

POSITION PAPER

**MANAGING REVOLVING
DOOR RISKS IN
WESTMINSTER**

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SUMMARY

This paper sets out Transparency International UK's views on how to improve the regulation of post-public employment for former ministers and high-ranking civil servants in Westminster. It builds on and updates our 2011 *Cabs for Hire* report covering these issues, and should be read as a complement to our position paper on the need for lobbying reform in Westminster.¹²

The movement of individuals between positions of public office and jobs in the private or voluntary sector in either direction is commonly known as the 'revolving door'.

Below we provide:

- an overview of the potential benefits and risks of the revolving door
- a review of the current arrangements for regulating it in Westminster
- an analysis of the scope and scale of people moving through it³
- a summary of the current issues with oversight of the revolving door and our proposals for reform

The revolving door between public and private office is not inherently problematic, with the potential to provide valuable knowledge transfers between these two sectors. Having those in government with first-hand business experience and those in business exposed to the challenges of policy development and implementation can help advance the public good. It can help challenge conventions and develop new ways of thinking, as demonstrated by the UK's Vaccine Taskforce, which brought together government and private sector supply chain specialists. However, it is not without its risks, which need careful management.

The conflicts of interest that can arise when people revolve into and out of public office are varied. From stealing insider secrets to securing privileged access to try and influence policymakers, there is a range of behaviour that needs keeping in check to prevent public policy being captured by vested interests. If not identified and managed effectively, the privileges gained by those entrusted with public office can be abused by those seeking private gain.

The collapse of Greensill Capital and persistent lobbying by former Prime Minister, David Cameron, to keep it afloat with public money makes a case in point. His ability to lobby the Chancellor directly, seeking to secure

public loans worth billions to prop-up a failing business, gave him and his company privileged access to one of the highest offices in the land. Whilst his efforts were eventually unsuccessful, this could have gone the other way, shown by the former Chancellor and Cameron's exchanges about exploring an 'alternative' route for Greensill to secure a loan.⁴ All because a company employed a former minister with the right contact book. What is perhaps more worrying is that his conduct was within the rules, and only exposed by the work of journalists.

Meanwhile, Bill Crothers, another Greensill Capital employee, also served as the government's chief commercial officer, a civil servant position. There was a couple of months overlap when he was employed in both positions.⁵ That a serving civil servant could straddle both public office and employment at Greensill shows how conflicts of interest can occur. Additionally, Crothers went on to have at least five meetings with top Whitehall civil servants on behalf of Greensill, potentially using his previous stature and contacts to secure these meetings.⁶

The Greensill Capital saga is just one example from recent years in which senior politicians have walked into roles that pose a potential conflict of interests with their previous policy brief, including:

- An ex-Chancellor of the Exchequer taking up several influential roles including Editor at the media outlet Evening Standard and an advisor at the investment company BlackRock.⁷
- An ex-Chancellor of the Exchequer moving to a position in a fintech bank.⁸
- An ex-education Secretary joining an education firm.⁹

They also form part of a wider trend, with movements between the public and private sector growing as the labour market becomes more dynamic and flexible. An Organisation for Economic Co-operation and Development (OECD) study found that 'over 75 per cent of new entrants in senior positions came from outside the civil service in the UK, and after a period of four to five years sought to return to the private or non-profit sectors'.¹⁰ Evidence from the UK's revolving door watchdog, the Advisory Committee on Business Appointments (ACOBA), corroborates these figures. Between 2014/15 and 2019/20, there was a 48 per

cent rise in requests for advice from ministers and civil servants seeking private and non-profit employment after leaving public office.¹¹

The cases mentioned above highlight how the revolving door can create conflicts of interest that need careful management, yet the current system of oversight is inadequate. Both the Committee on Standards in Public Life (CSPL) and the UK government's own review of supply chain finance in response to the Greensill debacle, the Boardman review, recognise ACOBA is not fit for purpose and needs fundamental reform – something even its chair now acknowledges.¹² This paper builds upon these reviews and provides a pathway to reform that would better protect public decisions from being swayed in favour of private interests.

RECOMMENDATIONS

The revolving door presents a corruption risk that damages public confidence in government. The current regulations overseeing the movement of former officials into roles outside office are not fit for purpose. Our recommendations seek to address the existing loopholes by:

- calling for an extension to the lobbying ban on those leaving public office
- broadening the scope of both the roles that are covered and the areas deemed to present conflicts of interest that need managing
- introducing a new body on statutory footing that has the teeth to enforce the rules

Our recommendations are split into two categories. Firstly, recommendations which strengthen the scope of the existing rules, and secondly those which outline a new enforcement body. The amendments to the rules could be introduced imminently or could be introduced with the new enforcement body. The drawback of introducing tighter rules without improving the enforcement of the system is that there would be no teeth to ensure they are followed.

A wholesale improvement of both the rules and the mechanism for their enforcement would be the most desirable scenario.

Our recommendations to strengthen the scope of the existing rules are:

Recommendation 1: The government should extend the scope of the Business Appointment Rules so that they prohibit for two years appointments where the applicant has had significant and direct responsibility for policy, regulation or the awarding of contracts relevant to the hiring company.

Recommendation 2: We recommend that the lobbying restriction be extended to at least five years, with consideration of an extension for the most senior roles such as Prime Minister and Chancellor of the Exchequer.

Recommendation 3: The lobbying ban should include a ban on any work for lobbying firms within a set time limit.

Recommendation 4: Providing strategic advice on how to lobby should be prohibited by the Business Appointment Rules.

Recommendation 5: The government should introduce a comprehensive lobbying register, which includes in-house lobbyists and any company seeking to influence government who hire former officials.

Recommendation 6: Former ministers, senior civil servants and senior special advisers who perform any lobbying activity should have to register as a consultant lobbyist.

Recommendation 7: The Cabinet Office should review both the types and seniority of roles that should be subject to scrutiny by ACOBA, with attention to those roles with policy discretion.

Our recommendations to improve the oversight and enforcement of the revolving door are:

Recommendation 8: The government should put the body responsible for imposing and enforcing restrictions on post-public employment on a statutory footing.

Recommendation 9: Any new body should have:

- the ability to introduce contractual obligations on appointment of office
- sufficient resources to monitor compliance effectively
- the means to verify compliance, for example the power to request documents and call witnesses for hearings
- the power to impose sanctions in cases of non-compliance

This new body should be transparent about the restrictions it imposes on those leaving public office and also transparent about the judgements it makes before pursuing any sanctions, which should be laid out in a published enforcement policy.

Recommendation 10: There should be tighter and more consistent application of the Business Appointment Rules across departments:

- The Cabinet Secretary should work with the Chair of ACOBA to improve consistency across departments which could include sharing best practice.
- Government departments should publish anonymised and aggregated data on the total number of applications considered under the Business Appointment Rules, with figures of how many are approved, and rejected each year.

KEY FINDINGS

- Between January 2017 and June 2022, **217 high ranking civil servants, special advisers and ministers took up roles in the private or non-profit sector** after leaving government. These 217 decision makers have sought advice from ACOBA relating to 604 roles within the past five years.
- **Nearly a third**, 29 per cent, of all new jobs taken up by former ministers and senior officials had a **subject overlap** with their previous brief (177 out of 604 roles).
- In relation to the **defence sector, 81 per cent of roles**, (39 out of 48) had an **overlap** with a minister's or official's former government responsibility. When looking at only private sector roles taken up in the defence industry, this rises to 86 per cent (30 out of 35 roles).
- We found that **nearly one in ten** (19 out of 217) of those seeking advice from ACOBA did so in relation to taking up roles in a **consultant lobbyist firm**.
- We found that a **quarter of all roles** taken up by former ministers or officials had **job titles that were advisory** (151 out of 604 roles) with titles such as 'advisor' or 'Member of the Advisory Board', which could involve providing counsel on how to lobbying Parliament or the government.

