

Public Administration and Constitutional Affairs Committee

Oral evidence: [The role and effectiveness of ACoBA and the Independent Adviser on Ministers' Interests](#)
HC 252

Wednesday 26 October 2016

Ordered by the House of Commons to be published on 26 October 2016.

[Watch the meeting](#)

Members present: Mr Bernard Jenkin (Chair); Paul Flynn; Kelvin Hopkins.

Questions 233 – 277

Witness

I: Chris Skidmore MP, Parliamentary Secretary, Cabinet Office.

Written evidence from witnesses:

– [Cabinet Office](#)

Examination of witness

Witness: Chris Skidmore MP.

Q233 **Chair:** Can I welcome our witness to this session on the Advisory Committee on Business Appointments and ask him to identify himself for the record, please?

Chris Skidmore: I am Chris Skidmore. I am the Parliamentary Secretary at the Cabinet Office.

Q234 **Chair:** We would like to congratulate you on your appointment and welcome you to this first appearance before the Committee. We are pressed for time, for your convenience and ours, so we will ask short questions and if you can give short, crisp answers that would be very



HOUSE OF COMMONS

helpful.

Chris Skidmore: I will try my best.

Chair: I will pull you up if I feel you are rambling a bit. Can we start with Mr Flynn, please?

Q235 **Paul Flynn:** How important is it that former Ministers refuse to take employment with companies that they influenced while they were Ministers?

Chris Skidmore: As long as former Ministers are abiding by the Ministerial Code, and as long as former Ministers are approaching ACoBA and gaining their permission for employment, I don't see a problem with that being a particular conflict of interest.

Q236 **Paul Flynn:** What is your opinion of the decision by Ed Davey—who negotiated the disastrous deal with EDF for the most expensive electricity in the world—to take a job with the company, MHP Communications, who represent EDF, the company who benefited richly from Mr Ed Davey's work as a Minister?

Chris Skidmore: The critical point here is that we have the transparency in place to know that these employment opportunities are taking place.

Q237 **Paul Flynn:** Yes, but, that having taken place, he was then told that he should not lobby on their behalf. When the Hinkley deal was presented, Ed Davey was on all the television channels lobbying for the nuclear industry and for EDF. What sanctions do you think should be applied to him for blatantly disregarding the only condition laid down by ACoBA?

Chris Skidmore: I believe that when it comes to the specific example of Ed Davey, it is not my place to comment, but—

Q238 **Paul Flynn:** Whose place is it?

Chris Skidmore: I think this refers to the element of risk that I saw come up in the Committee previously. The element of risk is also on the individual—Mr Davey in particular—who you, Mr Flynn, are addressing this Committee on, and it has been raised in the public sphere and the nature of his employment is being raised in Parliament.

Q239 **Paul Flynn:** The ACoBA yesterday confessed their total inability to issue any kinds of sanctions against people who ignore their views. They are an utterly futile committee with no powers whatsoever. If ACoBA does not have any powers over people who blatantly disrespect the rules, isn't it up to a Minister to do it?

Chris Skidmore: I disagree. I think that ACoBA has tremendous powers in acting as not only an advisory committee, but as a—

Q240 **Paul Flynn:** Sorry, did you say ACoBA has tremendous powers?

Chris Skidmore: In terms of being able to open up the issue of transparency.



HOUSE OF COMMONS

Q241 **Paul Flynn:** For goodness sake, if somebody puts two fingers up to ACoBA and does not tell them they are taking a job, the powers that ACoBA has is to send them a letter expressing their displeasure. What powers do they have?

Chris Skidmore: Ed Davey's employment is in the annual report from ACoBA. The process there is clearly set out online; the transparency process letters are online.

Q242 **Paul Flynn:** What should ACoBA do to Ed Davey now?

Chris Skidmore: ACoBA has gone through the process and it is up to Ed Davey to justify his employment. I am sure this Committee—

Q243 **Paul Flynn:** He doesn't have to. Ed Davey has the consolation of getting some money, I believe, from this job. Why on earth should he have to justify himself? There are no sanctions that ACoBA have to control Ed Davey or anyone else.

