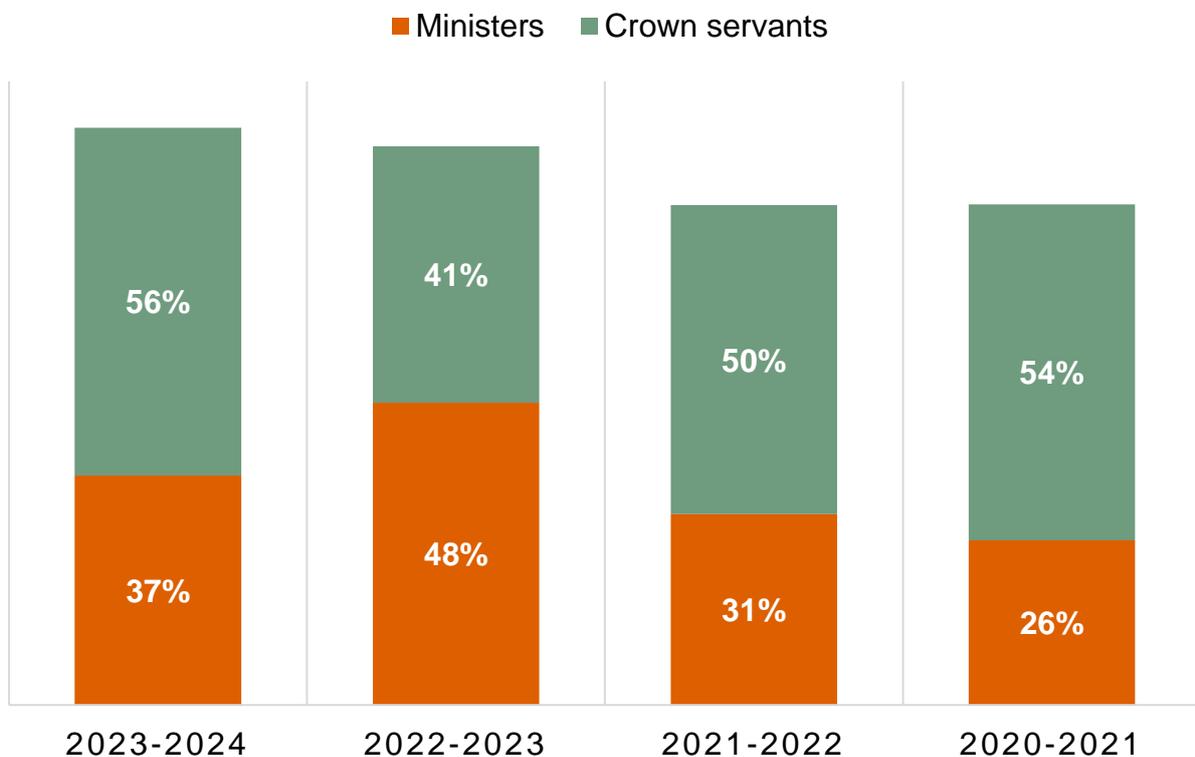
45. Alongside unpaid roles, there are others where the element of risk is known for that category of role, and limited. In these cases, standard conditions adequately mitigate the risk without additional restrictions. For example, journalism, or similar media roles where the work undertaken is transparent and in the public domain. More on the risk profile of certain work is set out in [ACOBA's guidance](#).

## Complexity of applications

46. The most complex applications are those where an applicant's prospective role overlaps with their responsibilities in office. A challenging aspect of ACOBA's work is determining what that overlap is and how serious a risk this poses under government's Rules – whether real or perceived.

