



Our Ref: MFC/2491

Sir Bernard Jenkin MP
Chair
Public Administration and Constitutional Affairs Committee
House of Commons
London
SW1A 0AA

18 July 2019

Dear Sir Bernard,

Pre-appointment Scrutiny for new Chair of the Advisory Committee on Business Appointments

The current Chair of the Advisory Committee for Business Appointments (ACOBA), the Baroness Angela Browning, is due to step down from the Committee in December 2019 as her five-year non-renewable term comes to an end. The Cabinet Office is preparing to launch a Chair recruitment campaign to replace Baroness Browning in the week commencing 23 July 2019.

This post is subject to pre-appointment scrutiny by the Public Administration and Constitutional Affairs Committee (PACAC) and I am writing to advise you of the selection process before the recruitment exercise begins. Please find attached annexes providing further information on the proposed job description, person specification, proposed outline of the timetable for the campaign and publicity strategy. I would be happy to consider any comments your committee has on these.

Kevin Foster MP

ANNEX A

Draft Job Specification for the Role of Chairman of the Advisory Committee on Business Appointments

Vacancy description

The Prime Minister invites applications for the position of Chair of the Advisory Committee on Business Appointments (ACoBA).

ACoBA is an advisory non-departmental public body (NDPB) established in 1975.

It acts independently to advise the Prime Minister, Foreign Secretary, Defence Secretary, departmental Permanent Secretaries and former Ministers on applications made to it under the Business Appointment Rules, about appointments former Ministers, senior civil servants and other Crown servants wish to take up on leaving government.

Further information about ACoBA's work can be found at:

<https://www.gov.uk/government/organisations/advisory-committee-on-business-appointments>

Role Description

The Chair leads the Committee to act independently in advising the Government and former Ministers direct about applications under the Business Appointment Rules. Applications are assessed case-by-case on their individual merits. This is a high profile Committee, which attracts considerable public and media interest.

The Committee is supported by a Secretariat, which currently consists of 3 team members and sits within the Civil Service Commission, to remain independent of its sponsoring department – the Cabinet Office.

The Chair is appointed by the Prime Minister for a five year non-renewable term.

A non-pensionable honorarium of **£8,000** is payable. The Chair is expected to commit an average of **2-3** days a month to the role.

This would usually be spread over the month through regular email correspondence most weeks, rather than as whole or half day units. This offers considerable flexibility for managing the timing of individual contributions (e.g. you might choose to correspond during the working day, or not). The level of work can vary from week to week and month to month.

Much of the Committee's work is undertaken by correspondence; however, the Committee also meets regularly in London (usually around 4-6 times a year). The Chair meets with stakeholders, such as departmental Permanent Secretaries on an ad hoc basis throughout the year; and the Committee may on occasion meet in London to discuss an appointment with an applicant.

Person specification and eligibility criteria

The successful candidate will need to demonstrate the following competencies:

Essential criteria

We are seeking to recruit an experienced non-executive Committee member who can demonstrate competencies in the following areas:

- Ability to lead a diverse team of influential people, and a personal style that demonstrates authority and inspires trust and confidence;
- Excellent judgment, together with the ability to command the confidence of Parliament and the public, and Ministers, civil servants and other Crown servants subject to the Business Appointment Rules;
- Ability to analyse complex information from a range of sources, identify key issues and make objective and balanced decisions on complex issues.
- Excellent communication skills (written and oral); and
- Personal integrity and strength of character

Desirable criteria

- Experience of dealing with conflicts of interest.

ANNEX B

Indicative Recruitment Timeline

Closing date: 8 September 2019

Shortlisting: w/c 23 September 2019

Interviews held: w/c 4 November 2019

Pre-appointment Scrutiny hearing date: Winter 2019

Provisional appointment start date: Early January 2020

Advisory Assessment Panel will be:

Baroness Angela Browning, Chair of ACOBA (Panel Chair)

Helen MacNamara, Director General Propriety and Ethics (Departmental Official)

Colleen Harris, Independent Consultant (Senior Independent Panel Member) – Subject to approval from the Office for the Commissioner for Public Appointments (OCPA)

Promoting the opportunity

The current ACOBA membership is 33% female (three out of nine). In order to ensure that a diverse field of candidates as possible are aware of the opportunity:

- the role will be advertised on the Government's Public Appointments website;
- it will be promoted to the 80+ Honours Committee members who have large networks. These individuals cover a wide range of fields including business, science and public service; and many of the members work across the UK and have connections to BAME communities; and
- working with the Government Recruitment Service, the advert will also be placed on other recruitment websites such as The Guardian, The Independent, Linked In and Evenbreak (which is aimed at disabled candidates).



Public Administration and Constitutional Affairs Committee (PACAC)

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Kevin Foster MP
Minister for the Constitution
70 Whitehall
London
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23 July 2019

Dear Kevin

Thank you for your letter dated 18 July on the recruitment process for the next Chair of the Advisory Committee on Business Appointments (ACoBA) and the accompanying selection process pack, which we considered in our meeting this morning.