Chris Skidmore: In terms of the nature of sanctions, we will hopefully come on to looking at that when it comes down to whether it should be a legislative body, whether it should be a statutory body. The fact is that Ed Davey is in the public domain. I am sure the Committee has a particular interest in Ed Davey. If the report is going to be on Ed Davey, you will call Ed Davey to the Committee.

Q244 **Paul Flynn:** What can be done?

Chris Skidmore: What we have is a clear situation where a vast number of Ministers and a record number of people applying to ACoBA are looking to gain permission for other employment. I think it is important to recognise that former Ministers or former civil servants can access the private sector. There is nothing wrong with that.

Q245 **Paul Flynn:** Could you try to answer the question? I will try to speak as simply as possible. This is just meaningless babble from the Minister, and that is being fairly kind. What it is is a total evasion. We are asking you: we have a system that is not working, we have a body that is an advisory body and has no powers whatsoever to implement rules and we have seen vast abuse of a system of the revolving door, to the detriment of the public interest.

Chris Skidmore: It is up to the Committee to prove—

Paul Flynn: I am asking you what can be done.

Chair: Let him answer.

Chris Skidmore: It is up to the Committee to prove if Ed Davey has any guilt. He has gone through the process of ACoBA and obviously that transparency is there, that we can demonstrate that Ed Davey has taken those roles and that is up to him.

Paul Flynn: But transparency is not enough.



HOUSE OF COMMONS

Q246 **Chair:** Can I just interject at this point? We know you are not coming to the Committee today to announce any change in Government policy and that you will not stop defending the system as it is. Your evidence is clear, however, "The Government aims to maintain public confidence that there is no conflict of interest between a person's previous role and a new appointment" and, more particularly, that you, "want to avoid any reasonable concerns that a civil servant" or a Minister, I would add, "might be influenced in carrying out his or her official duties by the hope or expectation of future employment".

Isn't there an issue here that, as far as the public is concerned, when they see a Minister or an official move from a Department, where they had direct dealings with a company or contract, to the company or contractor that they were supervising before, there is a perceived conflict of interest? The rules that we have at the moment do not address that very legitimate concern.

Chris Skidmore: Might I say, I am delighted to come before this Committee so early as a Minister. I am keen to ensure that we look at the issue of transparency and I look forward to the report. Previously the Cabinet Office have acted on previous PACAC reports, in terms of increasing transparency, in terms of publishing letters online. I still think there is more to be done.

Q247 **Chair:** The transparency is not the issue here. The fact is that it is transparent that, in the case just discussed, the Minister was intimately involved with dealings with that company and is now working for a company that represents that company and speaking openly as an advocate of that company's interests, albeit, purporting to be a dispassionate commentator. It is quite difficult for the public to feel that—

Chris Skidmore: It is only through ACoBA and the establishment of that process that we understand that the gentleman in question has taken up those roles. The light of transparency there is ensuring that this Committee is discussing him—

Q248 **Chair:** I accept that ACoBA brings a degree of transparency, but what is also transparent is that ACoBA has been unable to address this very legitimate public concern. The real question is: isn't the onus on a public official or former Minister to demonstrate that there has not been or could not have been a conflict of interest? But, if you are moving from the Ministry that supervised a company to the company that you were supervising, it is impossible to pretend that you can demonstrate that there was not a conflict of interest. Isn't that a fundamental problem?

Chris Skidmore: The other side of the coin is: do we go into this assuming there is a presumption of guilt? That somehow—

Q249 **Chair:** No, this is not about guilt. I don't want to get into guilt or innocence. The fact is that ACoBA is reporting an increasing proportion of applications from Ministers and officials moving from their Departments into the sectors or industries that those Departments were directly



HOUSE OF COMMONS

dealing with. Doesn't that suggest there is going to be more public concern about this, not less, notwithstanding the transparency? In fact, the transparency has the effect of exposing what is happening, but does not act as a deterrent to people taking those roles.

Chris Skidmore: First of all, transparency exposes at the moment those who want to come forward in order to register interests for future employment.