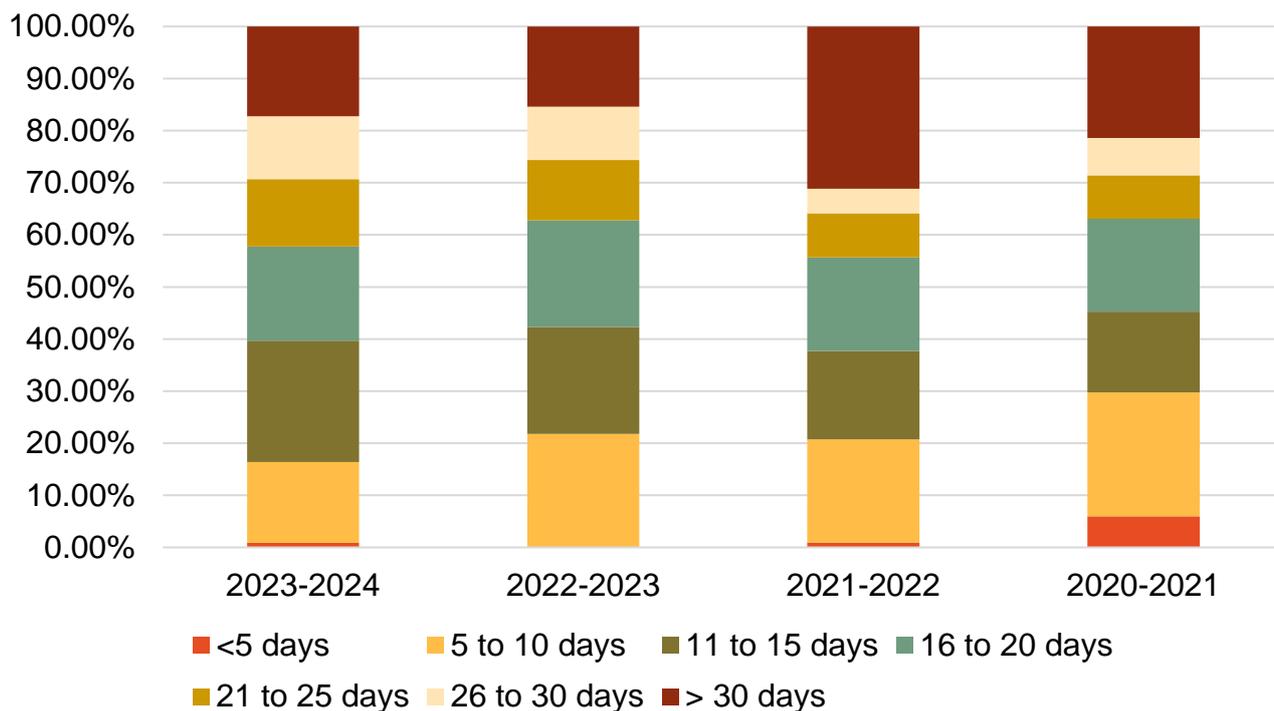
47. Applicants and departments are required to provide information to demonstrate why a role would be suitable under the Rules. ACOBA relies on the information provided, alongside desk research, to understand and evidence individuals' roles in office, their decision-making responsibilities, their access to privileged government information and the possible mitigations to the risks this might pose under the Rules.

**Figure 7: Proportion of applications that overlap with responsibilities an applicant's responsibilities in office each of the last four years**



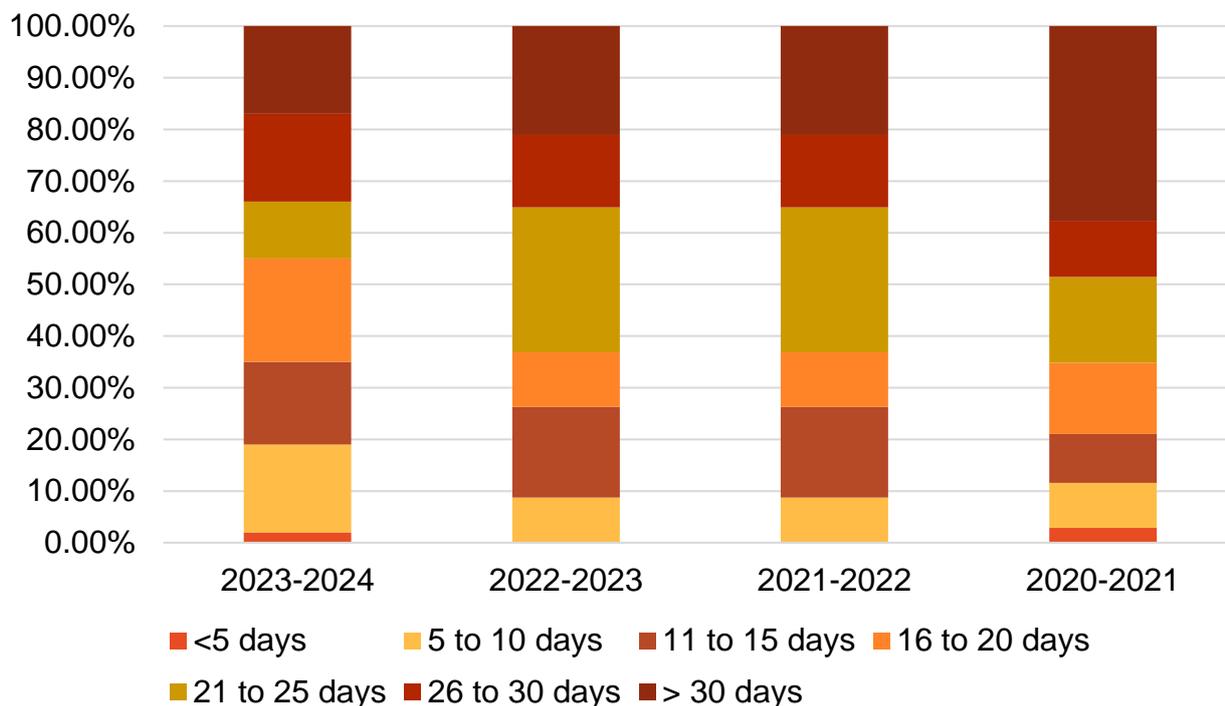
48. Further, there has been a large proportion of applications from former officials that involve working with advisory/consulting firms which makes it difficult to assess what overlap with their responsibilities in office will arise in the work that they go on to do. These application numbers rose from 12 percent of applications from Crown servants in 2020-2021 to between 21 and 24 percent in the last three reporting years. There are also similar applications from former ministers, though in lower numbers in most years.