POLICY AND LEGISLATIVE CONTEXT

Benefits of and Explanations for the Revolving Door

Government and businesses can both benefit from the revolving door. Departments can gain specialist knowledge from those joining with backgrounds in complex sectors like defence and security and finance. Businesses can benefit from people who know how government operates, which in turn makes them more productive and could lead to gains in efficiency. For example, partners at one of the Big Four accountancy firms state that senior civil servants offer ‘strong strategic decision-making’, among other skills that can help them tackle the challenges that corporates face.¹³

There are several possible explanations why movement through the revolving door appears to be on the increase.

Firstly, as stated by the ethics watchdog, the Committee on Standards in Public Life (CSPL), in 2021, it could be a consequence of the changing labour market, where individuals choose to seek more flexible careers rather than staying in one industry their whole life.¹⁴

The Institute for Government (IfG)’s research also shows that civil service turnover is on the increase. According to the IfG, between March 2021 and March 2022 13.6 per cent of the civil service workforce (67,880 staff) either moved between departments or left the civil service entirely.¹⁵ This is compared to 8.4 per cent the previous year. The difference between these two years may be affected by the COVID-19 pandemic, with individuals remaining in stable jobs during the height of the pandemic. However, 13.6 per cent total turnover is the highest level of turnover in over a decade. This figure is also similar to the total labour turnover across different industries of 14.4 per cent between January 2021 and January 2022.¹⁶

Additionally, this turnover could be a product of government downsizing – a trend noted by the OECD.

Risks

Whilst there are benefits of the revolving door there are also risks associated with it. CSPL, in their report on upholding standards in public life, outlined three risk areas that the current rules around the revolving door attempt to prevent:

It claims the public sector is shrinking in many countries around the world, which is caused by efforts to move to a small state.¹⁷ Recent UK labour market statistics also confirm this, with public sector employment decreasing and in turn, private sector employment increasing since 2010.¹⁸ This was temporarily reversed during the pandemic but the pattern seems to be resuming again.¹⁹

Secondly, some have commented that increase in movement through the revolving door is partly due to the growing contracting-out of work to private companies.²⁰ This has been noted especially during the COVID-19 pandemic, with public spending on consultants more than doubling in 2020-21 from £1.2 billion to £2.5 billion.²¹ Moreover, as noted by CSPL, the rise in government outsourcing increased even before the pandemic, with a third of public expenditure spent on procurement on average per year for the period 2004-2017.²² This means that employees from businesses are undertaking more and more work for the public sector. This can bring the private and public sector closer together, which in turn creates an inherent tension between the motivation for profit and the motivation for advancing the public good.

Thirdly, another reason that the revolving door appears to be on the increase is that in the past five years, which is the period of our research for this paper, there has been high turnover of governments in Westminster and multiple reshuffles. Political volatility has led to general elections and four prime ministers, each appointing their own ministers and cabinet. In the past five years there have been eight UK government reshuffles, with several ministers changing position.²³ Using the IfG’s analysis of reshuffles since 1997, we can see that eight in the past five years is higher than the average rate of reshuffles.²⁴

- seeking future employment
- benefiting from privileged access
- the use of confidential information

The overriding potential consequences of allowing these risks to go unchecked are twofold.

The first is that public decisions are biased in favour of the private interest. This could lead to sub-optimal policy outcomes such as pro-industry regulations and sub-standard procurement practices that lose the public money, for example. The second is that a prevalence of revolving door cases can contribute to undermining public trust in government. For example, in 2019, a survey found that 63 per cent of respondents thought the 'British system of Government is rigged to the advantage of the rich and powerful'. Effective regulations to prevent malpractice should help prevent behaviour that further undermines public confidence which would help to re-establish public confidence in UK decision makers and politics as a whole.

Seeking future employment

[Public officials might favour organisations whilst in office with a view to ingratiating themselves with them and securing a reward of future employment.](#)

This is often associated with the term 'going soft' where public officials responsible for oversight of an industry implement lax policy or regulations in order to potentially signal their sympathies with a sector or to induce reciprocity from the industry.²⁵ This can lead to sub-standard regulations that are in the interest of a narrow set of private companies rather than the public as a whole.

Benefiting from privileged access

[Former public officials might seek to influence their former government colleagues to make decisions in a way that is sympathetic to their new employer.](#)

Former public officials might rely on their contacts in

government and their previous stature, for example their seniority in respect of previous colleagues. They may allow this to happen consciously or subconsciously because they respect the views of their contact now in the private sector, the two had an amicable relationship or they want to please them, or a mixture of all of these reasons. Crucially, however, it is the pre-existing relationship formed whilst both were in government which creates access to decision making that an organisation which had not employed a former minister or civil servant would be unlikely to secure.

Use of confidential information

[Former public officials may use confidential information to benefit their new employers – for example during procurement procedures.](#)

In the most egregious cases this could be a breach of law. For example, it could constitute insider trading, i.e., 'An individual who has information as an insider is guilty of insider dealing if... the acquisition or disposal [of securities whose price would be affected by the public disclosure of this "inside information"] occurs in a regulated market'.²⁶ It could also be a breach of the UK Official Secrets Act 1989.

On the other hand, the writing of memoirs after leaving public office, as long as the information disclosed does not breach the previous two stated laws, may not present a strong conflicts of interest.

However, what lies in between these two is a grey area whereby companies hire former ministers, civil servants and special advisers based on their confidential knowledge of recent and upcoming policy and regulatory developments.

Case study: Philip Hammond and OakNorth

In its letter dated, 4th December 2019, ACOBA assessed a role Philip Hammond wished to take up on the Advisory Board of OakNorth, a UK fintech bank for small and medium sized companies.¹ In its assessment of the new role, ACOBA noted that he had contact with both the bank's founder whilst Chancellor of the Exchequer and CEOs from SoftBank, a major investor in OakNorth. In his meeting with SoftBank, whilst Chancellor, Philip Hammond 'welcomed the investments made by SoftBank's Vision Fund in two Fintech firms (one of which being OakNorth).'²

The Committee also stated that the former Chancellor of the Exchequer was involved in the development of policy relating to financial services and that OakNorth would have benefitted from 'the overall positive fintech messaging and publicity from the government'.³ However they also state that no policy measures were introduced that would significantly impact OakNorth specifically.

Despite ACOBA's assessment that this appointment was within the rules, there is evidence that Philip Hammond's appointment was as much to do with his contact book as his expertise in this area of policy. Rishi Khosla, co-founder of OakNorth, is on record saying Philip Hammond's 'connectivity with finance ministers and business leaders in other countries is clearly an aspect which is highly valuable'.^{4 5} The insinuation that the former Chancellor of the Exchequer was hired because of his government connections demonstrates the risk that former public office holders are attractive employees because of their potential to gain privileged access to policy makers.