Q250 **Paul Flynn:** We could say that the result of transparency is we have a very clear picture of a stinking mess of people leaving public office as politicians, as civil servants, as admirals, as generals, and then prostituting their insider knowledge for their own private gain. That is the situation. *Private Eye* gave a telling example when they spoke to us. They talked about the figures: 367 jobs for which former mandarins had sought clearance from ACoBA since 2010. The number of times that ACoBA had refused them was zero. We have a system that is hugely permissive and encourages the spinning of the revolving door from people who are in public service, who have friends there and so on, and they are using that for their private gain to the detriment of the public interest. That is what we can see. Transparency is great, but what we can see is this great pyramid of abuse and corruption. What are you going to do about it?

Chris Skidmore: When you look at the *Private Eye* report, it is interesting to read but, as an issue, it is a historic issue that has gone on for decades. There have always been calls, ever since the time of—

Q251 **Paul Flynn:** You have been in Parliament for six years.

Chris Skidmore: I know. You have been here for three decades and you have an honourable record of service as a Member of Parliament, but I think it is important to recognise, Mr Flynn, that maybe not everybody wants to serve for as long as you have and produce that record of distinguished service. In the 21st century, when it comes to the Civil Service, when it comes to Members of Parliament, they want to have the flexibility that 21st century employment guarantees them. When it comes to the private sector, there is not a job for life.

When it comes to Civil Service, I am a new Minister; I am new to this game. I look at my private officials at my private office; they are all younger than me. They may not be staying in the Civil Service for the rest of their lives. These are individuals who have families, who have mortgages. Let's not forget the fact that it is not this simple dynamic, this binary choice between private and public. If we want the best Civil Service that we can have, if we want to ensure that we have a world class group of leaders driving forward public service, then we need to ensure that we move forward and that we have a modern, dynamic Civil Service. I am proud to be in—

Q252 **Paul Flynn:** No one would disagree with that, but it is irrelevant to the question.



HOUSE OF COMMONS

Chris Skidmore: It is not irrelevant—

Paul Flynn: Of course civil servants who are retiring at 60 should be allowed to work on.

Chris Skidmore: It is not irrelevant because the language that you use—the language of “prostitution”—is simply embarrassing for this Committee.

Q253 **Paul Flynn:** What has Ed Davey done? What word would you use for what Ed Davey did?

Chris Skidmore: I am not here to comment on Ed Davey.

Paul Flynn: What would you do to explain the deal that he did with EDF? It is little short of criminal. This is not something I say—

Chris Skidmore: You are more than welcome to bring Ed Davey to the Committee if you want to and get him to answer for himself. I am not here to answer on Ed Davey’s behalf. If that is the particular line of questioning you want to follow, then invite Ed Davey to comment to the Committee.

Q254 **Paul Flynn:** But he is one of hundreds of examples of this.

Chris Skidmore: No, he is not. There are hundreds of examples of people who have gone to ACoBA to check whether their employment is valid, but behind the scenes there are many other people who do not apply for certain employment because they know that ACoBA provides that restraint, almost that invisible arc by which you realise that it is inappropriate to go into any particular employment. For every example of someone who has gone to ACoBA, there are hundreds of examples of people who then recognise the constraints under which they operate after leaving public service.

Q255 **Paul Flynn:** According to *The Sunday Times*, 350 former workers in the Civil Service and MPs now work in the defence industry, which does not make it an efficient industry; it makes it an industry with repute.

Chris Skidmore: Public servants go off to a wide range of appointments. One has even gone off to work for *Private Eye*. What is the problem?

Paul Flynn: We were very impressed by the one who went to work for *Private Eye*. He is the one you should be listening to and I suggest you read his evidence.

Q256 **Chair:** I want to test this particular example: the expectation that somebody working in defence procurement, it is legitimate that they should then be able to go and work in the defence industry. Do you see that there is an inherent danger in that?

Chris Skidmore: My role in the Cabinet Office is obviously to ensure consistencies across all Government Departments. I was very interested in the discussion around governance, and hopefully we can touch on that



HOUSE OF COMMONS

later in this session; when it comes to governance in each individual Department, there is an issue there. But when it comes to defence, there are people who have put their lives on the line, who have critical experience that they will only get from serving in the field of battle.

Q257 Paul Flynn: In Whitehall? Who put their lives on the line? Soldiers certainly do. We are not talking about soldiers; we are talking about civil servants.

