



Public Administration Select Committee

Oral evidence: Pre-appointment Hearing, Chair of the Advisory Committee on Business Appointments (ACOBA), HC 759

Tuesday 9 December 2014

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Members present: [Mr Bernard Jenkin](#) (Chair), [Mr Nigel Evans](#), [Paul Flynn](#), [Mrs Cheryl Gillan](#), [Sheila Gilmore](#), [Kelvin Hopkins](#), [Greg Mulholland](#), [Mr Andrew Turner](#)

Questions 1-51

Witness: Baroness Angela Browning gave evidence.

Q1 Chair: We are here to hold a pre-appointment hearing for Baroness Browning, who is the Government's nominated candidate for the chair of the Advisory Committee on Business Appointments, which seeks to regulate which jobs Ministers and officials may take when they depart from the public sector. We have produced a comprehensive report on ACOBA and what we think the arrangements should be, which the Government did not accept. This hearing is therefore conducted in the context of the institution as it is, not as we would wish it to be. I think we have to accept that we are not making or scrutinising the appointment we would prefer. First, I welcome Baroness Browning, and I ask her why she applied for the role.

Baroness Browning: Well, I joined the committee in June this year, and I was aware very shortly afterwards that the vacancy for the chair would come up. I did not immediately think that I would apply, but as I grew into the work of the committee I could see that several things were coming up which would be a challenge. For example, your own Committee's report and the Government's response to it, and the changes that came from that, were raised at one of the first committee meetings that I attended.

There is also the question of the annual report. This demonstrated very clearly that the work load had increased, not only in terms of the number of cases but also of the need to balance budgets and the time scales in which the committee handles casework. With the

general election next year, there is a very real possibility that there will be quite a peak in that work load for the secretariat and for the committee. All those things came together and, when the job was advertised on the Cabinet Office website, I decided that those were the sort of challenges and changes I was very keen to be more actively involved in.

Q2 Chair: Apart from your experience on ACOBA since June, what experience will you bring to this role?

Baroness Browning: There are several things. Internally, here in the House of Commons, I was a member some years ago of the Standards and Privileges Committee, where one had to use judgment in balancing sometimes quite delicate facts and issues in a very non-partisan way. I also served as an electoral commissioner on the Electoral Commission. Although the commission is a statutory and regulatory body, so in some ways very different, none the less it is a committee on which one has to put aside any party political or personal interest and make judgments, some of which are quite finely balanced. Just as an example, those two committee experiences would certainly be helpful.

Q3 Chair: How much time would you be contracted to give to ACOBA as its chair?

Baroness Browning: The advertisement says two to three days per month.

Q4 Chair: Realistically, how much time do you expect to have to give?

Baroness Browning: Probably a lot more than that. I find that these public appointment jobs are very often quite conservative in the amount of time they think needs to be committed. I am a working peer but, apart from my one very small outside contract, I doubt that I would have any difficulty meeting the time requirements.

Q5 Chair: May we ask what the outside contract is?

Baroness Browning: Yes, I do about 10 days' work a year, usually on a Friday, for Cumberlege Eden, a company which trains people in the National Health Service. It does leadership training, performance training—that type of thing.

Q6 Chair: How much time are you prepared to give to the role?

Baroness Browning: I am prepared to give whatever it takes. I am aware of the amount of time it takes processing casework, which the chair would still be involved in. I would expect to spend some time in the Cabinet Office. For example, in the changes in the rules that have just been announced, there is a need for much more in-depth training and awareness within individual Ministries. One of the things I would wish to do would be to

attend those types of sessions in Ministries to see just how they are implementing the changes in the rules.

Q7 Chair: That brings us on to what your priorities as chairman would be.

Baroness Browning: The first priority is to lead the team; to lead the committee. I think there is a lot that can be done to deploy the experience of the committee, not just in looking at individual cases as they come forward, but in the overall performance of the committee in meeting its time targets, in making sure that we give a really clear and transparent account at the end of each year as to how we have benchmarked and checked the work that we do. That is something on which I would hope to lead the committee and the secretariat, rather like companies in their annual reports give a much more detailed account of how they have checked the work that they have done and assessed the way in which they have improved performance. I would hope to build on that in our annual report.