Current regulatory framework

Oversight of post-public employment of former ministers, civil servants and special advisors relies on codes of conduct, some of which have a basis in law but are not enforceable by the courts or any regulatory body. The relevant codes are the Ministerial Code, Special Advisers Code of Conduct and the Civil Service Management Code. The latter two are issued under Part 1 of the Constitutional Reform and Governance Act. These codes contain the Business Appointments Rules, which set out the restrictions and procedures for post-public employment.

Who is covered by the rules?

Former ministers, civil servants and special advisers are covered by the Business Appointment Rules. There are varying requirements and rules for civil servants and special advisers depending on their seniority.

Who oversees and advises on how to comply?

ACOBA is responsible for the operation of the Business Appointment Rules for ministers and senior civil servants and special advisers - those equivalent to director general and above.²⁷ It is the committee's duty to ensure senior public officials are aware of the rules and it is their responsibility to issue advice.

The committee's members are appointed by the Prime Minister. They are a mixture of political members, nominated from the larger parties in Westminster, and independent, non-partisan members drawn from the public and private sectors. The latter are subject to competition and the Public Appointments Governance Code.

Civil servants below director general level must seek the advice of their former department.

The requirements to seek advice and restrictions

Ministers and the most senior civil servants and special advisers must seek advice from ACOBA before taking up a position outside public office. This requirement applies for two years after they leave their government post. The rules also stipulate that all three types of senior public servant, as a general principle, are banned from lobbying government for two years after leaving office. ACOBA may reduce the two-year ban if it is considered to be justified in individual applications.²⁸

When officials seek advice from ACOBA, the committee will then request information from applicants and their former departments, and then provide advice on whether prospective employment gives rise to conflicts of interest that need to be managed.

¹ Office of the Advisory Committee on Business Appointments, (2019), *Advice letter: Philip Hammond, Senior Advisor, OakNorth Bank*, 4th December 2019, accessible at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861972/OakNorth_bank_20200129-162148_1293_001.pdf

² Office of the Advisory Committee on Business Appointments, *Advice letter: Philip Hammond, Senior Advisor, OakNorth Bank*, p.2, paragraph 5

³ Office of the Advisory Committee on Business Appointments, *Advice letter: Philip Hammond, Senior Advisor, OakNorth Bank*, p.2, paragraph 6

⁴ Financial Times, (2020) *Philip Hammond joins advisory board of fintech OakNorth*, accessible at: <https://www.ft.com/content/59909bfa-3ebe-11ea-a01a-bae547046735>

⁵ In OakNorth's own press release, Rishi Khosla also states "He brings both an international perspective, having worked with Finance Ministers across the globe, as well as a deep understanding of the British economy." https://www.oaknorth.com/press_release/former-chancellor-of-the-exchequer-philip-hammond-joins-oaknorths-advisory-board

In issuing its advice, ACOBA considers if a particular post of a former decision maker complies with the Business Appointment Rules. The rules seek to ensure that when posts outside of government are taken up '*there should be no cause for any suspicion of impropriety*'.²⁹ The committee will judge each new role outside of government on a case-by-case basis considering three areas:

- does the new job look like a reward for actions undertaken whilst in office
- could an employer use official information for their own benefit
- if there is cause for concern in another respect

These areas mirror some of the risks outlined above.

If the committee deems that there is a risk in any of these areas it can advise a set of conditions attached to the new post. These can range from advising the former decision maker not to take part in certain commercial decisions, advising them not to draw from their knowledge gained in office, or advising they delay taking-up certain roles.

However, ex-ministers and permanent secretaries should expect a standard waiting period of three months before taking up an appointment outside government. This period may be waived by ACOBA if there are no propriety concerns. Equally, if the role poses serious public concerns, then this period could be extended, and in exceptional circumstances be deemed 'unsuitable'. When the new job is taken up, the committee's advice is published.

When ACOBA does impose conditions, it lacks the power to monitor compliance, investigate potential breaches and also lacks the ability to administer any sanctions to punish non-compliance.

Civil servants below director general will apply to their department for advice, but they only need to seek advice if their new role meets certain conflicts of interest risks; for example, they have been involved in policy development that is relevant to their new employer.³⁰

The department will either approve the new post unconditionally, or approve of it with a set of conditions, such as exclusion from commercial dealings with the former department for a specified period. Appointments approved by departments of former senior civil servants³¹ are published as part of departments' quarterly transparency obligations.³²

ANALYSIS

Successive reviews and our previous research have found the current oversight of the revolving door to be highly deficient. Broadly, the associated issues can be broken down into three areas: scope of the rules, how the rules are enforced in practice, and a lack of coordination and consistency of arrangements. Below we explore these issues in more detail providing ten solutions to help provide greater coherence to the rules and their application and a more effective deterrent against potential abuse of the revolving door. Our solutions seek to balance the need for stricter rules with a system that is fair and proportionate.

Scale and Scope: the Revolving Door in Whitehall and the scope of regulations

Scope of post-public restrictions

The current scope of the rules is unduly narrow when considering conflicts of interest.

When ACOBA and relevant departments review applications of post-public employment they largely focus on the former official's relationship with the prospective new employer. For example, have they been in meetings with the new employer in their official capacity or have they presided over policy decisions relating to the new employer.

As noted by CSPL, this framing is too narrow; there are many instances where former decision makers enter an industry that their public sector role had significant purview of. Whilst in office, a minister, civil servant or special adviser may initiate a policy or regulation that is favourable not just to one specific company but sympathetic to an industry as a whole. They may not do so with a specific prospective employer in mind, but still do so with a view to secure a job outside of government in that industry. Additionally, regardless as to whether a public official has had direct contact with a company prior to leaving office, they may still pose the risk of providing privileged contacts within the department and knowledge of how it operates.

Looking at data published by ACOBA and provided to us by CAAT, there is a large number of cases where public officials have gone to work for organisations with a related policy interest.

We found that from January 2017 to June 2022, 217 high ranking civil servants, special advisers and ministers took up roles in the private or non-profit sector after leaving government. Of these, 89 are former ministers and 128 are high ranking civil servants and special advisers. These 217 decision makers have sought

advice from ACOBA relating to 604 roles within the past five years.

Out of the 604 total roles taken up, we found 177 where there is a subject overlap with their previous department, this is 29 per cent of roles between January 2017 and June 2022. Chart 1 shows the number of roles per industry where there is an overlap with a former minister's, civil servant's or special adviser's previous role in government.³³ It also shows the breakdown of where these roles are in the non-profit sector. Roles in the non-profit sector are often unpaid and so may pose less of a conflicts of interest risk.

Chart 2 shows the prevalence per industry of there being an overlap between roles outside of government and former public office remits. As the chart shows, 81 per cent of roles (39 out of 48), taken up in the defence industry had an overlap with an official's former government responsibility. When looking at private sector roles taken up in the defence sector only, this rises to 86 per cent which is 30 roles.

Whilst it is normal to seek career progression, in the context of former government roles there are heightened sensitivities due to access to privileged information and government contacts. There is a corruption risk that former officials could capitalise on their knowledge of government policy accumulated whilst in post, which could unduly favour their new employer. In particular, alarm bells are raised when a former official's new role outside of government is in a similar industry to the remit of their previous departmental role.

Therefore, in order to mitigate the risk that officials may implement policies which could be favourable to a whole industry in order to secure outside employment, a restriction on roles with significant overlap of previous remits should be introduced.

Recommendation 1: The government should extend the scope of the Business Appointment Rules so that they prohibit for two years appointments where the applicant has had significant and direct responsibility for policy, regulation, or the awarding of contracts relevant to the hiring company.