**Figure 8: The time taken to consider applications from receipt of application of Crown servants**



49. In the most recent reporting year there have been more of the most senior members of the Ministry of Defence (the MOD) leaving office than usual. As the majority of applicants from the MOD have a long career in defence and security and they commonly seek to continue working in defence after leaving office. These applications are typically highly complex which has therefore increased the consideration time, often to more than the 20 working days set out in the government’s Rules.

**Figure 9: The time taken to consider applications from receipt of application of former ministers**



50. There is a causal link between the complexity of applications and the time taken to consider them. The time taken varies across the various years, showing some reduction in timelines where the complexity decreases as a result of ACOBA’s changes in approach. For example, where the applications fall into the category of known lower risk roles (journalism and media roles, unpaid etc), consideration will now only take a matter of days once ACOBA has received all the necessary information from the applicant and department(s).

**The consultation process with government departments**

51. The consultation process for former ministers’ applications – former ministers apply directly to ACOBA. The department(s) where an individual was previously in office is consulted in every application submitted by a former minister. Departments are required to verify the information provided and to make a recommendation to ACOBA in respect of the risk profile and the appropriate mitigations.

52. The consultation process for former Crown servants’ applications – Crown servants apply to the departmental HR which completes the application with the necessary information, including a recommendation on the risk profile and appropriate mitigations. The department submits this to ACOBA for advice, with ACOBA only consulting departments where the information in the application is not comprehensive enough to come to a view. ACOBA holds no data on the process or time taken within departments applications are submitted to ACOBA.