Q8 Chair: What do you think the leadership challenge is in ACOBA?

Baroness Browning: In the short-term, I think the leadership challenge is to make sure that the recently announced changes from the Cabinet Office are implemented and are working. I think that is an immediate priority. Coming up over the hill next year, there is planning for what I think will be a peak in work load following the general election, although I do not anticipate it would all be in the week after the election. It usually follows through over a period of months. Another priority is to be able to maintain a balanced committee. We have vacancies, as you know, so appointing people to make sure that we have a full complement in the committee is a major challenge and priority.

Q9 Mrs Gillan: First of all, may I declare my interest and refer to the Register of Members' Financial Interests because, as a former Minister, I have had to consult the organisation? For me, there is a wider picture, because you deal with the devolved Administrations. I would like to know how you are going to approach the Welsh Assembly and the Scottish Parliament.

Baroness Browning: As you know, we deal at the moment with the devolved Assembly in Wales and the Parliament in Scotland. We have no difficulty in the casework that I have seen to date. In fact, I am currently looking at one particular case to do with the Wales Office. Clearly, if there are significant changes to structures, for example in Scotland, I think we would need to have advice from the Cabinet Office, because there would almost certainly need to be some changes in rules.

Q10 Mrs Gillan: Looking at your overheads, they have increased recently from £163,000 a year to £196,000 a year, because you are now responsible for the property

element, which, before, was hidden within the Cabinet Office accounts. Do the devolved Administrations make any contribution to the running costs?

Baroness Browning: I am not aware of that. I can certainly write to you. It is not something that I have personally had drawn to my attention or been asked about. You are right in saying that of the fixed costs which the Cabinet Office now take out of the budget—I think it is about £65,000 a year—the bulk of what is left is taken up with staff salaries for the secretariat. There will, of course, be a need to reduce the budget by 8% anyway in the next financial year. If I am appointed as chair, I would wish to begin those discussions straight away to make sure that we can balance the books.

Q11 Mrs Gillan: I was looking at the levels of remuneration for the committee, at £3,000 for the members of the committee and £8,000 for the chairman's role. Do you have any view on those levels of remuneration?

Baroness Browning: They are regarded and advertised as honoraria, so they are not actually seen as salaries. I think that that is probably the right level.

Q12 Paul Flynn: Just out of interest, the salaries were the result of a recommendation by the predecessor of this Committee. We produced a report that was seeking all kinds of reforms, and the only one that was accepted was to introduce salaries for members of the committee.

My chief problem this morning is: what is a nice woman like yourself doing applying for such a futile job? It took 18 months for the Government to reply to our criticism of this body. I expect that at the end of April, we are going to find a whole host of sacked, discredited Ministers wandering around hawking their contacts file and their insider knowledge to the highest bidder in order to sell their expertise for a large amount of money. What can you do to stop them? You are supposed to be a watchdog, ACOBA, but you are watchdog without teeth or claws.

Baroness Browning: Mr Flynn, I am aware of the Committee's 2012 report, which you mentioned. I have to say that it is a very long time since anybody said to me, "What is a nice girl like you doing in a place like this?"

Paul Flynn: You should get out more.

Baroness Browning: Thank you for making my day. I understand why you are asking me that question in the way in which you phrase it. I have to say that having served in ministerial office in two Governments, I do not quite share your view of ex-Ministers. I do hope that you will live in hope that within the body politic there are many people who do a good job, behave with integrity and honour, and adopt the Nolan principles as Ministers and when they leave office.

You are right to say that we are not a regulatory body in the sense that we have powers that we can impose on people of our own volition. We are set rules by the Cabinet Office, and we have to look at each of the cases that are before us in the light of those rules, but those rules are not totally toothless. For example, we apply many restrictions on the applicants to ACOBA, and we have the powers to make sure that that information is in the public domain. In its report, the Committee gave a lot of worth to the need for transparency. That transparency means that when somebody moves to a company from ministerial office or having been a senior civil servant, not only does the company that they go to work for see what constraints we may have put on them, but so do that company's competitors.

