

The credibility of Nigel Boardman's review into the Greensill scandal risks being undermined by a lack of independence and the government's refusal to commit to full disclosure of the facts.

23 April 2021

The Greensill scandal's revelations that interactions between business, senior civil servants and government Ministers are being conducted outside the reach of the UK's lobbying rules has brought long-overdue attention to a system in urgent need of overhaul.

In a [previous statement](#), Spotlight on Corruption cautiously welcomed the government's announcement of the [Boardman review](#) into the scandal - in the absence of any parliamentary committees stepping forward to announce a review at that stage - but outlined serious concerns over the review's lack of independence and the risk of it being undermined by a narrow scope.

Subsequently, the government published the review's [terms of reference](#) and announced Boardman's temporary departure from his role as a non-executive director of the Department for Business, Energy & Industrial Strategy for the duration of the review. The announcement of the review has been clouded by further revelations relating to Boardman's financial and professional ties to politically affiliated companies, which if left unresolved risks creating a perception of bias.

Three parliamentary committees have since confirmed that they will be investigating different aspects of the scandal, with the Cabinet Office, Cabinet Secretary and the National Audit Office conducting their own reviews. There is a real risk that Boardman's review will be superseded by parliamentary inquiries with broader remits and a greater degree of independence from government. However, Boardman's review could still play an important role, and as a government-sanctioned investigation it is a key indicator of the government's approach to transparency, independence and due process.

In order for the government to restore public trust in Boardman's review, and to help ensure that the review delivers on its promise to get to the bottom of the Greensill scandal, Spotlight on Corruption recommends that the government urgently takes the following measures:

1. Commit to publishing the full results of the review including the results of the fact-finding mission, the documents reviewed and interview transcripts with all the related parties;
2. Require Boardman to clearly identify in his published report any information that was withheld and any individuals who failed to fully cooperate with his review; and

3. Install a fully independent oversight body to guard against any perceptions of conflict of interest between the government, Boardman and his private interests.

The results of Boardman’s fact-finding exercise, including documentation and interviews with Ministers, special advisers and civil servants, must be published in full

According to the review’s terms of reference, Boardman will be tasked with identifying how Lex Greensill and Greensill Capital representatives including David Cameron were able to ingratiate themselves into the heart of government. As further [revelations have confirmed](#), many of these interactions involved the personal phones of Ministers and government officials and so [were not included in the public record](#). Boardman’s review must examine exactly how lobbying took place through both official channels and personal devices and whether the current rules on lobbying and conflict of interest were upheld during these interactions. Publication of these facts should be used to inform a much-needed independent inquiry into the regulatory framework for lobbying and the extent of informal lobbying.

In 2020, the Cabinet Office undertook a fact-finding exercise when defending legal challenges to the award of contracts for Covid-19 communications services. The Cabinet Office asked Boardman to consider the results of that exercise. His report, published in December 2020, comprised a limited summary of the results and 28 policy recommendations, with little factual information about the underlying wrongdoing. In December 2020, Spotlight on Corruption asked the Cabinet Office for the results of the fact-finding exercise under the Freedom of Information Act. Our request was rejected on the grounds that the contents were protected by legal professional privilege.

For the Greensill review, Boardman has been tasked with producing both a report on the facts and a report on his findings. The government said he will be given “[carte blanche to ask anybody whatever he needs](#)”. However, the terms of reference do not commit the government to publishing the results of the fact-finding review. Limiting the publication of Boardman’s findings by separating the facts from the published report will undermine public trust and add to the perception of a whitewash. The government must commit to publishing the review’s findings in full, including interview transcripts with current and former Ministers and other public officials, and all documents that form part of the review.

Boardman’s review should be overseen by independent body to guard against perceptions of bias

Since the publication of our previous statement, further revelations have surfaced regarding Boardman’s professional and financial interests that call into question the independence of the review. As the [Guardian reported](#), Boardman is currently a director and shareholder of Arbuthnot Banking Group, a company staffed by several former government officials including the former British ambassador Christopher Meyer, the former Tory MP and Treasury minister Angela Knight, and until January of this year, Baroness Finn. In addition, Arbuthnot and its Chairman are major Conservative party donors.

It has also [been reported](#) that Boardman retains a position as a consultant at the law firm Slaughter & May where he was a partner until 2019. The firm has benefitted from £7m in government contracts over

the last year. Even if Boardman has recused himself from advising on any government-related work for the firm during the review process, there is a real risk of perceptions of a conflict stacking up and undermining the integrity of the review. To guard against that perception and give the review credibility, the government should urgently put in place an independent oversight mechanism or advisory group comprised of senior judges and standards experts who are fully independent from the government.

Is the Boardman review in danger of being outdone by rival inquiries?

In a sign of the seriousness of the Greensill scandal a series of rival inquiries have been announced that expand the scope of scrutiny well outside the government and may supersede Boardman's review. No fewer than 7 other inquiries will touch on issues relating to Greensill and the effectiveness of the UK's approach to regulating political lobbying:

- The Treasury Select Committee will investigate the regulatory lessons from the failure of Greensill Capital and the appropriateness of HM Treasury's response to lobbying in relation to Greensill Capital.
- The Public Administration and Constitutional Affairs Committee is launching an inquiry into the effectiveness of rules to prevent conflicts of interest and regulation of access by current and former politicians and officials.
- The Public Accounts Committee inquiry will focus on the broad issue of supply chain financing and how the government offered COVID loans to companies.
- The Committee on Standards in Public Life is already undertaking a "landscape review" into "the institutions, procedures and policies in place to uphold high standards of conduct" which will be expanded to include the Greensill scandal.
- The Cabinet Office is conducting a review into the Lobbying Act.
- The National Audit Office will examine Greensill Capital's involvement in the government's COVID-19 support schemes, including the accreditation process, and any post-accreditation monitoring of Greensill Capital's activities.
- Cabinet Secretary Simon Case is gathering information from senior civil servants on their outside jobs, or roles that could come into conflict with their work in government.

The breadth of these inquiries may result in Boardman's review being superseded and its value diminished. In order for Boardman's review to play a useful role and help to restore public trust, the government should seize the initiative and demonstrate that it is investigating extremely serious wrongdoing through a credible, transparent and independent process.