Chris Skidmore: Yes, but those in Whitehall have strategic experience. That skillset is unique to the MoD. But let's not forget, it is not just about the MoD. If we want to talk about the success of Departments and looking at where we should have constraints and regulations, the NHS doesn't have these rules in place; local government doesn't have rules in place. The Civil Service and Ministers have the tightest regulations in place as it currently stands. If we wanted to be looking at how we expand those rules, I would be looking at other areas such as the NHS or local government.

Q258 Kelvin Hopkins: I find all this rather incredible. As I said to the Chair of ACoBA at our previous meeting, there are thousands of jobs they could take when they leave Parliament or leave Government.

Chris Skidmore: Many do, many go into the voluntary sector. Why not focus on these?

Q259 Kelvin Hopkins: But some are leaving to go into a sector where they had responsibility for policy and could have affected decisions. Indeed, you were suggesting, I think, that for these young people, being in the Civil Service or being in politics is just a run-up to making big money when they get outside.

Chris Skidmore: No, that is not what I am suggesting at all. It is people—

Kelvin Hopkins: In fact, that is the case.

Chris Skidmore: No, it is not. There is simply not a case between private versus public, four legs good two legs bad. We are in a modern, dynamic economy, where we need to ensure that Civil Service is not hermetically sealed, that in some way it is a monastic life. What I do not want to happen is that we move away from public service and end up with public serfdom, which is the risk if we create a statutory body and we turn around to people and say, "I am sorry, but once you are here, it is a job for life". There is no job for life. For Mr Flynn it has been a job for life, but you are the exception to the rule.

Q260 Kelvin Hopkins: I disagree. I do believe that there are those who think public service is a worthy and honourable profession and that they stay in it for life as a public servant and do not say, "This is just a run-up to getting out into the private sector and making money," because that is what you are suggesting. That the—



HOUSE OF COMMONS

Chris Skidmore: No, yours is an ideological perspective and I don't think we should bring ideology into this.

Chair: Let Mr Hopkins ask the question and then I will let you answer it.

Q261 **Kelvin Hopkins:** I think I have made my question pretty clear. If people leave Parliament and go and find other work afterwards, that is fine. Leave Government. That is fine. But in the specific areas where they had responsibility for policy, this is a very different matter. My colleague, Mr Flynn, has mentioned the most glaring example, which has led to a decision that has been world-shaking, a decision to build a nuclear power station, with all the doubts there are about it.

Also, Mr Davey had apparently been opposed to nuclear power before he got into office, then made this decision, had a Damascene conversion to nuclear power, and then got outside and started. I am not suggesting that he was actually corrupt, but at least one could say that there are possibilities that people might be influenced in decisions they make when they are in Government because they can see prospects for themselves outside. Not necessarily Mr Davey. I don't want to accuse him of that. But it is possible that people might make decisions in Government that will see them all right after they leave in that sector.

Chris Skidmore: We have to be so careful around the tone and language here for those people who may be thinking about going into the Civil Service and those who are thinking about going into politics, for the next generations. To be turning around and making accusations of venality, that somehow people are deliberately going to become an MP, that they are going to have a career plan where they are going to think 15 years after; that somehow Ed Davey had in his mind that he was going to become Secretary of State for Energy deliberately to go off and join EDF is something that I just think is bizarre. I think the Committee should move away from this type of—

Q262 **Paul Flynn:** This is very poor evidence. You were asked precisely: should they go into industries in which they had some influence when they were Ministers? It is not a question of all the rest of the industries, but you concentrate your non-replies in suggesting that we are putting forward an absurdity. The absurdity is one of your own creation. We are talking about Ministers, civil servants and generals, who have a vested interest while they are working in an area. Things have changed. At one time these were the top jobs, the highest aspiration we could have. Now they are not. People look forward to a retirement job in which they can earn more money than when they are serving the public interest. It is a case where corruption could occur because it is possible that a decision could be taken on a major contract, not because it is in the public interest but because the person making that decision has an eye on a lucrative retirement job from the company who get the contract.

Chris Skidmore: You are a very serious Committee and you need to—

Paul Flynn: Well, you are not a serious Minister.



HOUSE OF COMMONS

Chris Skidmore: You need to substantiate your allegations of corruption, Mr Flynn. I think it is important if you do go down this path. Many people will be watching this and it is rather important, if you are going down that direction of travel.