Q13 Paul Flynn: What are the Nolan constraints that you can put on them? What can you do?

Baroness Browning: Of course, we can and frequently do put a constraint on their ability to lobby for two years—

Q14 Paul Flynn: But how do you know whether they are lobbying?

Baroness Browning: We do not have a body that checks up, but the fact that it is in the public domain means that if we have put a constraint on their lobbying, there is an opportunity there for others, such as the media and the competitors of that company, to be aware of that. If people have applied to Government for a contract or a grant or something and they feel that there has been unfairness because of the position of an employee in another company, and that employee is somebody who might have inside information from a previous job, others could make that complaint. I would have thought that competitors would most certainly jump up and down if they felt that there had been an unfair advantage.

Q15 Paul Flynn: What you are telling me is that you have no ways of imposing your will on people. You say to them, "You are not allowed to lobby," but if they do, all you can say is, "Tough." There are no powers that you have.

Baroness Browning: There are no powers as such for the Committee to take action retrospectively against that person—

Q16 Paul Flynn: Okay. So what is the point of ACOBA? You rely on the good will, honesty and sanctity of the people involved. We are not dealing with saints here; we are dealing with politicians. You were a very distinguished Back Bencher and I was delighted to support many of the campaigns you ran as a splendid Back Bencher and Minister, but you were rather exceptional; that does not apply in all cases.

Baroness Browning: I see the role of ACOBA as a double lock. Primarily—I may disagree with you on this, because I am not sure quite where you are coming from, Mr

Flynn—I believe that when people leave ministerial office or public service they should be allowed to gain remunerated employment elsewhere. As a principle, that is right. The question is whether their previous employment or position is one that needs to be scrutinised in order to ensure that the public can be confident that people are not breaking the rules. That is the role of ACOBA; it is the double lock after the Ministry has itself looked at what the conflicts of interest might be.

Q17 Paul Flynn: We are in a situation in which politicians are held in very low regard for very good reasons, because of their behaviour in this House and in the Lords. We are looking to build that regard. Are you familiar with the case of Lord Blencathra, who recently was disciplined by your body in the Lords because he had a contract with the Cayman Islands. There were two investigations, and in the first investigation it was found that he forgot that in the contract, which paid him £12,000 a month, he had agreed to lobby Parliament—it went out of his mind. When the actual copy of the contract was produced and sent, there was another investigation. For £12,000 a month—what’s that—possibly you would read the contract! Apparently, he did not. He then made an apology and that was it. It was forgotten about after that brief apology to the Lords. Do you think that that is a way to build public confidence in our legislators, when people get away with things like that, with conduct that would be outrageous anywhere outside politics?

Baroness Browning: I hope you will not mind if I do not reply to the individual case, but the general point that you are making about standards in public life is one that I have always considered very important. I mentioned earlier that I was an electoral commissioner before I took up ministerial office in the Home Office, and I was involved with the internal governance rules in the Electoral Commission. I take this subject very seriously. I agree with you that any of us in public life need to take responsibility for what we do and that there should be not only checks and balances, but in some cases opportunities for people to be called to account. If you are telling me that you believe ACOBA should have enhanced powers in that direction, I have applied for this job, which I am keen to do, on the basis of the powers that it has today. If the decision of the Cabinet Office was to enhance those powers, obviously that would be a matter for them, and the committee would of course follow those powers. I would be wrong to pretend, as a potential chair of the committee, that I have any of those powers.

Q18 Paul Flynn: Your work for Cumberlege Eden is voluntary, is it?

Baroness Browning: No, it is paid. It is remunerated.

Q19 Paul Flynn: How much are you paid?

Baroness Browning: I am paid depending on the sort of course that I am involved in running. It would be between £300 and £800 a day.

Q20 Paul Flynn: For how many days a year?

Baroness Browning: For about 10 to 12 days a year.

