



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/08 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://acoba.independent.gov.uk>

Constitution Committee
Lords Select Committee
By email

15 November 2023

My Lords,

I read your recent report '*Permanent secretaries: their appointment and removal*' with great interest. I welcome and endorse your committee's work safeguarding the constitutional balance required on these issues.

As Chair of the Advisory Committee on Business Appointments (ACOBA), I thought it may be helpful to set out the demarcation of responsibilities with regard to the government's Business Appointments Rules (the Rules), which are owned by the government.

ACOBA provides independent advice under the Rules on applications for advice on outside roles from the most senior civil servants and to former ministers. Applications for advice from former Permanent Secretaries and the other senior civil servants come via the employing department who provide us with information, a view on the proposed appointment and recommended conditions under the Rules. The majority of applications for all other civil servants are below ACOBA level and are considered by departments.

ACOBA has long argued that Rules are not fit for purpose and require modernisation to address risks that were not envisaged when the Rules were originally drawn up. Importantly, the government must provide a clear risk profile so that applicants can understand the types of appointment that may give rise to greater risks - and that

may therefore not be appropriate or will require stronger conditions and waiting periods. ACOBA has also been clear that there should be sanctions where the rules are breached, whether by ministers or civil servants.

The smooth operation of this system is fundamental to ensuring the government can benefit from the interchange of skills and experience between the public, private and charitable sectors, while protecting the integrity of government.

In the meantime, ACOBA has taken its own steps to further increase transparency around its work and streamline processes for considering applications.

The government recently announced some changes that I believe the Cabinet Secretary and the Head of Propriety and Ethics referred to in their evidence to your Committee. ACOBA welcomes these steps and we continue to work with the Cabinet Office and press for their timely introduction.

I noted your recommendation at paragraph 13: 'We look forward to seeing the forthcoming work, promised by the Cabinet Secretary, on the rules concerning business appointments and the role of ACOBA in setting expectations for those seeking to enter the civil service. Regularisation of inward and outward moves might entail a greater role for the Civil Service Commission. This might require the relationship between its responsibilities and those of the Senior Leadership Committee and ACOBA to be redefined.'

In respect of your recommendation, ACOBA shares your sensible desire for setting clear expectations about managing risks on entry and exit when people join the civil service. This is key to enabling greater movement into and out of the Civil Service. However, ACOBA is not involved in the recruitment process at any stage; it is for those responsible for recruitment, HR and the management of individuals within departments to make sure that managing risks under the government's Rules are part of consideration when individuals join the public sector.

Should your Committee require any further information about ACOBA, please do not hesitate to contact me or ACOBA's secretariat.

Yours ever
Sue Pickles

The Rt Hon Lord Pickles