

## 1. The Regulation of Ethical Standards, the Ministerial Code and the Independent Adviser on Ministers' Interests

1.1 The Government's Approach to Compliance	CSPL #1		<p>Boardman recommended the government establish a cross-government compliance function which would operate through a system of embedded compliance professionals within departments, coordinated by a central team in the Cabinet Office to ensure compliance with governance processes and the wider regulatory framework. This recommendation was subsequently supported by both CSPL and PACAC.</p> <p>In its response, the government ruled out the creation of a new compliance function, stating instead that responsibility for compliance is shared between Ministers, Permanent Secretaries and Accounting Officers, Chief Operating Officers, HR Directors and Finance Directors. The government also stated that it would clarify the distribution of formal responsibilities within this system, outlining the responsibilities of relevant individuals within departments.</p> <p>CSPL has assessed the government's response as a partial implementation of its recommendation, but as the government has only stated its intention to clarify existing accountabilities and responsibilities of individuals in departments, we have assessed this recommendation as rejected. In addition, the government has not explained its reasons for rejecting the review's recommendation to establish the compliance function.</p>
	Boardman #1		
	PACAC para 20		
1.2 The Government's Approach to the Statutory Basis of Ethics Regulation	CSPL #2		<p>Both CSPL and PACAC recommended that the government pass primary legislation to put the Independent Adviser on Ministers' Interests, the Public Appointments Commissioner and the Advisory Committee on Business Appointments on a statutory footing.</p> <p>The government has ruled out bringing forward new primary legislation to underpin the roles, remits and codes of conduct of the standards bodies. Its rationale is to maintain the current position between the Executive and Parliament in relation to these bodies, in order to prevent the courts from being drawn into political matters which it claims are the sole responsibility of the government.</p>
	PACAC paras 29, 55, 81 (part 1), 104		

1.3 Format of the Ministerial Code	CSPL #3		CSPL recommended reconstituting the Ministerial Code as solely a code of conduct on ethical standards to avoid the repetition of material on governing processes that is duplicated in the Cabinet Manual. The government has decided to retain the existing structure of the Ministerial Code on the basis that it considers a single source document covering all aspects of ministerial work and conduct to be superior.
1.4 Legislative Status of the Ministerial Code	CSPL #4		CSPL recommended that the government introduce a requirement for the Prime Minister to issue the Ministerial Code. CSPL argued that enshrining this requirement in legislation would give the Code a more appropriate constitutional status. In a statement issued in May 2022, the government rejected this recommendation, arguing that to do so would "undermine the constitutional settlement by conflating the executive and the legislature" and would "provide an additional route by which the judiciary may also be drawn into such (political) matters which the government considers to be non-justiciable". In its original report, CSPL argued that this could be avoided by ensuring that any legislation clearly defines the responsibilities of the government and the regulators, thereby preventing groups from taking the government to court for breaches of the Convention. <sup>1</sup>
1.5 Revisions to the Ministerial Code	CSPL #5		CSPL recommended that the Independent Adviser should be consulted in any revision to the Ministerial Code. The updated version of the terms of reference for the Independent Adviser on Ministers' Interests published in December 2022 included this commitment.
1.6 Graduated Sanctions under the Ministerial Code	CSPL #6		CSPL recommended that the Ministerial Code should detail a range of sanctions the Prime Minister may issue, including, but not limited to, apologies, fines, and asking for a minister's resignation. The latest version of the Ministerial Code was updated in December 2022 and now details a range of possible sanctions for breaches including requiring some form of public apology, remedial action, or removal of ministerial salary for a period.
	PACAC para 95		Although the latest version of the Ministerial Code does detail a range of possible sanctions as called for by PACAC, it does not address its related recommendation that the government should outline the range of sanctions and indicative examples of breaches to which they might apply. PACAC argued that failure to do so will leave the suspicion that the level of sanction will be determined solely by political expediency, as in the case of former Home Secretary Priti Patel, who was found to have breached the Ministerial Code but was not forced to resign in accordance with convention.