Q21 Paul Flynn: Virtually all the members of your committee have similar interests. If I go through the names, they do not read like a cross-section of society. There is a Sir Hugh, a general, another sir and the mister I believe was a former civil servant; there is an honourable—an American title—and a right honourable, a baroness and a lord. These are the least suitable people to judge these things, in many ways in that most ordinary people—bus conductors or waitresses—would regard it as extraordinary that people can get, say, six times what their pension is for a few days' or weeks' work a year. The people on this committee are the elite, judging by their own standards, who think it is absolutely normal to have part-time work paying huge salaries. Don't you think you need people there who are more of a cross-section of society and have normal standards?

Baroness Browning: Having worked for six months with the people you have just described, I have to say I have found them very knowledgeable. When people decide to take up an appointment with a committee—particularly people doing consultancy work, for example—I have found that there is quite a pool of knowledge here that understands how that works. I would have no objection at all to the idea that the sort of people you are suggesting—a bus conductor or a hairdresser—might make very able members of the committee, but I would have to ask whether they would understand and be knowledgeable about matters concerning quite complex business considerations.

For example, in the six months I have been on the committee as a member, when individual cases have come before us, I have very often asked the secretariat to make further inquiries. Many of the questions that I have asked them to inquire further on, as all committee members do, have been based on previous knowledge and experience. Sometimes I am drawing on ministerial knowledge; sometimes I am drawing on my life as a business woman before I came into Parliament. Certainly, having been a Minister, I know how civil servants might relate to people, for example. I would hope that the cross-section of people that you see on the committee today—albeit that we have three vacancies at the moment—and whether they have titles or not, represent people who can ask the pertinent questions when a case comes before them.

Q22 Paul Flynn: Have you seen the programme made at the end of the last Parliament on former Ministers in the previous Government? It was a sting operation in which a large group of former Ministers publicly disgraced themselves by saying they would do anything. They were taxis ready to be hired—one of them actually said so—for money. One Back Bencher was there. It exposed entirely the ignoble ambitions of former Ministers in this case, but we have generals and former civil servants doing the same thing.

One item on that programme was significant. One of the people interviewed was the former chairman of ACOBA. He did not agree to take up a contract straight away, but he sent his CV to the stingers on the television programme, offering his services. Do you think it is appropriate for the person who is in charge of this—the person who sets the rules and acts as the policeman—to want to be involved in getting another new job to line his pockets? Shouldn't he have kept out of that because he was chair of ACOBA?

Baroness Browning: I hope I will be able to reassure you. I, too, was approached through telephone messages before the end of the last Parliament by what I decided was a sting. I have to tell you, Mr Flynn, when I suggested to them that they were not contacting me about a bona fide operation, I didn't hear any more from them. I hope I can reassure you that if I am appointed as chair of ACOBA, there certainly will be no question of my being enticed down a route whereby I would be prepared to—

Q23 Chair: The question, though, is whether you would preclude yourself from taking any further outside posts.

Baroness Browning: It is not my intention to do any further work; I think I would probably have enough. My real ambition is actually to write some books, which I hope would not be outwith the work that I do at the moment. I have, of course, Mr Flynn, read your volumes. Knowing I was appearing before this Committee, I got one out of the library just to refresh my memory of it. I am not planning to apply for any more external jobs, either publicly or privately.

Paul Flynn: Unfortunately, I think the chapter you will write about your future with ACOBA will be the least interesting in your book, but I look forward to reading the rest of it.

Baroness Browning: I could make it very spicy, I can assure you.

Q24 Greg Mulholland: I will have to be brief, because there is a question on west Yorkshire at half-past 11 in the Chamber. We know that we are recommending your appointment or not on the basis of the current rules, which you have said are for the Cabinet Office. Do you not agree with us that it is wholly wrong for the Cabinet Office to be saying what should happen? That will never have transparency. It should be a more independent process. It should probably be parliamentary, rather than Government-driven.

Baroness Browning: I do not think that my role as chair of ACOBA is to try to change the rules from within ACOBA. If the rules have to be changed—

Q25 Greg Mulholland: I am asking for your opinion. This is a private meeting, so have no fear that this—

Chair: This is not a private meeting. You are on “Candid Camera” now.