53. The impact of this on the timelines for considering applications is set out below.

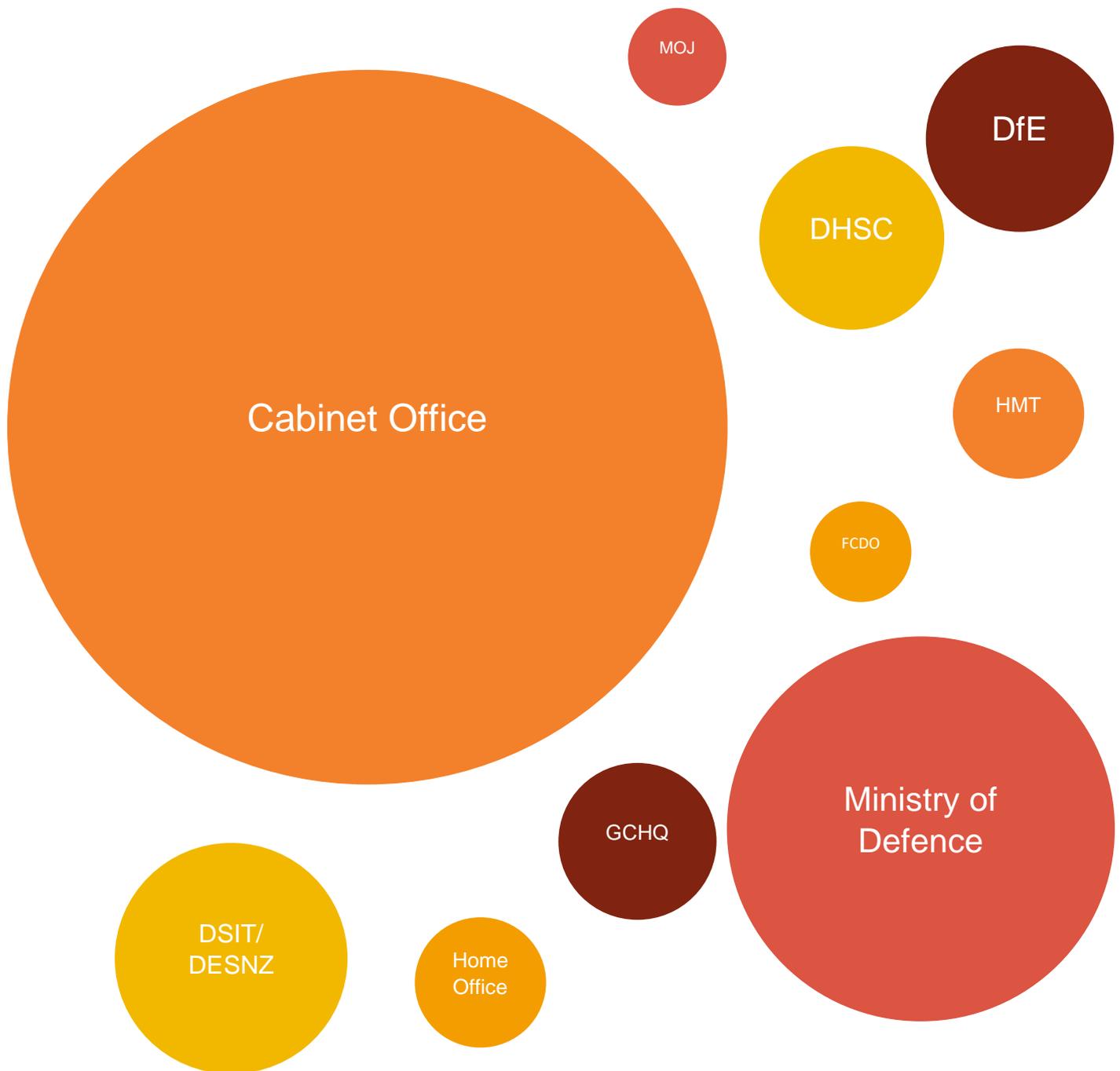
## Time with departments

54. Where there is limited overlap between the prospective work and the responsibilities of the former ministerial role, departments are often able to establish that and advise ACOBA relatively quickly. That is not always the case. Departments face various challenges to providing the right information at the right time, including:

- limited capacity in private offices;
- staffing and ministerial changes; and
- a lack of readily available and sufficiently detailed data about official meetings with external stakeholders.

55. In the last four reporting years, it has on average taken between 12 and 14 working days to provide the relevant information including the most straightforward and the most complex. Applications that engage more than one department tend to take longer, with the average rising to 20 working days. That tends to be as a result of complexities in how ministerial portfolios are split, managed or moved between departments as a result of the various reorganisations within government departments which create, abolish or move functions between departments. The time taken by departments to respond to ACOBA's information requests has ranged from between two working days and 74 working days.

*Figure 10: The most commonly engaged departments in ACOBA applications over the last four years*



56. Over the reporting period, ACOBA received applications relating to 28 different departments, with the ten most common set out in figure 10. The MOD and the Cabinet Office are consistently the most common departments engaged by applications, not least because there are high numbers of senior Crown servants in these departments. Others tend to fluctuate from year to year. For example, Government Communication Headquarters (GCHQ) saw 44 applications over the four-year period but, within that, none in 2022-2023. A breakdown can be found in the annex on page 27.

57. Eliciting the necessary information is a challenge, and ACOBA's plans for the coming year include outreach with departments to work on improving these timelines. In the last four years, the departments most consistently providing information within 10 working days included the Department for Digital, Culture, Media and Sport (DCMS), the Home Office (HO) and the Scottish Government (SG). These are not the departments which ACOBA consults in the majority of applications.