1.7 Appointment of the Independent Adviser on Ministers' Interests	CSPL #7		Both CSPL and PACAC recommended that the Independent Adviser should be appointed through an enhanced version of the current process for major public appointments to ensure the independence of the post holder. The government has rejected this change on the basis that the post should remain a direct ministerial appointment, citing the close relationship of trust that must exist between the Independent Adviser and the Prime Minister.
	PACAC 87		
1.8 The Initiation of Investigations under the Ministerial Code	CSPL #8		Both CSPL and PACAC recommended that the Independent Adviser should be able to initiate investigations into breaches of the Ministerial Code. The updated version of the Code, published in December 2022, includes this recommendation, but still requires the Independent Adviser to consult with the Prime Minister before doing so. The Prime Minister is expected to agree to such requests, but can still block an investigation in exceptional circumstances or where it is in the public interest to do so.
	PACAC 92, 81 (part2)		
1.9 The Determination of Breaches of the Ministerial Code	CSPL #9		CSPL recommended that the Independent Adviser should have the authority to determine breaches of the Ministerial Code. The government has rejected this recommendation on the basis that the Prime Minister should have sole responsibility for the organisation of His Majesty's Government and therefore retain the ultimate right to make a determination on whether or not a Minister has breached the Ministerial Code.
1.10 The Publication of the Independent Adviser's Findings	CSPL #10		CSPL recommended that the government amend the Ministerial Code to require that any findings of the Independent Adviser be published no later than eight weeks after a report has been submitted to the Prime Minister, in order to prevent findings being withheld or delayed, thereby fuelling the perception that the Ministerial Code can be manipulated for political gain. The government has agreed to this recommendation, although the Independent Adviser's terms of reference state only that findings should be published " <i>in a timely manner</i> ".

## 2. The Business Appointment Rules and the Advisory Committee on Business Appointments (ACoBA)

2.1 The Scope of Prohibited Employment under the Business Appointment Rules	CSPL #11.		<p>CSPL specifically recommended a two-year, outright ban on appointments in cases where the applicant has had significant and direct responsibility for policy, regulation, or the awarding of contracts relevant to the hiring company. In its response, the government has stated that it considers an automatic prohibition for two years to be overly broad, have unintended consequences and weaken some of the aims of the Declaration on Government Reform. Instead, the government has committed to moving toward a presumption model to be achieved through restrictions on future employment in contractual clauses.</p>
	PACAC para 35.		
2.2 The Length and Scope of the Lobbying Ban	CSPL #12		<p>CSPL recommended amending the Business Appointment Rules to allow ACoBA and government departments to issue a ban on lobbying of up to five years in cases of particularly senior officials who could still benefit from contacts made or privileged information after the current two-year period. The CSPL additionally recommended a ban on any work for lobbying firms within the set time limit, partly in response to the issue identified by the ACoBA chair Lord Pickles that senior officials have joined lobbying companies while claiming not to be undertaking any lobbying. In its response, the government stated that it considered a five-year lobbying ban to be overly broad, and potentially constitute an unreasonable restraint on trade.</p>
	CSPL #13		
2.3 The Enforcement of the Business Appointment Rules via Contracts	CSPL #14		<p>Both CSPL, Boardman and PACAC recommended making adherence to the Business Appointment Rules (BAR) an enforceable legal requirement for ministers, civil servants, and special advisers. CSPL additionally stated that the government should set out what the consequences for a breach of contract may be, while Boardman suggested that ACoBA could obtain an injunction against former ministers in cases of non-compliance.</p> <p>In its response, the government has committed to strengthening civil servants' contracts to make compliance with the business appointment rules mandatory, and has additionally committed to developing a 'ministerial deed' to make compliance mandatory for ministers, as recommended by Boardman. The CSPL has assessed the government as implementing this recommendation. Given that the government has not outlined any potential sanctions for non-compliance or enforcement mechanisms, we have assessed the government's commitments as only partially compliant. The chair of ACoBA has cautiously welcomed the</p>
	Boardman #11		
	PACAC para 27		