Greg Mulholland: What we are trying to say is that we entirely accept that our recommendation or not is on the basis of the current rules. Do you not agree that there are issues that relate to why there is the lack of public confidence? That is why this should be looked at, and that includes whether it should be the Cabinet Office that decides the rules, and which refuses to change the rules.

Baroness Browning: As I have said, I applied for the job as it is, with the rules having just been changed, although perhaps not as extensively as this Committee would like.

Greg Mulholland: Hardly at all.

Baroness Browning: Well, there has been some movement. There is a triennial review—I believe it is overdue—when governance matters will be considered. I would certainly want the opportunity to make my views known if there was a proposal on how the committee is constructed. I would think that the most appropriate thing would be for me, as chair of that committee, to share any concerns I have with the committee first, rather than to say them here publicly today on something intangible.

Q26 Chair: Can I just press you on this, Baroness Browning? Do you feel bound by a sense of collective responsibility in the Cabinet Office? Do you feel that you have to take its line on what powers ACOBA should have and what the nature of the body should be? Do you feel bound by what their view is?

Baroness Browning: I think I have to work within the parameters of the rules as they stand, in terms of fairness and equality for all the cases we see. When you ask me whether I feel collective responsibility with the Cabinet Office, I think I have a responsibility to this Committee, as well as to the Cabinet Office, in my negotiations and my communication with them. I do not feel that I am the Cabinet Office—not at all.

Q27 Chair: So if you did develop a view?

Baroness Browning: I would express it, but privately.

Q28 Chair: Or publicly in front of this Committee, if we required you to do so.

Baroness Browning: It would depend on exactly what you were asking me about at the time and the background against which that question was asked. I would certainly wish to feel, as chair of the committee, that if I had ideas that I thought would improve the role of the committee and were outwith the current rules, I would have the opportunity to discuss that with the Cabinet Office and the committee.

Q29 Chair: But you do intend to be independent.

Baroness Browning: Absolutely.

Chair: And to be an independent voice on the matters under your responsibility.

Baroness Browning: I do.

Q30 Greg Mulholland: We had the previous chair with us several times. He is a very nice chap, but frankly he spent his whole time saying, “Oh, no, no, no. It is all fine. There is no need for change.” Are you going to be that sort of chair, because that is not the sort of chair that I want to recommend for approval?

Baroness Browning: If all is fine, I should say so, but I have already outlined some of the areas coming up that are a challenge. I want to see the new rules properly implemented in Departments, and I mean properly implemented. We want fewer people to be unaware of what their responsibilities are when they leave office. We want to ensure that we promulgate that information as widely and as intensively as possible. Although that is not my direct responsibility as chair of ACOBA, I would wish to ensure that that was happening, which is why I would expect to go into Ministries and see exactly how they are putting those changes into practice.

Q31 Greg Mulholland: I really need to get an answer on this, if you want me to recommend your appointment. Unlike your predecessor, who consistently was not, will you be prepared to accept the possibility that the rules might be changed in the future? Even though that doesn’t take you away from your current role, there may be a good case for changing and improving the system to improve how it works and to increase public confidence.

Baroness Browning: I think that it is quite possible that the Cabinet Office will change the rules in future.

Greg Mulholland: I am asking you.

Baroness Browning: I have no power to change the rules.

Q32 Greg Mulholland: I am asking your opinion, because we had Lord Lang’s opinion and it was the soft soap, “It is all fine, there is no need for change.” If you are going to be like that I will not, frankly, give you my approval.

Baroness Browning: I am becoming reluctant to say something against the threat of, “I will approve you or not.”

Greg Mulholland: But that is what we are here for, let’s be honest.

Q33 Chair: May I just try and heal the rift? Surely, if you develop a view that you have inadequate powers, or the rules are inadequate, you would want to say so and you would want to say so publicly?

Baroness Browning: I would first wish to approach the Cabinet Office with that and also to consult the committee. I am not prepared to say today that any view I have is going to be espoused publicly because I don't think that is necessarily the way of bringing about changes that you want to achieve.

Chair: Okay, that is very clear.

