William Wragg MP
Chair, PACAC
(Public Administration and Constitutional Affairs Committee)
House of Commons
London
SW1A 0AA

17 February 2021

Dear William,

I am writing to update you in my capacity as Chair of the Advisory Committee on Business Appointments (ACOBA).

As you noted in your letter recommending my appointment last year, I believe that applicants should understand more clearly what is and what is not appropriate under the Government's Business Appointments Rules. Clarity is increasingly important against a backdrop of rising numbers of applications, increasingly complex applications and public distrust in the integrity of officials and politicians alike.

As you know, the Rules are set by the Government and all aspects of the Rules, including their content, amendment and enforcement are the responsibility of the Government. The Government has made it clear it favours the current system over a statutory one to allow the permeability between the public and private sectors, whilst managing propriety.

However, I am not convinced the Government's Business Appointment Rules are embedded strongly enough within the culture of public office and I think there is more we can do to increase transparency across the system. ACOBA is the most visible part

of the whole system, advising the most senior applicants.  Recognising this, ACOBA has increased its transparency, publishing greater detail online in recent years. I made it clear at my pre-appointment session with your Committee that I intended to review ACOBA's work and strengthen the approach where possible within the Rules set by the Government.  The time is now right to build on and extend transparency, and we intend to do this in a number of ways:

- Introduce a transparent, risk-based approach that will allow ACOBA to offer prompt, predictable and consistent advice on appointments that are unremunerated or unrelated to an applicant's work in government and concentrate their attention on more complex cases.
- Applicants and departments will be required to provide clear evidence to demonstrate a role they wish to take is appropriate for someone who held their position in government. Any such submission will be published in full alongside the ACOBA's advice.
- Where there are significant risks, for example where applicants possess commercially sensitive information from their time in government, it will be clear to applicants that it is not always possible to mitigate the associated risks by applying conditions or a delay. In such cases ACOBA will advise that it is inappropriate for an ex-minister/ex-civil servant to take up such a role.
- Where ACOBA is made aware that an individual has failed to seek advice or may be acting in a manner contrary to advice received, we will refer this to the Government and, where relevant, write to the employer. This correspondence will be published in full by ACOBA.
- Any failure to comply with ACOBA's advice will be taken into consideration as part of the vetting process in awarding honours.

You will begin to see this approach coming into effect in publications posted on ACOBA's website as appointments are taken up.

I believe the lack of transparency about applications and advice below ACOBA level (which are the majority) negatively impacts on the system as a whole. ACOBA, with the right resources, could be well placed to share best practice, raise awareness and transparency on the Rules across Government and publicly.  I have raised this with the Cabinet Office as either a permanent solution, or as an enabler for a longer term policy.

I am also attaching a copy of ACOBA's outstanding annual report covering the period 2018-19 to 2019-20 which was published today. All relevant cases considered in this report are already in the public domain, on ACOBA's website.

Your ever
Eric Pickles

The Rt Hon the Lord Pickles

William Wragg MP