Chart 1: Number of roles taken outside of government by industry which have an overlap with the remit of the former minister or official.

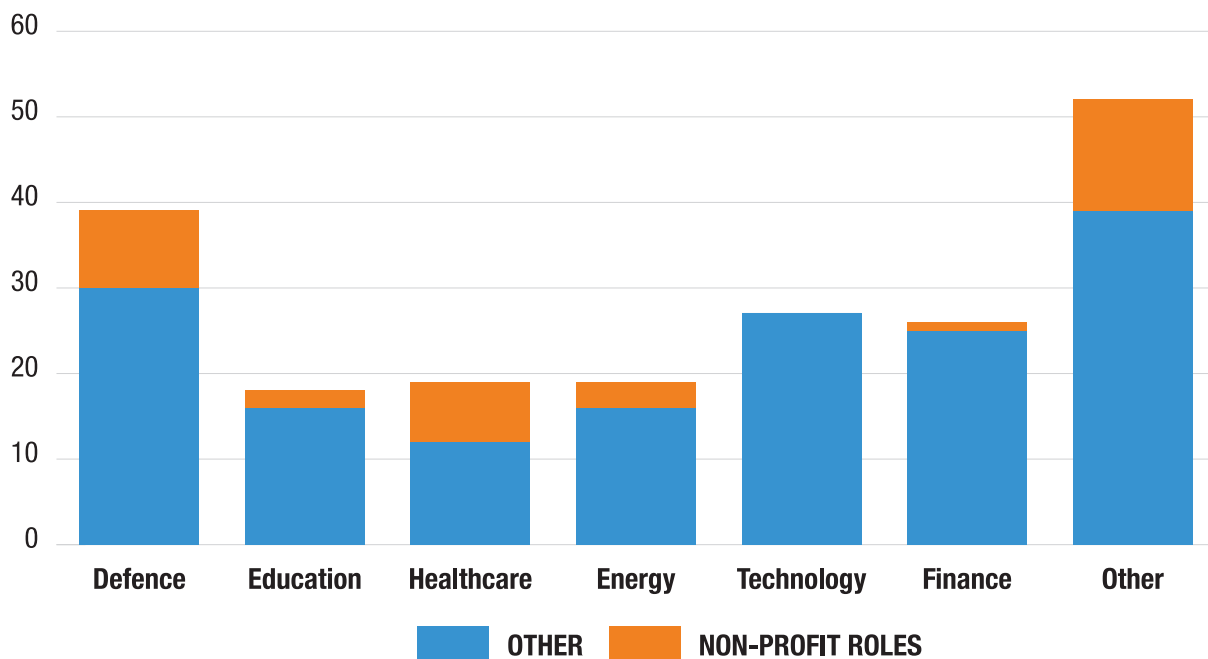
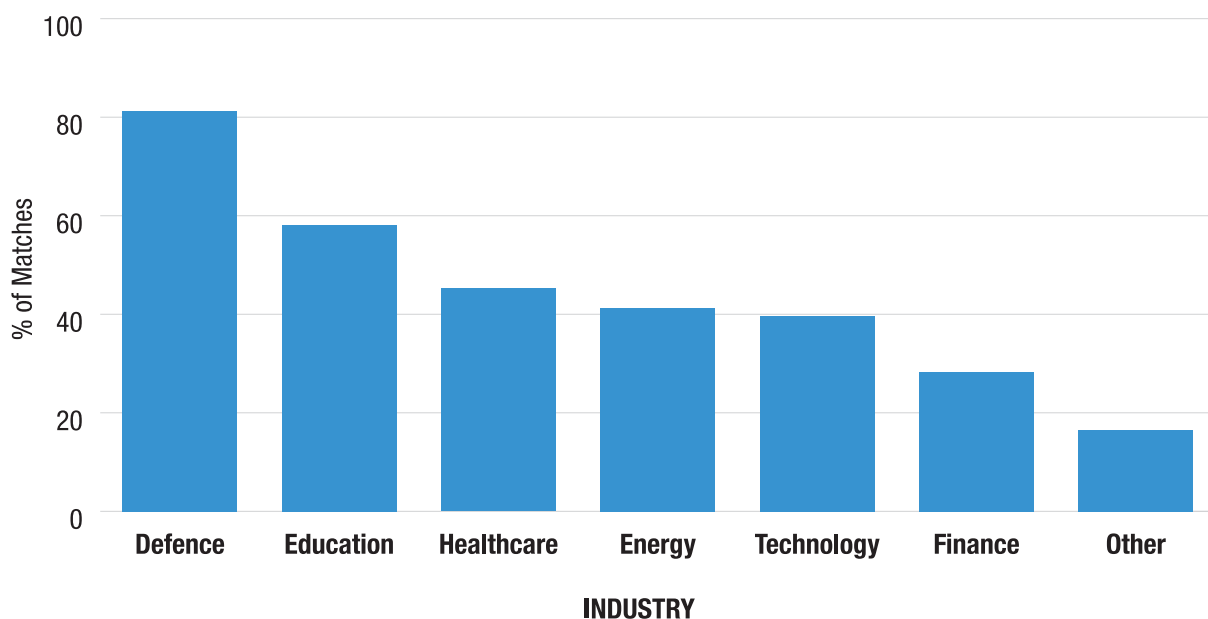


Chart 2: Prevalence of roles outside of government which have an overlap with the remit of the former minister or official, as a proportion of total number of roles taken up in that industry (%)



Case study: Philip Jones and BAE Systems

Philip Jones, former Chief of Naval Staff and First Sea Lord within the Royal Navy and Ministry of Defence, left his public post in June 2019. In its letter dated March 2021, the ACOBA review the suitability of his prospective role with BAE Systems (BAES), a major defence contractor to the British military.⁶ They outline that BAES has a 'strong commercial relationship with the UK government and the Ministry of Defence (MOD) in particular. In 2019/20 BAE was the largest defence supplier in terms of annual spend made by [the] MOD... (£3.7 billion)'.⁷

The committee also highlight that Sir Philip Jones was involved in 'regular strategic reviews with BAES' whilst in office, but was not party to contractual decisions.⁸ ACOBA mention 'that there is risk that BAE Systems may look to gain insight from employing the former Chief of Naval Staff that it could not otherwise gain and which may provide a commercial advantage'.⁹ The committee highlight several mitigating factors, such as policy and strategy within the MOD significantly changing since Sir Philip left his public sector role in 2019. The committee subjected the appointment to some of its most stringent conditions, such as a 12-month waiting period to take up the role since his last day in office. He began a role with BAE Systems in September 2021.