Q34 Mrs Gillan: I note you have three vacancies in the membership of the committee, and that Lord German, who was a Member of the Welsh Assembly, is on there. Would you agree that it is important to make sure that people who have served in either the Welsh Assembly or the Scottish Parliament have an opportunity to apply for these positions and to be considered? I would almost like to see reserved places, one for someone with a Welsh Assembly background and one with a Scottish Parliament background, so that you would have a complete picture in the experience base of the committee to know where either the civil servants or the politicians are coming from.

Baroness Browning: That is a very helpful suggestion. Although the individual places are not reserved by category, there is a need to get a good cross-section of experience across the committee. One of the things I would also wish to do as Chair is make sure that there are opportunities for that experience to be shared with other members of the committee. I think that is a very positive thing to do. Lord German is a new member of the committee but brings experience with him. I will take on board the point that you made about Scotland, because we have three vacancies for which we will be interviewing very shortly.

Q35 Kelvin Hopkins: One thing that would impress me would be if, for example, a couple of very solid radical trade unionists were appointed. Len McCluskey would certainly shake things up a bit, I think. Perhaps I am hoping for too much.

You will recall our 2012 report found that there was a lack of public confidence in the rules and we recommended a statutory body. Even after that, your predecessor and his committee somehow approved an appointment for Dave Hartnett, the former permanent secretary for tax at the HMRC, to take up a position with Deloitte, with whom he had negotiated in his role as permanent secretary about a lot of major companies such as Starbucks and other clients of Deloitte's, who had been—it seems to me—let off vast sums of money for tax. My concern is that the committee should take some decisions which would warn civil servants that if they are seen to be linking what they have done in their job with an application for jobs soon afterwards, you would say, "No, not approved" to their application for these posts. One or two high-profile refusals to give approval would clear the air and restore—

Baroness Browning: I obviously wasn't involved in the Hartnett case, but I am aware that it was reviewed both by a High Court judge and the NAO, who concluded that the overall outcome for the Government had been good as far as Mr Hartnett was concerned. I hope you will forgive me if I don't go into any more detail. It was not just a case that was looked at by ACOBA but which other legal bodies were involved in. The outcome is as it is. I am reluctant to comment on an individual case where I certainly was not involved in looking at all the evidence that came forward.

Q36 Kelvin Hopkins: Even with privilege, one doesn't want to make accusations which can't be justified and where the law has been involved. Isn't it fundamentally important that civil servants should not influence their decision making by the prospect of lucrative employment after they have left the civil service? That is the crucial point.

Q37 Baroness Browning: Absolutely. I would totally agree with that, and I think where that perhaps is leading is to say that we need vigilance within Departments; I think that the new rules which will take the rules into the heart of the HR departments in each of the Government Departments are to be welcomed.

Q38 Chair: How will they change the public perception that this particular case created?

Baroness Browning: Well, I don't think retrospectively you can change anything about a particular case; but what I hope, rather than just printing the rules in the civil service code, which is where I understand they were before, is that following the changes the Government has recently announced this now goes straight into the heart of guidance in HR departments. I want to go and see how they are implementing it, complete with training courses, so that within individual Ministries people are much more robust in making sure that staff understand that these are the rules and these are the rules that need to be kept.

Q39 Chair: But do the rules address how you and I would understand, as hardened political hands, how the media are going to greet things, how the public are going to respond to it? Shouldn't the rules reflect the fact, or at least the guidance be strong enough to prevent people from getting into these scrapes—because they do public life no good at all?

Baroness Browning: I do not disapprove of that at all, and I do think, Chair, that we need to make sure across Government—and this is outwith, if you like, the ACOBA scope—that within Departments rules are not only written but are understood, and that there is a rolling programme of making sure that when it comes to public confidence and transparency, everybody is aware of them. The difficulty is you get staff changes in HR departments and so on, and the priority goes off the burner. I want to make quite sure that with these new rules they keep up the momentum.