			government's proposals, but has warned that any non-statutory approach, in order to be taken seriously, will need a meaningful sanctions regime including the ability to impose financial penalties in the most egregious cases. <sup>2</sup>
2.4 The Application of Decisions by ACOBA	CSPL #15		<p>CSPL recommended that ACOBA should take on a formal regulatory function in order that its rulings should be directly binding on applicants in place of the current system whereby its recommendations are made to the Prime Minister.</p> <p>In its response, the government has suggested that while the outcome will remain the same (that the Business Appointment Rules will be binding on all who are subject to them) it will be the contractual clauses - rather than ACoBA advice - that will be binding on individuals. The government doesn't, however, specify responsibilities for monitoring or enforcing any potential breaches.</p>
2.5 The Government's Working Relationship with ACOBA	Boardman #12		The government has accepted Boardman's recommendation that a Memorandum of Understanding is needed between the government and ACoBA to set out more clearly how they can work more effectively together.
2.6 Investigations into Potential Breaches of the Business Appointment Rules	CSPL #16		<p>CSPL recommended that ACOBA should take on a formal regulatory role so that its decisions would be directly binding on applicants, rather than the current system whereby its recommendations are made to the Prime Minister.</p> <p>In its response, the government has suggested that while the outcome will remain the same (that the Business Appointment Rules will be binding on all those subject to them), it will be the contractual clauses - rather than ACoBA's advice - that will be binding on individuals. However, the government doesn't specify who will be responsible for monitoring or enforcing any breaches.</p>
2.7 Transparency around Decisions under the Business Appointment Rules	CSPL #17		The government has accepted CSPL'S recommendation that government departments should publish anonymised and aggregated data on how many applications under the Business Appointment Rules are submitted, approved, or rejected each year.

2.8 Improving Departments' Implementation of the Business Appointment Rules	CSPL #18		CSPL recommended that the Cabinet Office ensure the Business Appointment Rules are applied consistently across all government departments, and work with ACOBA to promote best practice and awareness of the rules. In its response the government has accepted the need for the Cabinet Office and ACoBA to continue to play a convening and supporting role in this process and has established a new departmental training programme and will be further supplemented with other forms of support in collaboration with ACoBA.
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### 3. The Regulation of Public Appointments

3.1 Accountability around the Appointment of Candidates who are not Deemed 'appointable' by Advisory Assessment Panels	CSPL #19	█	CSPL recommended amending the Governance Code for Public Appointments to make clear that ministers should not appoint a candidate who is deemed unappointable by an assessment panel, but if they do so, the minister must appear in front of the relevant select committee to justify their decision.
	PACAC para 59		In its response, the government accepted CSPL's recommendation and committed to amending the Governance Code for Public Appointments.
3.2 The Role of the Commissioner for Public Appointments regarding Panel Composition	CSPL #20.	█	CSPL recommended the government amend the Governance Code for Public Appointments so that ministers will be required to consult with the Commissioner for Public Appointments on the composition of all panel members for competitions for significant appointments.  The government rejected CSPL's recommendation, stating that it believes the current process for Significant Public Appointments is properly constituted to ensure that the composition of Advisory Assessment Panels is balanced and fair. It also stated that the Governance Code makes clear that Panels must include a departmental representative, a representative of the body concerned, and a Senior Independent Panel Member (SIPM), and that the Commissioner for Public Appointments must be consulted on Ministers' choice of SIPM, who should also not be politically active.
3.3 Reporting Obligations of Senior Independent Panel Members	CSPL #21		CSPL recommended that Senior Independent Panel Members should have a specific duty to report to the Commissioner on the conduct of significant competitions to provide an additional check against unfair panel assessments.
	PACAC para 61	The government has rejected this recommendation because it is satisfied that the purpose of this recommendation is already fulfilled by the Model Letter for Senior Independent Panel Members and does not believe it is necessary to create additional reporting requirements.	
3.4 The Appointments Process for Ethics Bodies	CSPL #22	█	CSPL recommended that the chairs of ACoBA and HOLAC, the Registrar of Consultant Lobbyists, the Commissioner for Public Appointments and the Independent Adviser on