This case highlights the difficulties in regulating the revolving door in a sector such as defence, where the main customer, the government, is also the main regulator of the sector and of the revolving door. Also, procurement contracts are developed over many years which means knowledge acquired whilst in public office could stay relevant for longer than other industries. The interdependence of state and company in this sector can create a blurring of interests that is substantively different from other industries. For more information on defence sector revolving door risks, see Transparency International Defence and Security's report 'Defence industry influence on European policy agendas'.¹⁰

Case study: Ian Duncan, Terrestrial Energy and Carbon Connect

Ian Duncan, the former Parliamentary Under Secretary of State for Climate Change within the Department of Business, Energy and Industrial Strategy (BEIS), undertook two roles in the energy sector within two years of leaving government in 2020. One as Member of the Advisory Board for Carbon Connect and one as Member of the Advisory Board for Terrestrial Energy. In ACOBA's assessment of his new job at Carbon Connect, the committee note that the role would focus on EU policy, policy of devolved administrations, and UN COP gatherings.¹¹ Ian Duncan stated he would not conduct business with the UK government, however he may encounter ministers and officials at seminars and events.¹²

In his new role with Terrestrial Energy the former Parliamentary Under Secretary states he will advise on the EU, UK and Scottish regulatory landscape as it pertains to nuclear power generation in general.¹³ The committee noted that this appointment was in a similar area to his previous government remit. But concluded that, as he had no dealings with the business whilst in office and did not make any contractual policy or regulatory decisions that would have affected Terrestrial Energy, the committee could see no reason it might be perceived as a reward.¹⁴

Ian Duncan followed the relevant rules and procedures with regards to his post-public employment, and we make no allegation of impropriety on his behalf. However, given his previous government roles are so closely aligned with his new positions outside of public office, there is a risk he could use the privileged contacts and knowledge acquired during his ministerial tenure to the advantage of his new employer. Were this to happen, ACOBA has no power to investigate or seek meaningful sanctions as a consequence.

⁶ The Office of the Advisory Committee on Business Appointments (2021), *BUSINESS APPOINTMENT APPLICATION: Admiral Sir Philip Jones, former Chief of Naval Staff and First Sea, March 2021*, accessible at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1024580/ACOPA_-_Final_Advice_Letter_-_Philip_Jones_-_BAES.pdf

⁷ The Office of the Advisory Committee on Business Appointments, *BUSINESS APPOINTMENT APPLICATION: Admiral Sir Philip Jones, former Chief of Naval Staff and First Sea*, p.2, paragraph 6

⁸ The Office of the Advisory Committee on Business Appointments, *BUSINESS APPOINTMENT APPLICATION: Admiral Sir Philip Jones, former Chief of Naval Staff and First Sea*, p.2, paragraph 7

⁹ The Office of the Advisory Committee on Business Appointments, *BUSINESS APPOINTMENT APPLICATION: Admiral Sir Philip Jones, former Chief of Naval Staff and First Sea*, p.2, paragraph 8

¹⁰ Transparency International Defence and Security (2021), *Defence industry influence on European policy agendas*, May 2021, accessible at: <https://ti-defence.org/wp-content/uploads/2021/05/Defence-industry-influence-on-European-policy-agendas-Transparency-International-Defence-and-Security-web.pdf>

¹¹ The Office of the Advisory Committee on Business Appointments (2020), *Business appointment application: Lord Ian Duncan of Springbank*, December 2020, accessible at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959097/Final_advice_-_letter_-_ID_-_CC.pdf, p 2., paragraph 7

¹² The Office of the Advisory Committee on Business Appointments (2020), *Business appointment application: Lord Ian Duncan of Springbank*, p 2., paragraph 7

¹³ The Office of the Advisory Committee on Business Appointments (2020), *Business appointment application: Lord Ian Duncan of Springbank*, July 2020, accessible at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921733/Final_Advice_letter_-_TE.pdf, p.2., paragraph 9

¹⁴ The Office of the Advisory Committee on Business Appointments, *Business appointment application: Lord Ian Duncan of Springbank*, p. 2, paragraph 12

Scope of lobbying restrictions

Another area where the scope of the rules could be extended is around the lobbying ban. The current regulations only apply to ministers and civil servants who have left government within the last two years – after that period there is no restriction on what ex-officials can do. The logic behind this is that as time goes on, the strength of a decision makers' contact book in government as well as their insider knowledge will fade.

However, as David Cameron's approaches to previous colleagues on behalf of Greensill in 2020 showed, even after four years of being outside of government, his contact book was still relevant. He was still able to send at least 45 messages to ministers and officials, many to their personal phones that have less security and are more vulnerable to malign foreign interference.³⁴

The former Prime Minister was not required to seek advice from ACOBA about his role with Greensill Capital, nor was he banned from lobbying the government.

Moreover, in an oft quoted study from the US, it was found that lobbyists with experience in the office of a US Senator suffer a 24 per cent decrease in generated revenue when that Senator, who they were connected to, leaves office- the effect for former staff is immediate, discontinuous around the exit period and long-lasting.'

³⁵ The study may focus on the US, but it highlights that it can be a lucrative business selling access to politicians.

The UK's scope of the lobbying restriction is in contrast to Canada where the Members of Parliament and ministers can be prohibited from engaging in lobbying for five years after leaving office.³⁶ CSPL and IfG have both recommended that the UK follow a similar rule to Canada, and extend the lobbying ban to allow ACOBA and government departments to issue a ban of up to five years for officials who held a particularly senior role, or where contacts made or privileged information held will remain sensitive after two years.³⁷ This proposal acknowledges that there are several senior roles in government that are of such standing that their previous stature could affect how former colleagues receive them. Also, these more senior roles have a purview of most government departments and sectoral areas.

In this way, a lobby ban that differentiates restrictions depending on seniority seems to be the most appropriate option. For ministers, the most senior civil servants and special advisers – those who are most likely to shape policy decisions – a ban of at least five

years would counter risks that their insider knowledge and contacts could give their new employer an unfair advantage. For the most senior public office holders, for example, former Prime Ministers and Chancellor of the Exchequers, a longer ban should be considered as their contacts and privileged knowledge is likely to last longer and have more potency for a longer period of time. Lastly, there may be roles that have very specialist subject expertise, which include a high proportion of regulatory responsibilities and should also be considered for a longer-term ban.

As stated above, it is important that any regulation is proportionate and does not unduly hinder one's future jobs prospects. It is worth noting that this would not be an outright ban on all future employment, it is a targeted ban on lobbying specifically. Many jobs would still be available to former politicians and office holders. Lobbying by former officials in reward for payment is a clear corruption risk area that erodes public trust, as it appears, or possibly is the case, that former policy makers are selling their former contacts and privileged knowledge in exchange for a financial gain.

Recommendation 2: We recommend that the lobbying restriction be extended to at least five years, with consideration for an extension for the most senior roles such as Prime Minister and Chancellor of the Exchequer.

A lobbying ban is only one part of the picture, however. It mitigates against former officials attempting to influence government themselves, but it does not prevent them from advising others on how to lobby.

Lord Pickles, the current Chair of ACOBA argued in his evidence to CSPL that if a consultant lobbying firm hires a former official, but they are prohibited from lobbying, what are they hired to do?³⁸ As Lord Pickles insinuates, it is possible that former decision makers are offering advice to others on how to influence the decision making process.

We sought to discover how many former decision makers were in roles related to lobbying to scope the potential scale of the problem.

We found that **in the past five years 21 roles taken up by 19 ex-ministers, senior civil servants and special advisers were with registered consultant lobbyist firms.**³⁹ This is nearly one in ten (19 out of 217) of those seeking advice from ACOBA. We also found that of the 604 total roles taken up by former officials, 151 were advisory roles, where the job title

was described as ‘advisor’ or ‘Member of the Advisory Board’. This is 25 per cent of all roles within the past five years taken up by previous policy makers.