Q40 Chair: But in this particular matter, isn't the problem that you don't publish: there is no such thing as high-profile refusals of permission to take jobs, because you do not publish the advice you give when it is to refuse permission for somebody to take a role, so that the only things that are published are the ones you approve. Very often, when there is no fault, or reason for fault, the media grab it and drag the individual and ACOBA through the mud. What are you going to do to protect the reputation of individuals whose reputations you are intended to protect? If you do not protect their reputations you are not protecting the reputation of public life.

Baroness Browning: That is quite right. You are quite right to say that when we decide, on a particular case, that it is not going to be approved, and therefore it does not go on the website and is not put into the public domain—I would like to look at that. I think there is a legal issue here, and I would want a little bit of legal advice. We cannot constrain people's right to work, but at the same time the balance as far as ACOBA is concerned is making sure that the public can have that confidence, so that when we say "Yes, okay, go ahead and take that appointment," even with constraints, people are not going to use information for advantage when they take up the job.

Q41 Chair: Do you feel that you will have the capacity in your role to ring somebody up and say, "Well, under the rules we will probably approve your case, but you are absolutely mad, because of how it will be perceived."

Baroness Browning: I think there is an awareness in some cases, anyway, as to how the case is going to be.

Chair: Sometimes there isn't.

Baroness Browning: I think we do our job. I think we treat people equally and I think that we weigh up the pros and cons and balance them. We have to do that. If we start picking out winners and losers and people who might or might not be in the public domain and get press coverage, and make our decisions based on what we think the outcome is going to be in the press, I think that would start to change that balance. I think it is very important that we protect the right of people to take up a trade, a business but, at the same time, that we treat people equally and that the rules apply equally to all of them.

Q42 Kelvin Hopkins: The public are rightly cynical about what is called the revolving door. People are taking money—and, often, very high salaries—after having worked in public service or having been a politician. In the previous Parliament, there was a case where a former Secretary of State for Health in a Labour Government was referred to in the Chamber as the Member for Boots. The Speaker chose not to pull the Member up, and it was allowed to go through as a kind of joke. If people think that that is going on all the time, they will become cynical. They want to see public servants—and, indeed, politicians—who

are concerned about the public interest, not their own interests. That is what your committee really has to do.

Baroness Browning: That is what it does. I think we are very focused on the fact that there needs to be transparency. As I said earlier in this Committee, when we put that information into the public domain it can be scrutinised and picked over by whoever wishes to or has an interest in it, whether members of the public, members of the press or companies which are competitors of the one for which an individual has gone to work. There is every opportunity for that analysis to be made.

Q43 Kelvin Hopkins: So hopefully we can expect some big fish not to be allowed to go and take lucrative jobs.

Baroness Browning: The Committee will do as it has done in the past, and that is to treat people equally and fairly according to the rules under which we work.

Q44 Mr Turner: How many of these appointments are approved over, say, a year, and how many are turned down?

Baroness Browning: I do not have the number for how many are turned down, but we have had an increase in the number of applicants. The annual report we have just published for 2013-14 includes the exact figures for how many cases we have approved. I am just trying to refresh my memory. We have had fewer people but more cases, because there have been multiple cases from fewer people. I have not got that exact figure in front of me, and I do not want to give you the wrong figure.

Chair: Okay.

Baroness Browning: The figures of those turned down are not published.

Q45 Chair: On the question of public confidence, perhaps I can ask you a “Moral Maze” question. If there is a lobbying ban on a former Minister or a former civil servant, they clearly cannot approach somebody in Government on behalf of their new employer. How legitimate is it for them to advise their new employer on how to approach Government or who to approach in Government, using their inside knowledge? Is that included in your definition of lobbying?

Baroness Browning: I think that it is the personal contact. There are many advisory bodies and even books written on how to lobby the Government and politicians. The process, if you like, as opposed to the person, is quite widely promulgated. That is not such a mystery. The real problem is if it relates to a particular person whom that employee knows will be an influence or a decision maker, and also the issue in hand. If, for example, someone knew that within six months a particular grant or something like that was going to be considered and they deliberately used that knowledge, I would say that that is definitely lobbying.