### **ACOBA's advice when risks of a role cannot be mitigated**

58. Under the Rules, to mitigate potential risks to the integrity of the government associated with appointments, ACOBA will specify waiting periods to apply before appointment can be taken up and other conditions such as restrictions particular to the role.

59. Not all applications for ACOBA's advice can or will be taken up as a result of the risks posed. Applications may be withdrawn or not taken up for a number of reasons, including:

- ACOBA advising that the role is unsuitable as the risks cannot be adequately mitigated for the two years the government's Rules apply for;
- ACOBA's advice making it untenable or unattractive to carry out the role as and when intended by the applicant and/or employer;
- factors unrelated to ACOBA's advice, for example for the job offer changing and/or no longer appealing, or a different prospect – such as a return to government or a competing private sector opportunity – being pursued instead.

In each year covered by this report almost a quarter of applications were withdrawn or not taken up by the applicant, rising significantly in the last reporting year as shown in figure 1 on page 7.

### **An exception to the rule**

ACOBA applied conditions to all but one of the roles advised on but one during the years covered in this report.

The exception was for a role with the European Bank for Reconstruction and Development which does not operate wholly outside of the UK government. ACOBA's advice was therefore that, aside from the applicant's ongoing duty of confidentiality, no further restrictions were necessary.

## Breaches

60. In the first year with Lord Pickles as chair, ACOBA was made aware of some unprecedented and serious breaches of the Rules. ACOBA was clear that these cases illustrated the need to strengthen ACOBA's approach to failures to follow the Rules. ACOBA now:

- a. avoids the use of ambiguous language, being explicit where individuals have failed to comply with their requirement to follow the Rules and ACOBA's advice.
- b. requires individuals and/or departments to provide a formal explanation, which is done through the investigative process.
- c. reports breaches to the government, it is then for the government to determine what the consequences, or lack of, for the breach should be.
- d. publishes all relevant correspondence on gov.uk.

ACOBA has seen an increase in enquiries from departments, members of the public and the media about compliance with the Rules and ACOBA's advice. However, as Figure 2 shows, breaches remains a very small part of ACOBA's overall workload.

## Secretariat outreach and informal advice

61. Given the absence of updated Rules or formal guidance from government on its application of the Rules, ACOBA has increased its outreach work to help demystify its approach and improve understanding.

62. A significant change over recent years is the proportion of time spent by the secretariat providing early or speculative advice. It is not uncommon to meet with applicants face to face and virtually to discuss the government's Rules, the specifics of the applicant's role in office and the avenues of possible work or specific prospects that they are considering. This allows applicants to test thinking, change their mind about roles they might pursue and better understand what detail to provide in their detailed applications. These conversations are held in confidence and only material details made public if and when a role is later taken up.

63. ACOBA writes to former ministers who leave government after a government reshuffle or when a minister steps down. In 2023, for the first time, ACOBA posted an open letter to departing ministers on its website, alongside sending this as personal correspondence to ministers. This increased transparency, allowed ACOBA to raise awareness and reach a wider audience.

64. As set out elsewhere, ACOBA works within a complex environment where a range of bodies are involved in setting out and administering the rules around ethical standards and integrity. ACOBA has worked with colleagues and stakeholders from across the landscape, for example:

- working with the House of Commons Standards Committee, the Registrar of Lords' Interests and the Office of the Registrar of Consultant Lobbyists to ensure clarity on the various rules that might apply separately to ACOBA's advice, as set out in its advice letters.
- engaging with the Committee on Standards in Public Life, and academic stakeholders, to share insight and comment on reports and recommendations.
- providing evidence to various parliamentary committee inquiries.

## Future plans

65. In the coming year ACOBA will focus on staffing, collaboration with departments, transparency on gov.uk, and reforms to improve the business appointments system:

66. **Staffing** – recruiting and training new members of the secretariat to meet expected increases in workload, greater outreach and wider reforms in the ethics and integrity landscape. Effective onboarding, induction and training for new joiners is critical in effective delivery of ACOBA'S workload.

67. **Working with departments** – a major challenge is working with staff in departments to help them better understand the government's Rules, how ACOBA applies to their people and the need to prioritise this area of work when necessary. This report comments on some of the departments consistently providing ACOBA information within 10 working days. Over the coming year ACOBA plans to develop a more formal mechanism to report against performance in this area and close working with departments to understand the challenges faced and gather evidence to help address them.