In the US, recently introduced executive orders recognise the risks outlined by Lord Pickles, and further restrict the activities of former officials with regards to lobbying. In order to prevent so called ‘shadow lobbying’, Executive Orders of the Ethics Committee state that former officials have to agree that for a period of one year following the end of an appointment they must not support or assist others in lobbying activities that they themselves are already banned from doing.⁴⁰

Whilst we support a similar ban in the UK we are aware that it is possible that issues may occur in a company that is not a consultant lobbying firm. An ex-public official may be hired by a multinational or large company in its public relations department, they may not lobby government, but they could be providing support to others on lobbying strategies.

There should be a belt and braces approach whereby former ministers, senior civil servants and special advisers are banned from working for lobbying firms within a set time limit but also there is a ban on providing strategic advice to others on how to lobby. The latter may be more difficult to regulate, but the former goes some way to reduce the risk companies seeking an unfair competitive advantage through recruiting former public servants.

Recommendation 3: The lobbying ban should include a ban on any work for lobbying firms within a set time limit.

Recommendation 4: Providing strategic advice on how to lobby should be prohibited by the Business Appointment Rules.

Furthermore, reforms to the lobbying system, which we outlined in our paper *Understanding access and potential influence in Westminster* would provide more transparency and accountability of any potential influencing activities by former officials.⁴¹ A comprehensive lobbying register that included in-house lobbyists should be introduced. This register would include details of who in a large multinational company was employed as an ‘in-house’ lobbyist. In the meantime, the current lobbying register could be amended to include any former official who undertakes lobbying activity, ‘irrespective of whether they are employed or a consultant...this would have required David Cameron to register as a lobbyist’, as Nigel Boardman recommended in his report.⁴²

Recommendation 5: The UK government should introduce a comprehensive lobbying register, which includes in-house lobbyists.

Recommendation 6: Former ministers, senior civil servants and senior special advisers who perform any lobbying activity should have to register as a consultant lobbyist.

Case study: Ameetpal Gill and Hanbury Strategy

Former Director of Strategy at No.10 and special adviser, Ameetpal Gill, left public office in July 2016. A few months later in September 2016 he set up his own consultancy, Hanbury Strategy, to offer strategic, campaigns and policy advice.¹⁵ Within the two-year period that Ameetpal Gill was required to consult ACOBA for his consultancies with Hanbury; he had 16 commissions with different companies and campaign groups during this time.¹⁶

In its assessment of the various commissions, ACOBA noted that in most instances Hanbury Strategy and Ameetpal Gill would offer 'strategic advice' or 'policy advice' but he would not lobby government on behalf of the companies, or use any privileged information available to him during his time in office.¹⁷

It is noteworthy that very soon after the two year ban on lobbying was lifted, Hanbury Strategy registered with the register of consultant lobbyists.¹⁸ Only those involved in lobbying ministers or senior civil servants on behalf of clients have to register, this means that the outfit would have been engaged in lobbying from this date.¹⁹ It currently states on its website that it has worked at the 'highest level of government, politics and the world of business.'²⁰

Scope of who is covered by the Advisory Committee on Business Appointments (ACOBA)

As outlined above, only the highest-ranking civil servants have to seek advice from ACOBA. Those below director general level seek advice from their department and are subject to less scrutiny and transparency. In 2020, 34,000 people left the civil service and only 108 (0.3 per cent) were subject to oversight from ACOBA.²¹ Lord Pickles, the Chair of ACOBA stated that a 'predatory company', one that was being strategic and wishing to avoid additional scrutiny, would target those below ACOBA level, particularly civil service directors and deputy directors.⁴³

Additionally, the Group of States Against Corruption (GRECO), a pan-European ethics watchdog, recommends ACOBA oversight should apply to all senior servants involved in policy development, not just certain bands. This would address the most pressing concerns around the risks of undue influence of outside interests on policy decisions. In 2017, the Public Administration Committee also recognised that there were many civil servants that have significant responsibilities in respect of policy and commercial management that are not managed by ACOBA, and so are subject to a lack of scrutiny.⁴⁴

Recommendation 7: The Cabinet should review of both the types and seniority of roles that should be subject to scrutiny by ACOBA, with attention to those roles with policy discretion.

¹⁵ The Office of the Advisory Committee on Business Appointments (2018), *Summary of business appointments applications - Ameetpal Gill*, 12th July 2018, accessible at: <https://www.gov.uk/government/publications/gill-ameetpal-director-of-strategy-no10/summary-of-business-appointments-applications-ameetpal-gill>

¹⁶ The Office of the Advisory Committee on Business Appointments, *Decision Gill, Ameetpal - Director of Strategy, No. 10*, accessible at: <https://www.gov.uk/government/publications/gill-ameetpal-director-of-strategy-no10>

¹⁷ See for example advice issued for commissions with Barclays or Second Home Ltd https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/618634/GillA-2062017-Letter_re_Barclays.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/621406/GILL-SecondHomeandBulbEnergy.pdf

¹⁸ According to Hanbury's profile, they have been registered since October 2018 as a consultant lobbyist. Profile accessible at: https://registerofconsultantlobbyists.force.com/CLR_Public_Profile?id=0011o00001bhRZMAA2

¹⁹ See guidance on who has to register, section 2 <https://registrarofconsultantlobbyists.org.uk/guidance/office-of-the-registrar-of-consultant-lobbyists-guidance-on-registration-and-quarterly-information-returns/#Who-must-register>

²⁰ <https://www.hanburystrategy.com/about-us> [accessed 18th January 2023]

²¹ Lord Pickles (2021), oral evidence to the Standards Matter 2 Review <https://committees.parliament.uk/oralevidence/2012/default/>

Enforcement and sanctions of the revolving door

An effective watchdog needs its standing and independence to be guaranteed regardless of who is in power. It also needs the power to conduct investigations into potential breaches of the rules, request information, and the ability to impose powerful sanctions for breaches to act as a deterrent for wrongdoing.

There are serious concerns that ACOBA lacks all of the above.

Independence and autonomy of the watchdog, ACOBA

Effective monitoring and regulation of ethical standards requires independence and autonomy from government. ACOBA is a non-statutory body, there is no law requiring it to exist. Its existence relies on the commitment and, to an extent, goodwill of the government of its day. This makes it precarious to being scrapped. One need only look at another non-statutory regulator, the Independent Adviser on Ministerial Interests to see what the consequences of this could be. The former Prime Minister Liz Truss stated that, as she knew the difference between right and wrong, there was no need for the post of the Independent Adviser. As this post was not in statute, she was within the law to not appoint the role. This would go against the norms and cultures preceding her, but it would not be unlawful.

Likewise, the standing of ACOBA is in a similar position, it relies on cultural norms and precedence to exist. CSPL and the Public Administration and Constitutional Affairs Committee (PACAC) have both advised that ACOBA be put on a statutory footing. Indeed, as early as 2012, the Public Administration Select Committee, a precursor to PACAC, proposed replacing ACOBA with a model of statutory ethics regulation with enforceable penalties.⁴⁵

Additionally, the post-public restrictions in Canada are on legal footing in the Conflict of Interest Act and the mechanism of oversight, the 'Conflict of Interest and Ethics Commissioner' is on a statutory footing in section 81 of the Parliament of Canada Act. This Act also guarantees the Commissioner's mandate, legal protections and staffing.

A statutory footing would not make an oversight body or role immune from being dismantled, but this would take legislation and parliamentary time to do so and thus be a significant barrier to being scrapped. There would also be reputational damage to any government that tried to remove the body.