	PACAC para 63 and 66		<p>Ministers' Interests should all be appointed through the process for significant public appointments, and that the assessment panel for each should have a majority of independent members. CSPL argued that despite the chairs of ACOBA and HOLAC, and the Registrar of Consultant Lobbyists already being appointed through the regulated process for significant appointments, the appointment process still warrants a greater degree of independence than the current process and should be further strengthened. CSPL suggested that this could be achieved by configuring the assessment panel to have a majority of independent members, as well as a Senior Independent Panel Member.</p> <p>Although CSPL has assessed the government's response as 'partially implemented,' the government's response rejects substantial areas of both CSPL's and PACAC's recommendations - the government rejects bringing the appointment of the Independent Adviser within the same the process for significant public appointments, and additionally rejects any additional layers of independent oversight (either through a panel having a majority of independent members, or the granting of a veto to the relevant select committee).</p>
	CSPL #23		<p>CSPL recommended that chairs of standards committees should chair assessment panels for the appointment of their independent members. The government has stated that it agrees that where standards bodies are committees (ACoBA, CSPL, HOLAC), that the Chair of the body chairs the Advisory Assessment Panel for the recruitment of their independent members.</p>
3.5 Clarifying the Process around Direct Ministerial Appointments	Boardman #5		<p>Boardman expressed concern that the current process for Direct Ministerial Appointments is opaque and poorly understood, and recommended that such appointments, whether or not remunerated, need a clearer and more transparent process, set out in a new Code of Practice which makes clear the expectations on both departments and appointees and reaffirms that express Ministerial approval is required. The government has confirmed that it has produced <i>Guidance on Direct Ministerial Appointments</i> (DMAs) that makes clear the process for such appointments, and that the appointing minister is responsible and accountable to Parliament for their appointments. The government has committed to publishing the guidance.</p>
3.6 Transparency around Direct Ministerial	CSPL #24		<p>CSPL recommended that government departments should publish a list of all unregulated and regulated appointments to bring more transparency on the number and nature of such</p>



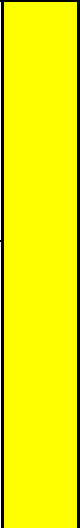
Appointments	PACAC paras 71 and 73	<p>appointments.</p> <p>The government has committed to requiring departments to publish annually a list of direct ministerial appointments (DMAs) under their remit. The terms of reference for DMAs will be published online, as recommended by PACAC.</p>
3.7 The Appointment of Non-Executive Directors of Government Departments	CSPL #25	<p>CSPL recommended that the appointments process for Non-Executive Directors of government departments (NEDs) should be regulated under the Governance Code for Public Appointments. CSPL concluded that there is an increasing trend amongst ministers to appoint supporters or political allies as NEDs which both undermines the ability of NEDs to scrutinise the work of their departments, and has a knock-on effect on the appointments process elsewhere, as NEDs are often used on the assessment panels for other public and senior civil service appointments.</p> <p>The government has agreed to regulate future appointments of NEDs to government departments in line with the Governance Code.</p>

## 4. Transparency around Lobbying

4.1 The Format of Departmental Transparency Releases	CSPL #26		<p>CSPL recommended that the Cabinet Office collate all departmental transparency releases and publish them in an accessible, centrally managed and searchable database. Under the present system, transparency releases are scattered across departmental releases, as well as the Register, meaning that any attempt to obtain a clear picture of one company or organisation's attempts to influence government is difficult and time consuming.</p> <p>In its response the government has confirmed that it is developing a single database where all departmental transparency returns covering meetings, gifts, hospitality and travel will be published.</p>
4.2 Minimum Standards for the Description of Meetings	CSPL #27		<p>CSPL and Boardman recommended that the Cabinet Office should issue stricter guidelines on minimum standards for meeting descriptions and ensure that departments comply. In its report, CSPL found that transparency notices still too often describe meetings in ambiguous language and terms, and fail to provide the public with the minimum information necessary to understand what representations the government is receiving on a particular policy issue. It also noted that 2018 guidance from the Cabinet Office, published under FOI, states that "departments should make every effort to provide details of the purpose of the meeting", but suggested that this is not consistently followed in transparency returns.</p> <p>In its response, the government said that new government guidance will set stricter minimum standards for meeting descriptions and make clear that meeting descriptions contain relevant and useful information.</p>
	Boardman #13 (part 1)		
4.3 The Frequency of Departmental Transparency Releases	CSPL #28		<p>CSPL and Boardman recommended the government publish transparency returns monthly, rather than quarterly, in line with the MPs' and peers' registers of interests. CSPL noted that under the current quarterly approach, departments often miss deadlines meaning that transparency releases are delayed making it more difficult for Parliament and the media to scrutinise the activity of government as it happens. CSPL also argued that publishing returns more regularly will help transparency become part of private offices' regular routine, rather than a one-off task which can be too easily delayed.</p>
	Boardman #13 (part 2)		