68. **Reform of the business appointments system** – ACOBA will continue to work with the government on improvements to the Rules and the system more widely. In particular, this will focus on building on ACOBA's recommendations to support the government's ambitions in this area whether this feeds into an ethics and integrity commission or a move toward a statutory system. ACOBA stands by, ready to support much needed reform.

69. Other areas of focus include:

- **Digitisation** – there is a challenge for the system in how data is gathered, managed and reported and scope for greater use of digital solutions. This is something the Committee is keen to explore, resources permitting.
- **Application of the Rules for all other applications dealt with by government departments** – the current system tolerates an unknown risk as little is known about the scale of casework at departmental level. For example, how many of the roughly 40,000 civil servants leaving office each year should and do seek advice and how are the Rules implemented? Departments publish basic data about decisions for senior Crown servants; and have in recent years been asked to report numbers of applications in their annual reports, but there remains a large element of the unknown. What advice do departments provide and why; is it consistent? ACOBA has

previously offered to look at operations within departments and stands ready to do, resources permitting.

- **Gov.uk** – ACOBA plans to improve the accessibility of its publications on gov.uk, making it easier to find advice on its gov.uk homepage and returning to the publication of all its responses to requests under the Freedom of Information Act.

## Our people

70. The Committee has nine members, appointed by the Prime Minister.

71. All are appointed for a single non-renewable term of five years. The current membership includes three members nominated by each of the Conservative Party, Labour Party and Scottish National Party as the three largest political parties in the House of Commons at the time of appointment; and a further six are independent members, whose appointments are made following fair and open competition, in accordance with the Commissioner of Public Appointments' Code of Practice, as was the appointment of Lord Pickles as Chair of the Committee following his earlier nomination.

72. The Committee members during the reporting period were:

- Rt Hon The Lord Pickles – Chair (Conservative Party member)
- Jonathan Baume (August 2023; independent member until)
- Andrew Cumpsty (independent)
- Isabel Doverty (independent)
- Hedley Finn OBE (independent)
- Sarah de Gay (independent)
- Dawid Konotey-Ahulu CBE DL (independent)
- Dr Susan Liataud (until January 2023; independent member)
- Richard Thomas CBE (until August 2023; independent member)
- Rt Hon Baroness (Maggie) Jones of Whitchurch (Labour Party member)
- Rt Hon Lord (Larry) Whitty (until June 2023; Labour Party member)
- Mike Weir (Scottish National Party member)

[Biographies for ACOBA's members can be found on our website here](#) as can the [Register of Interests for members](#).

73. Staffing numbers have fluctuated over the four years covered by this report. Staffing in the small operational team will always be a challenge and over this period has ranged from less than two full-time staff members to today's current complement of five: the Head of ACOBA, the Policy and Casework Manager and three caseworkers. Recruitment is ongoing to bring in another five staff members.

74. ACOBA's budget is allocated through the Cabinet Office business planning process. In 2022-2023 the Cabinet Office provided a temporary resource between September 2022 and January 2023 and the following year increased ACOBA's staffing Budget. The Cabinet Office has since agreed to increase ACOBA's staffing budget for the financial year 2024-2025 in anticipation of an increased workload post-election. The business planning process comes with challenges, with headcount negotiated year to year rather than there being any longer-term agreement. This is exacerbated by the fact that recruitment can take six months with a further six months needed for staff to be able to manage a full caseload.

75. The [Civil Service Commission](#) is funded by the Cabinet Office to provide the secretariat for ACOBA. ACOBA's expenditure is therefore set out each year in the audited annual report and accounts for the Civil Service Commission. The relevant reports can be found at the links below, with the 2023/24 annual report scheduled for publication in the Autumn:

- [The Civil Service Commission's Annual Report 2022/23](#)
- [The Civil Service Commission's Annual Report 2021/22](#)
- [The Civil Service Commission's Annual Report 2020/21](#)

## ACOBA's history

76. ACOBA was first established by the then Prime Minister, Harold Wilson, in 1975. Its purpose then was to provide advice in respect of appointments sought by senior civil servants only. Non-statutory rules were established to require permanent secretaries and deputy secretaries to submit any employment plans in the private sector for approval by the Committee. Its initial membership was as follows:

- Lord Diamond (Chairman) – Labour peer
- Lord Trend (Vice-Chairman) – former Cabinet Secretary
- Lord Campbell – Conservative peer (and also a former diplomat who served in the forces during World War II)
- Dame Mildred Riddelsdell – former Permanent Secretary
- Sir Melvyn Rosser – Senior Partner, Deloitte (and director of many other companies and corporations including the Land Commission, British Coal, and the Wales Board of NatWest Bank)

77. In its first report, published in May 1995, the Committee on Standards in Public Life recommended that a similar advisory system should be applied to former ministers:

*'A transparent advisory system will achieve the necessary liberty of movement for individuals but nevertheless secure public confidence and ministerial compliance without the complication of a statutory power.'*

78. The recommendation was accepted, with the 1995 version of the Rules – at that time, referred to as ‘guidance’ – the first which applied to former ministers. There have been four principal revisions of the Rules since 1995.

**1) The 1998 version differs little from the 1995 version.**

**2) The 2011 version included significant revisions, including:**

- a) The introduction of the two-year lobbying ban, still applicable today, prohibiting by default both ministers and civil servants from lobbying the government on behalf of their new employers.
- b) For the first time, unpaid roles in non-commercial organisations are specifically included in the Rules and remains so today.
- c) All special advisers, regardless of seniority, were required to make an application to ACOBA, which is no longer the case.

**3) Revisions in the 2014 version revisions included:**

- a) It being explicit that retrospective applications will not normally be accepted.
- b) Specific permission for departments, at their direction, not ACOBA’s, to continue to pay former civil servants or special advisers who are required to observe a waiting period before taking up an outside appointment.
- c) The requirement for special advisers to apply to ACOBA for advice being reduced, to include only those at ‘equivalent standing’ to senior civil servants, with all others now being dealt with by their employing department.
- d) Permission for ACOBA to consider qualifying the lobbying ban to make clear that it need not prevent individuals communicating with government on matters that are an integral part of the normal course of business for their new employers, if there are no propriety concerns.

**4) The 2016 revisions:**

- a) The definition of lobbying was updated to make clear:
  - i) lobbying is lobbying, regardless of where the activity takes place.
  - ii) it does not does not prohibit contacts, including at a social or party-political level which is unrelated to such lobbying.
- b) The full text of the rules was annexed to the Ministerial Code for the first time.

**5) The 2018 revision includes an explicit provision that ministers must not take up or announce any new appointments before receiving ACOBA’s advice.**

## Annex - Expanded department names and numbers of application from each department year on year

Departments		Number of applications per year			
		2023-2024	2022-2023	2021-2022	2020-2021
Attorney General's Office	AGO	1	0	0	2
Crown Prosecution Service	CPS	2	0	0	0
Competitions and Markets Authority	CMA	2	0	1	0
Cabinet Office	CO	74	49	50	26
Department for Business and Trade	DBT	6	7	7	6
Department for Digital, Culture, Media and Sport	DCMS	0	6	3	13
Department for Environment, Food & Rural Affairs	DEFRA	8	4	1	2
Department for Exiting the European Union	DEXEU	0	0	0	1
Department for Education	DFE	8	4	17	23
Department for Transport	DFT	2	1	7	3
Department of Health and Social Care	DHSC	7	13	10	21
Department for Science, Innovation and Technology/ Department for Energy Security & Net Zero	DSIT/DESNZ	9	4	12	40
Ministry of Housing, Communities and Local Government/ Department for Levelling up, Housing and Communities	MHCLG/ DLUHC	1	8	2	6
Department for Work & Pensions	DWP	0	3	2	6
Foreign, Commonwealth & Development Office	FCDO	2	7	15	4
Government Communications Headquarters	GCHQ	26	0	7	11
His Majesty's Revenue & Customs	HMRC	6	0	0	1
His Majesty's Treasury	HMT	8	8	6	14
Home Office	HO	8	4	9	15
Ministry of Defence	MOD	31	22	12	26

Ministry of Justice	MOJ	7	12	5	3
Northern Ireland Office	NIO	1	0	1	10
Office of Gas and Electricity Markets	Ofgem	3	3	0	3
Water Services Regulation Authority	Ofwat	1	1	0	1
Scottish Government	SG	1	1	6	1
United Kingdom Statistics Authority	UKSA	2	0	0	2
Wales Office	Wales Office	4	4	0	4
Welsh Government	WG	7	7	5	7