I am very conscious that across Government we have our own definition of lobbying. The term “lobbying” is used across Government, but there are variations in what that means. I think that will be rather confusing for people. There is a responsibility on Government to take a look at these varying definitions of lobbying, including the ACOBA definition of lobbying, which we use. We do put quite a few lobbying bans on cases, and I think there needs to be some consideration to make sure that across Government the definition of lobbying is not so diverse that it becomes confusing and meaningless for people. That would apply not only to ACOBA.

Q46 Chair: Would it be sensible for ACOBA to make its instructions more specific in the case of the lobbying ban?

Baroness Browning: The lobbying ban is quite specific, and it is used quite frequently in our recommendations. I would want to keep that under review because, as I have said, I am nervous that if we get too many definitions of lobbying across Government it is going to cause confusion, including to people who obviously are not out to lobby—

Q47 Chair: This is the kind of public conversation that we would want to have with the chairman of ACOBA, where you are taking an independent view and expressing it in public so that there can be a proper, informed public debate.

Baroness Browning: I hope that what I have just said, about my nervousness that this could be a problem, is something that you will come back to me on in the future.

Q48 Mr Evans: You know the rules by which you operate. Are you happy that the rules are what they are? Would you like to see them changed in any way, and if so, do you have the opportunity to speak to somebody to get those rules changed?

Baroness Browning: I have just applied for a job where a variation of the rules has just been announced. Although they may not all be changes that this Committee had recommended or even approved—I don’t know, I haven’t seen the response—my priority is to make sure that those changes are implemented and are working satisfactorily, and to satisfy myself and the committee that that is actually happening. Some of it is outwith ACOBA. If I felt that there was a need for change, as I have already said this morning, I would want to make those views known, privately at first, and I would have no hesitation in doing that.

Q49 Mr Evans: And then publicly, if you didn’t get your way?

Baroness Browning: It would depend on what it was. I have often found, particularly in political circles, that getting your own way involves many routes. It is not necessarily the people who stand up and shout that they disapprove of something who manage to achieve it.

Q50 Chair: Finally, in evidence gathering for our report we came across more than one ex-Minister who had lost his seat in the general election of 2010, was struggling to make a living, found that he was ensnared by these rules and had a very hard and bitter time of it as a consequence. What measures will you be taking to make sure that there is proper explanation and proper care taken of those who have lost their job, possibly through no fault of their own?

Baroness Browning: People can always contact the secretariat and have an informal chat before they decide to apply. If, for example, they were thinking of going down a path where there would be an obvious conflict of interest, rather than be disappointed and have the experience you have just described, I would hope that they would use that opportunity. I am a former Minister myself and when I left the Home Office, I think that within a week I had received a letter from Sir Ian Lang spelling out to me again, in some detail, exactly what the rules were and exactly what the process was that I should follow. I hope that we will be able to follow that up as well after a major reshuffle or change of Government.

Q51 Mrs Gillan: I've looked at the annual report and during the reporting period of the 2013-14 the committee advised on 158 appointments of Crown servants and 58 appointments of Ministers. Given that this is all at the highest level of the institutions of Government, and given that this is one of the most sensitive areas for the press and the media to get their teeth into and try to make stories—indeed, in some cases it has been true that there is something untoward—do you see your role as promoting with the media the organisation that you will hopefully chair, and giving its role more prominence for the public, so that they can have more confidence that public servants and Ministers are not using their public office to make lots of money after they leave their job? It would be nice to think that the new chairman will be very conscious, particularly because of your background in business and marketing, of trying to improve the perception of your committee's role for the media, for the press and, ultimately, for the public, so that they can have that confidence.

Baroness Browning: The main thing I will be looking to do is to build on the transparency, because the more information that you can put into the public domain that is clear for everybody to see, the better. That is why I am looking to improve what we put into the annual report, in terms of how we benchmark and check the work that we do. We do, of course, have a press office. If the media get the wrong end of the stick, as they sometimes do, we respond and give as much factual and helpful information as possible, particularly because it often involves an individual's reputation. We have a duty to inform and create transparency, but also to protect reputations from unnecessary misinformation. Our press office stands ready to do that at all times.

Chair: Are there any further questions? No? Thank you, Baroness Browning.