Leading academics on governance have increasingly been arguing that the so called 'trust approach' which relies on public officials' good judgement and following norms, is no longer fit for purpose.⁴⁶ The 'Nolan Principles' which are selflessness, integrity, objectivity, accountability, openness, honesty and leadership, are supposed to guide office holders' actions and behaviour. However, relying on good governance principles and naming and shaming alone, as the ACOBA advice letters do, may not be enough anymore to elicit good behaviour. There should be a culture of selfless decisions made in the public interest in Whitehall, whilst many public officials do aim for this, for those who fall short, a legal approach might be more appropriate.

This would represent a conscious shift in the constitutional framework of how the ethics frameworks in the UK are managed. Moving from one that relied heavily on conventions to one that is based in statute.

Recommendation 8: The government should put the body responsible for imposing and enforcing restrictions on post-public employment on a statutory footing.

As outlined in CSPL's report *Upholding Standards in Public Life*, there have been arguments for introducing an 'Ethics Commission' that would potentially subsume and reform the powers and standing of ACOBA.⁴⁷ This could be a possible avenue for updating the current system as long as the new body has the independent resources in order to do its job effectively and due consideration is taken to how it would interact with other regulators. Additionally, there is legislation that has been tabled in a Private Member's Bill that could be used as the basis for putting ACOBA on a statutory footing.⁴⁸

Lack of sanctions and ability to monitor

There are a number of issues with the current model for encouraging compliance with the Business Appointment Rules. These are:

- a reliance on the media to deter wrongdoing
- a lack of sanctions for failure to consult ACOBA and for retrospective applications
- no ability to check if conditions are being adhered to

Reliance on media to deter wrongdoing

As outlined above, ACOBA can outline a set of conditions that ex-officials should abide by. ACOBA also publishes this advice online so the public, the media, civil society organisations and everyone else can know what roles former senior politicians, civil servants and special advisers have undertaken. This creates a risk of reputational damage to former officials. If a new job is picked up by the media and it is critically covered, this can cause embarrassment to the former policy maker. Lord Pickles, current chair of ACOBA, stated that the embarrassment “can seriously affect an ex-minister’s and indeed ex-civil servant’s prospects of post-government employment”.⁴⁹ GRECO’s assessment of the UK system did state that one of the few positives of the UK system is the publication of letters and the transparency of ACOBA.

Moreover, one may argue that the current system is working because many who consult ACOBA seem to heed their advice. In ACOBA’s 2019-2020 annual report, 41 out of 204 roles were not taken up.⁵⁰ This means that either former officials accepted ACOBA’s advice and warnings, or their circumstances changed.

Letters where applicants do not take up the role are not published, which gives a skewed view of the effectiveness of ACOBA. Compliance of the rules is less apparent, and it gives the impression that ACOBA simply approves every application. Compliance figures are published in an annual report, but these are less likely to be covered by the media.

However, whilst the Public Administration and Constitutional Affairs Committee (PACAC) has stated that Private Eye is a more effective monitor of ministerial appointments than ACOBA, a vigilant media should not be relied upon as a substitute for an effective oversight body. For example, while the media plays an important and integral role in scrutinising movement through the revolving door, it is also subject to commercial pressures that can risk over-sensationalising stories in order to attract readers. Intense pressure on their budgets and a fast-paced media environment can also mean that cases of the revolving door can be missed or are bumped down the headlines by competing stories.

Lack of sanctions for failure to consult ACOBA and retrospective applications

Secondly, there is an issue with retrospective applications. When a former minister fails to consult ACOBA or submits a retrospective application, the only

recourse is to write to the individual and criticise their actions, even though this is a breach of the ministerial code.⁵¹ This correspondence is public and increasingly the Chair of ACOBA has been reporting wrongdoing and escalating the issue to the Cabinet Office and the Chancellor of the Duchy of Lancaster – four times in 2022 alone.⁵² However, the verdict appears to be mostly that ‘further action would be disproportionate in this case.’ Whilst the ministerial code has been updated to include graduated sanctions for breaches, it is unclear how would this relate to a breach of the Business Appointment rules.

In their evaluation of the UK system, GRECO recommended that breaches of the rules on post-employment restrictions should be subject to adequate sanctions. PACAC also states that “enforcement and the ability to sanction those that breach the Rules is fundamental to ensuring a regulatory regime that commands public confidence.”⁵³ PACAC recently called ACOBA a “toothless regulator” as it cannot impose sanctions for breaches of its rules and Lord Pickles, the current chair of ACOBA has said that the “most significant criticism of [the system] is the lack of sanctions”.⁵⁴⁵⁵ There is clearly a consensus that the UK’s revolving door watchdog should gain enforcement powers.

Thirdly, ACOBA is not able to monitor if the conditions it sets for new roles are followed or if former officials are abiding by their two-year lobbying ban.

There are a number of different sanction options that could be implemented in the UK in order to act as a deterrent for wrongdoing and instil public trust that revolving door issues are taken seriously by government, including:

- monetary penalties
- contractual obligations, enforceable in the courts
- restricting future access to civil servants and ministers

These could form part of a system of graduated sanctions which are applied based on the severity of the breach.

Monetary penalties

Former office holders could be issued a monetary penalty for a breach of the post-employment rules. For example, in Canada, under the Conflict of Interest Act, the Ethics Commissioner has in law the ability to investigate contraventions of the Act as it relates to post-public employment and can publish the report.⁵⁶⁵⁷

Under the Act there are monetary penalties for administrative breaches such as failing to register. This penalty is fairly modest at up to \$500.⁵⁸

In newly introduced amendments in Ireland, a contravention of the Lobbying Act, which includes laws on the restriction of lobbying for former public office holders, could result in a penalty of up to €25,000.⁵⁹

Additionally, there could be a curtailment of income streams. For example, in the US, according to Ethics Orders, a breach could result in forfeiture of any financial or valuable assets gained through the breach. CSPL also suggested government could recoup a proportion of an office holder's pension or severance payment as a sanction for wrongdoing.

Contractual obligations and pledges

One of the difficulties with creating a sanctions regime for the revolving door is that the individual is no longer employed by the government, so sanctions such as having to resign as a minister would not be applicable. One way of accounting for this is the system implemented in the US of binding agreements. When someone takes-up a senior role in public office they would be required to sign an 'ethics pledge', which means they are legally committed to the clauses outlined in the pledge. This would then be enforceable through civil action by the Attorney General, and could extend to include debarment restrictions 'within any affected executive agency'.⁶⁰

Legal obligations for civil servants would be easier to implement as they have an employment contract. For ministers this might warrant an arrangement on accepting invitation to serve in public office such as that proposed by Nigel Boardman of a 'Deed of Undertaking', similar in practice to the US ethics pledge. For any new joiners, this would become the status quo of the terms and conditions of their employment, and there would need to be similar contractual adjustments for existing staff.

Restricting future access

Another route of sanctions could be to restrict the access of former office holders. For example, in Canada, the Ethics Commissioner can order any current public office holder to not have dealings with a former office holder if they deem that the former official is not complying with the post-employment rules. In the US, if a former official has breached the ethics pledge, they can be banned from lobbying for five years on top of the original lobbying ban they had upon leaving office.

Graduated sanctions

There has been a resounding consensus that ACOBA needs to gain more 'teeth' but what that might look like is still up for debate. Above, we have outlined a few possible options of how and what sanctions could look like. However, what is most important in order to ensure a workable and effective sanctions regime, is that there are graduated sanctions with clear expectations.