Chair: Order. We are moving on. We have limited time.

Kelvin Hopkins: We are not alleging corruption. We are saying that the possibilities of corruption are there unless they are not permitted to go and take jobs in industries where they had responsibility for policy. There are thousands of other jobs they could have taken, and also—

Chair: We have made that point. Can you move on to your next question?

Q263 **Kelvin Hopkins:** Yes, we will move on. I have a specific question here. It is a simple question, open-ended really: do you have any evidence at all to suggest that ACoBA is functioning as an effective body?

Chris Skidmore: Yes. I think the fact that ACoBA has an increased number of applications shows that people take it seriously, that in fact people want to ask for its advice. There are processes behind the scenes, behind the numbers, Mr Flynn, that recognise that in fact it is doing a good job and it does a very good job. I would like to take this opportunity to thank ACoBA as a committee and Baroness Browning for the work they do. They do it for very little remuneration. I believe that going forward we can hopefully work with ACoBA. I am planning to have quarterly meetings with them to establish a regular means of communication, in order to ensure that the process is as efficient and sustainable as possible.

Q264 **Kelvin Hopkins:** We are not in any way criticising the members of ACoBA; it is really the rules that ACoBA has to use.

Moving on to another question, the Committee on Standards in Public Life's Research Advisory Board Chair, Professor Philp, has commented on public attitudes in relation to ACoBA. He said, "What matters is that the institutions are seen to respond quickly, proportionately and effectively, and that institutions responsible for enforcing regulation on advisory posts and standards are seen to act impartially on principles that the public can understand and that they think reasonable". How effectively do you think ACoBA and the Prime Minister's Adviser meet public expectations?

Chris Skidmore: Every member of the committee goes through an independent process by which they are appointed. Sir Alex Allan is doing a very good job as the Prime Minister's Independent Adviser. When it comes to ACoBA and their performance, you heard evidence from Baroness Browning yesterday. I feel that she is very thorough, certainly not someone to be taken lightly. Obviously they have already issued letters and warnings to those who have contravened their advice. I believe there is no reason why they shouldn't continue to do so in the future.



Q265 **Kelvin Hopkins:** I have to say that I think the average member of the public would find that view—that it is all wonderful and hunky-dory—laughable. What should be done to improve public confidence, because clearly public confidence is not there?

Chris Skidmore: I thought it was interesting that Lord Bew talked about a spike in public confidence—the sort of 6% improvement he mentioned in his evidence yesterday. As a Government, we are determined to ensure that, as I mentioned, transparency is key. I have obviously met with Baroness Browning. Going forward, we are keen to work out how we can communicate more effectively, either to Ministers or civil servants, that the rules and regulations should be taken seriously and make sure that the knowledge base is there. When it comes to, for instance, appending the rules to the Ministerial Code, that will be taking place, obviously looking at the definition of lobbying that ACoBA have come to us and want to amend. I would like to go further in terms of building a relationship with ACoBA, and then look at what other transparent measures we could introduce in order to ensure there is increased public confidence.

On the issue of governance across Departments, I think Baroness Browning made a very good point yesterday: can we ensure that in each Department there is a non-executive director who would be able to oversee and provide that oversight when it comes to issues of appointments and conduct? Then of course there is the evidence base. That points to a rapidly-changing landscape, where you are seeing a large number of people going off into different sectors, so making sure there is a full appreciation of what the new world looks like.

Q266 **Kelvin Hopkins:** One more question. The response we have had from your Department, from the Government, suggests an amazing degree of complacency that most people would not take seriously. Isn't it about time the Government took note of the fact that there is serious concern and they have to toughen up the rules to make sure that Baroness Browning—a splendid person—is able to do the job properly and is not hamstrung by the weak rules that she has to use?

Chris Skidmore: There are two processes here, aren't there? One is to look at the rules as they stand and go down a non-statutory route. As a Government, in the past, we have reflected on PACAC reports and I will be keen to read your report when it is published and reflect on measures going forward.