The Committee continues to be concerned about the framework in which ACoBA operates. In our Thirteenth Report of Session 2016–17, *Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action*, we concluded that, "*in its current form, ACoBA does not have the remit or resources to investigate those who do not seek their advice or to monitor non-compliance of the Rules. Consequently, the system is open to abuse, where former public servants may potentially evade the Rules.*" We have little confidence that ACoBA is able to ensure that the decisions and statements of a serving official will not be influenced by the hope or expectation of future employment with a particular organisation, and there is widespread evidence that this occurs. We are also concerned that, in some cases, ACoBA agrees to appointments on the basis that the person does not engage in lobbying, without any way for compliance with this requirement to be verified. We therefore make the following recommendations:

The job description should be amended to make clear that the role requires a person of outstanding integrity and independence who is prepared to speak truth to power. The candidate should also be prepared to review and clarify the purpose and the role of ACoBA, so that it can inspire greater public confidence.

We also believe that, under the essential criteria, there should be a need for candidates to demonstrate:

- experience in acting and demonstrating the ability to act with independence; and
- resilience in the face of external pressures

The desirable criteria should include a reference to experience of working with or in a regulatory body.



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It is not appropriate for the incumbent Chair to be on the advisory panel, we would recommend the Chair of ACoBA be replaced by someone like the Chair of the Committee on Standards in Public Life, Lord Evans.

We also recommend that the role should be advertised in the Economist and the Sunday Times.

I would be grateful if you could provide a precise date for the pre-appointment hearing as early as possible, so that we may accommodate the hearing in our future programme.

We note that the Commissioner for Public Appointments recently published his first thematic review, on *concluding competitions within three months of the closing date*, which reached various conclusions and made some recommendations. We would be grateful to know whether you plan to take any steps in this recruitment process as a result of the Commissioner's report.

Sir Bernard Jenkin MP
Chair

Public Administration and Constitutional Affairs Committee

cc. Helen Mackinnon, Cabinet Office



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→ PACAE.
cc Green Stamp

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Our reference: MFC/00020

Septemeber 2019

Response to the Public Administration and Constitutional Affairs Committee's recommendations for the ACoBA chair recruitment

Thank you for your letter, dated 23 July 2019, in response to the proposed recruitment process for the next Chair of the Advisory Committee on Business Appointments (ACoBA).

In your response you provided recommendations regarding the ACoBA Chair job description, the recruitment panel members, further advertisement channels to promote the recruitment campaign and a request for a pre-appointment hearing date. I have reflected on your recommendations and set out my response below.

Job Description

I welcome your comments on the job description. You will appreciate that we are trying to balance the need to be clear about the important criteria for the role, while also not deterring applications from a wide range of diverse and credible candidates. I have asked officials to reflect the need for resilience and to act with integrity. Your letter raised the issue of independence. I agree that the ability to act independently is important, although I am sure you would agree that this does not preclude someone who has been a politician, or who is a political member of the board (as Baroness Browning is) from being capable of filling this position. You also suggested that another desirable criteria should be added to include a reference to experience of working with or in a regulatory body, however, I would be concerned that this additional criteria could reduce the potential for a diverse range of applicants as it might appear that we are seeking only those with a regulatory background.

Panel Members

Although we did not initially see any particular conflict in having the incumbent Chair on the advisory panel, we have approached Lord Evans who has agreed in principle subject to his availability. If Lord Evans is unable to sit on the panel, we will approach Mark Addison who was previously a member of ACoBA between 2012 – 2017.

Promotion

Our current approach to promoting the opportunity to a diverse range of people is to work with Cabinet Office HR to place an advert on various recruitment websites such as LinkedIn and Evenbreak (which is aimed at disabled candidates), as well as through newspaper's recruitment sections. We will further engage Cabinet Office HR to consider whether additional adverts in the *Economist* and *Sunday times* could help encourage a diverse field of candidates.

Pre-appointment scrutiny date

We suggest that the pre-appointment scrutiny provisionally takes place on **12 December 2019**. The Cabinet Office will work with committee clerks to confirm this or to find an alternative date.

In your letter you also noted recommendations from the thematic review on *concluding competitions within three months of the closing date*, recently published by the Commissioner for Public Appointments (OCPA). The Cabinet Office is still considering this report and will respond in due course. We are bound by the requirements of the Governance Code, including paragraph 7.8. In particular, the recommendation about 'stopping the clock' when the preferred candidate is announced rather than when the appointment is concluded would provide for a longer process. For this competition we will ensure the following:

- We plan that the competition will have a closing date of 14 October and we expect to provide advice to the Prime Minister in November, to allow for pre-appointment scrutiny to take place on 12 December 2019 (subject to your committee's agreement). This timeline allows us to conclude the competition within approximately three months of the closing date.
- In order to help this important competition to run smoothly, the key dates are to be fixed before launching the competition. We have already arranged the Senior Independent panel member, Colleen Harris. Due diligence of candidates will also be carried out before interviews.
- Candidates will be regularly updated with progress, including if it looks likely that the competition will exceed the three month aspiration, we will update candidates.

I have also noted the Committee's concerns about the framework in which ACoBA operates. While we have confidence in the work that the Committee does, we are always open to considering improvements to the system.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Foster', with a large, stylized flourish at the end.

Kevin Foster MP