It is crucial that the most egregious breaches have an appropriate strong response, but also that for more administrative or inadvertent breaches the punishment is not too harsh. Ireland's recently introduced model of so called 'major' and 'minor' sanctions might be a workable model to emulate. The recent update to the Ministerial Code did also introduce varying degrees of sanctions. However, there must be clear expectations of what would warrant the strongest sanction. Therefore, there should be clear mitigating and aggravating factors outlined for breaches of the post-employment rules.

Recent developments on sanctions

There have been some positive developments on sanctions recently. For consideration of a peerage by the House of Lords Appointments Commission, breaches of the Business Appointment Rules will now be taken into account. This is not enough, however. Many former ministers have no desire to become a peer, so this will not be an effective deterrent of wrongdoing for all.

Recommendation 9: Any new body should have:

- the ability to introduce contractual obligations on appointment of office
- sufficient resources to monitor compliance effectively
- the means to verify compliance, for example the power to request documents and call witnesses for hearings
- the power to impose sanctions in cases of non-compliance

This new body should be transparent about the restrictions it imposes on those leaving public office and also transparent about the judgements it makes before pursuing any sanctions, which should be laid out in a published enforcement policy.

Case study: Former Ministers failing to seek ACOBA's advice

Matt Hancock, former Health Secretary, failed to seek advice from ACOBA for his television appearances in 'I'm a Celebrity Get Me Out of Here' and 'SAS Rogue Heroes: Who Dares Wins' in 2022. Lord Pickles wrote to Matt Hancock to alert him of the failure, to which he replied that as these were not long term commitments, he did not believe he needed to seek advice.²² After elevating this to the Cabinet Office Secretary of State, Oliver Dowden, it was concluded that Matt Hancock breached the Ministerial Code by not consulting ACOBA on these TV jobs.²³ However, aside from any reputational consequences arising from media coverage of these roles, there was no further sanction.

George Osborne, the former Chancellor of the Exchequer, also failed to seek the advice of ACOBA before he took up a role with the news outlet, the Evening Standard in 2017. The Public Administration Select Committee reflected that it demonstrated a 'disrespect for ACOBA and for the business appointment rules and sets an unhelpful example to others in public life who may be tempted to do the same.'²⁴

Several other high-profile ministers have also failed to consult ACOBA before taking an outside appointment, such as the former Prime Minister.²⁵ Due to the lack of powers of ACOBA, none have received a penalty for their actions.

Implementation of rules across departments

As outlined above, civil servants and special advisers below director general level seek advice from their former department about post-public employment. This makes up the majority of former officials seeking outside employment.

Departments may have different cultures or working practices and they vary greatly in subject matter, HM Treasury may be substantially different from the Department for Digital, Culture Media & Sport. The departmental approach of regulation has been criticised for lacking consistency and assurances of application of the rules. Lord Pickles characterised the approach of some departments as 'slapdash' and 'verging on negligent', while praising the approach of others.²⁶ Nigel Boardman, in his 2021 report, stated findings from the National Audit Office in 2017 that there was 'an inadequate central oversight of the application of the Business Appointment Rules'.⁶¹

Additionally, the National Audit Office report reveals that there is an inconsistent and unstructured approach to sanctions for former civil servants who break the conditions of their post-public employment. Some departments stated they would respond to non-compliance by writing to the former civil servant to remind them of the conditions on their employment and others stated it had no process in place for dealing with such scenarios.⁶²

Both oversight and departments' approaches to a lack of adherence to the rules could benefit from what Boardman called a 'compliance function' to ensure consistency across departments.⁶³ This could be a mechanism for peer learning and to share best practice.

Lastly, PACAC and CSPL have considered that in order to improve oversight of departmental decisions, there should be more transparency over the advice given to former civil servants and special advisers. This could be achieved by departments publishing the aggregated data of how many applications have been subject to the Business Appointment Rules. This data could also include figures on how many applications are submitted, approved, or rejected each year. This would be a good starting point for civil society, the public, and journalists to spot departmental patterns and raise issues.

Recommendation 10: There should be tighter and more consistent application of the Business Appointment Rules across departments:

- The Cabinet Secretary should work with the Chair of ACOBA to improve consistency across departments which could include sharing best practice.
- Government departments should publish anonymised and aggregated data on the total number of applications considered under the Business Appointment Rules, with figures of how many are approved, and rejected each year.

²² The Office of the Advisory Committee on Business Appointments (2022), Decision

Correspondence between ACOBA and Matthew Hancock regarding two television series - ITV's 'I'm a Celebrity...Get Me Out of Here' and Channel 4's 'SAS Who Dares Wins', 21 December 2022. Accessible at: <https://www.gov.uk/government/publications/hancock-matt-secretary-of-state-department-of-health-and-social-care-acoba-advice/correspondence-between-acoba-and-matthew-hancock-regarding-two-television-series-itvs-im-a-celebrity-get-me-out-of-here-and-channel-4s-sas>

²³ Letter to Oliver Dowden, November 2022, accessible at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1119307/2022-11_Reporting_to_HMG_-_Hancock.pdf

²⁴ Public Administration Select Committee (2017), *Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action*, 21st April 2017, accessible at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmpublicadm/252/25207.htm>

²⁵ The Office of the Advisory Committee on Business Appointments (2018), *ACOBA letter: Boris Johnson, Columnist, The Telegraph*, 8th August 2018, accessible at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732866/180808_Boris_Johnson_The_Telegraph.pdf

²⁶ Committee on Standards in Public Life (2021), *Upholding Standards in Public Life, Final report of the Standards Matter 2 review*, November 2021. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1029944/Upholding_Standards_in_Public_Life_-_Web_Accessible.pdf, p. 72

Conclusions

In the UK most public officials recognise the potential for conflicts of interest and abuses of privileged knowledge and contacts, and try hard to avoid them. However, a number of prominent cases whereby former ministers and civil servants have taken lucrative consultancies or directorships with companies that have relationships with their old departments have undermined trust in our political system.

The recent Greensill saga demonstrated the access that former ministers and civil servants can attain to the most senior politicians. With potentially hundreds of millions pounds worth of taxpayer's money on the line, it is important that undue influence is mitigated.

Whilst the Greensill affair is just one example, our research shows the potential scale of risk is significant, with a high proportion of former officials moving into roles they had a significant purview of whilst in government.

It often remains unclear if there has been an actual distortion of public policy but the very perception of undue influence and personal enrichment through public office damages trust in government.

This paper has looked at the risk areas of the revolving door and the gaps in the current rules as well as recommendations for change,

The main areas that we have focused on are: the scope of the current rules, the enforcement and sanctions of the current rules and the implementation across ministerial departments of the rules.

We make the case for tougher rules around lobbying, especially the lobbying ban, but also around 'shadow lobbying' and advising others how to influence public bodies. We highlight a growing consensus that that the oversight body responsible for regulating the revolving door should be put on statutory footing, be given the resources to investigate breaches, and provided with the ability to administer sanctions. Lastly, we outline the inconsistencies across government departments, which would benefit from more coordination, transparency, and accountability.

Seeking high office should not be seen as a stepping stone for other employment. Public office is an honour and ex-officials should expect a curtailment of some degree on future opportunities.

That being said, our recommendations have sought

to balance the freedom of former officials to seek new employment with the conflicts of interest risks. Due consideration has been given to the seniority of different roles and the appropriate rules that could correspond to the level of responsibility.

The recommendations in this paper are therefore aimed to be proportionate and measured and would go a long way to restore integrity in public life.

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