Then there is obviously the statutory route and whether you want to go down a route of effectively criminalising or providing sanctions for those who apply for certain jobs after ministerial appointments or being in the Civil Service. There the Government has been clear that there will be no change. When we look at this whole idea of sanctions and somehow a statutory body, I would be particularly concerned about a chilling effect. That we would move from this so-called revolving door—which I would dismiss—to basically a prison gate, that somehow we would lock the



HOUSE OF COMMONS

public sector away from applying for any other roles. I think that would be detrimental to public sector recruitment.

Q267 **Chair:** It is certainly a concern. We do not want any proposals to lead to that scenario, but, looking at the present situation, how do you think Departments can inculcate a different culture so that the seven principles of public life actually inform the way people behave, rather than relying on prescriptive rules that can tend to give permission for bad behaviour in circumstances that the rules don't particularly cover?

Chris Skidmore: I would agree. I think that is where governance is key. When it comes to communication, I think my responsibility in the Cabinet Office is to go away from Committee meetings like this, to look at, when it comes to ethical behaviour, making sure it is not only for the Civil Service. When you read the latest Civil Service plan, it very clearly sets out there the direction of where we are going in the Civil Service in terms of trying to establish a Civil Service that brings talent in. That obviously is a changing dynamic and we need to reflect, obviously, when it comes to ethical codes, that that balances the facts for those coming in. The Civil Service code is there. It is set out clearly on the first page. The Nolan principles are still there. Those values should run like a core through everybody's role in public life.

Q268 **Chair:** What actions do you think you should consider recommending to Departments, and the boards of public bodies, which would reinforce those values?

Chris Skidmore: Going forward, we want to look further at what I have mentioned around not only transparency but ensuring each Department is publishing its data effectively. That was obviously one particular change that we made on the back of the PACAC report, where departmental data is published quarterly, and making sure that takes place on a more regular basis. I hope that departmental data will be published shortly and, by having that data published by Departments, I am hoping we will have a better picture of understanding where there might be issues in specific Departments. For me, as a Cabinet Officer Minister, it is the same with public appointments. I want to make sure that I can use the data to be able to pick out Departments where we feel that having ministerial conversations would not be a bad thing.

Q269 **Chair:** But transparency is one thing and we welcome that. Anything further you can do on that would be good. There is very variable transparency across Departments and that could be improved, but what other actions? You have mentioned this governance point raised by Baroness Browning. What actions might you consider taking in order to bring that into effect through the non-executive directors?

Chris Skidmore: As you know, in terms of my own role as a Minister, I have met with Baroness Browning once. I look forward to meeting with her again; I look forward to discussing proposals. I think the important thing is to take ACoBA and the Committee's recommendations, look at



HOUSE OF COMMONS

those closely and work out what we can take forward as a Government, but I could not give you individual representations at the moment about concrete actions. I am waiting to look at what the report recommends. As a Cabinet Office, it is important that we work closely with ACoBA and PACAC in looking at what your report will say. We did so back in 2012 and we are keen to do so again.

Q270 Paul Flynn: I am normally a courteous person, I assure you, Minister, but I find your replies to be provocatively vacuous and foolish. If you examine them, you might agree.

Chair: You can ask a question, Mr Flynn. I would rather you just didn't—

Paul Flynn: The question I am going to ask is you made a reference to the Adviser on Ministerial Interests. The previous adviser, Sir Philip Mawer, gave evidence to this Committee, saying he thought that Liam Fox should come before him because of whatever offence he committed that was so serious that he was sacked from his job as Secretary of State for Defence. He was not called. The Prime Minister refused to allow the person who should do the job, the adviser, to do it and Sir Philip Mawer resigned and he was replaced by someone who was more amenable.

In your Department, two Ministers gave away £3 million against the advice of their civil servants, and that £3 million was given to the Kids Company that went broke three days later. Don't you think both Liam Fox and the two predecessor Ministers should have been reported to the Adviser on Ministerial Interests?

Chris Skidmore: As a Minister, I am not in a position to comment on previous Ministers' actions. It is simply not within my remit.

Q271 Paul Flynn: The previous Prime Minister to David Cameron set up this reform, this body, and when two of his Ministers were thought to be transgressing they were reported and investigated. Under David Cameron, I believe there is only one case of someone who confessed to a venial sin that has been considered. You praise the person who has the job. We interviewed him at a pre-appointment hearing and did not think that someone who has been saying, "Yes, sir, no, sir, three bags full, sir", a civil servant all his life, was a suitable person to be an independent adviser and the job has virtually withered on the vine. What are you going to do about it? This was a valuable reform.

Chris Skidmore: Each Minister is responsible for their own conduct under the Ministerial Code. The Prime Minister must have confidence in each individual Minister. The Prime Minister's Adviser is appointed by the Prime Minister and it is right that executive power must lie with the Prime Minister. She has to have confidence in an individual, the Independent Adviser, to be able to order an investigation very quickly. It is up to the Prime Minister to make that decision.

Paul Flynn: Let us get this out; I have to go anyway in a moment.

Chair: Then we have to stop. You are hogging the time, Mr Flynn. Mr



HOUSE OF COMMONS

Flynn, order, order. Mr Hopkins.

Q272 **Kelvin Hopkins:** I have another question here, Mr Skidmore. In the case of civil servants below Director-General level, Professor Hine from Oxford University was concerned that data about the number of public appointments and details of their conditions of appointment were unavailable from 2010 onwards. What do you think should be done to address this lack of transparency in departmental oversight of public appointments at lower levels? What signal do you think this sends to those below Director-General level about what is acceptable for them to do?

Chris Skidmore: Obviously, information on Departments is published for applications for SCS2 and SCS1 levels. That was published, I think, on 19 February 2016 for the period of May to December 2015 and obviously there will be a new publication coming shortly. On the back of a PACAC recommendation, I think we reduced it to one year for some of the lower-tier Civil Service positions leaving public life. Transparency is key here. We talked about ACoBA and obviously the tiers that it covers. It is not just an advisory body. It is a transparency body and the Government has a role for those lower levels to ensure that we publish the summaries of employment that those particular civil servants take. I am keen to make sure that we do so in the best and appropriate way, but let me say that, for every one of these figures and numbers, there is a person behind it. There is an individual, as I said, with a family, with a mortgage. They are not sort of venal and corrupt, and I would—

Q273 **Chair:** You have made the point, but can I just press you on this point? Where you have a cut-off and officials below a certain salary level or below a certain grade that are not required to go through the ACoBA process, doesn't that implicitly give them permission to do things that would not be allowed for them to do if they were promoted? Doesn't that send the wrong signal to—

Chris Skidmore: But each Department publishes data on its website for the lower tiers, so you have ACoBA as—

Q274 **Chair:** You are telling me that the rules do apply but they are applied by Departments and not by ACoBA?

Chris Skidmore: The code and the rules are applicable to everyone. It is just in terms of the publication of the data letters from ACoBA that obviously apply for the higher tiers, but the principles and the rules apply to everyone.

Q275 **Chair:** Given that Departments are applying these rules on a very variable basis and there is considerable reputational risk to some Departments given what they allow to happen, what should be done about that?

Chris Skidmore: I think that is where ensuring consistency across Departments is key. The work I would like to take forward on the back of



HOUSE OF COMMONS

Committee recommendations, or speaking with ACoBA, is to look at ensuring each Department is on a level playing field.

Chair: I fear we are running out of time here, but just—

Q276 **Paul Flynn:** In one of the books that I have written, I suggested that Ministers coming to Committees are told to make their answers as long as possible and then to repeat them in order to prevent members of the Committee from asking questions. Were these the instructions you were given today to prepare your presentation, to talk about transparency and consistency and then go on repeating the same answer?

Chris Skidmore: I have been very courteous to the Committee. I turned up 15 minutes early, because I recognised the hon. Gentleman has to leave. At the same time, I hope I have been curt in my answers and I will return to the Committee whenever—

Q277 **Chair:** I am very grateful to you appearing before the Committee, particularly for coming early to accommodate our quorum challenges in this moment of interregnum between different memberships. Could I perhaps add one or two questions in writing to you, which could help us with our report?

Chris Skidmore: Of course.

Chair: We look forward to you coming before our Committee again at a future date. If I may say so, this was a bit of a baptism of fire. This is an extremely difficult and vexed subject. We understand the difficulties the Government is facing, but I think our job is to make sure that the public's feelings are communicated as well. We hope that we will be able to produce a fair and helpful report for you.