			In its response, the government has suggested following the development, deployment, and adoption of an integrated transparency platform it will look to move to a monthly reporting basis, but does not offer a specific commitment to do so. CSPL has assessed this response as only partially meeting its recommendation.
4.4 Accountability around Departmental Transparency Releases	Boardman #13 (part 3)		<p>Boardman recommended the government strengthen its transparency reporting by designating a senior responsible departmental official who is properly trained to supervise the transparency returns, reporting in their Annual Report on the timeliness of the publication of its transparency returns, requiring accounting officers to explain to their responsible Select Committees any failure to publish transparency returns in a timely manner. Boardman suggested this would give the public the 'adequate degree of transparency' they expect.</p> <p>In its response the government stated that it did not believe that there needs to be any significant changes to the accountability structure around departments' transparency releases insofar as;</p> <ul style="list-style-type: none"> <li>• under existing guidance Ministers' should clear their own returns prior to publication while Permanent Secretaries retain ultimate responsibility for clearing Senior Officials' returns and overall departmental performance</li> <li>• Permanent Secretaries are already accountable to their Select Committees for all aspects of departmental performance.</li> </ul>
4.5 Widening the Application of Transparency Obligations to Senior Civil Servants and Special Advisers	CSPL #29		<p>CSPL recommended that the government should include meetings held between external organisations, directors general, and directors in transparency releases. Under the present system, the lobbying of directors general and directors is not always disclosed despite these roles having significant authority, often with more direct responsibility for an area of government policy than the relevant minister or permanent secretary.</p> <p>In its response the government has agreed to update its transparency guidance to include all Directors General, Finance and Commercial Directors, and Senior Responsible Owners in the Government's Major Projects Portfolio, reflecting Senior Civil Service roles most likely to be subject to lobbying approaches.</p>
	CSPL #30		CSPL recommended the government should include meetings held between external

			<p>organisations and special advisers in transparency releases to recognise the influence that these individuals now have in government. CSPL recommended that the full diaries of special advisers' external meetings be published, which goes beyond the current requirement that only special advisers' meetings with "newspaper and other media proprietors, editors and senior executives" are published. Boardman additionally suggested that the government should consider extending transparency requirements to special advisers.</p> <p>In its response, the government stated that it did not believe that transparency obligations should be extended to equivalent Special Advisers, as unlike Ministers and Senior Civil Servants (via the Carltona Principle), Special Advisers cannot authorise public expenditure nor exercise any statutory powers.</p>
<p>4.6 Updating Guidance on the Definition of Official Business</p>	<p>CSPL #31</p>		<p>CSPL recommended that the government should update guidance to make clear that informal lobbying, and lobbying via alternative forms of communication such as WhatsApp or Zoom, should be reported to officials. CSPL noted that recent controversies have focused attention on the fact that significant attempts to lobby government can occur through private messages and phone calls, rather than formal face-to-face meetings. Boardman also recommended that the government publishes an appropriate set of principles to define when an interactive communication should be deemed official business and therefore disclosed.</p>
	<p>#Boardman 15</p>		<p>In its response, the government noted that it had issued new guidance on 'Non-Corporate Communication Channels' in March 2023 which supersedes the 2013 guidance on use of private email. The guidance makes clear that "Substantive government information' is information that materially impacts the direction of a piece of work or that gives evidence of a material change to a situation" and lays out reporting requirements.</p> <p>Although CSPL has assessed the government's response as fully met, this guidance falls significantly short of the Information Commissioner's recommendations for a strategic review of non-corporate communications channels, with a particular focus on whether the UK is falling out of step with other western democracies in this regard, and whether the UK should introduce a specific 'duty to document'.<sup>3</sup></p>

<p>4.7 Widening the Range of Declarable Communications</p>	<p>CSPL #32</p>		<p>CSPL recommended the government should revise the categories of published information to close the loophole by which informal lobbying is not disclosed in departmental releases. CSPL concluded that the current categories of published information – gifts, overseas travel, hospitality and meetings – effectively exclude the disclosure of informal lobbying, which appears to be an increasingly common way for external organisations to attempt to influence government. Boardman additionally recommended that the government extend the definition of ‘meeting’ to include all forms of non–public interactive dialogue which, were it face to face, would constitute a meeting requiring inclusion in the transparency return.</p> <p>In its response the government has stated that it will expand transparency obligations to include the disclosure of diarised phone calls and virtual meetings, but it will not include letters, WhatsApps, impromptu phone calls or emails, which do not alone evidence a substantive lobbying engagement.</p>
<p>4.8 Widening the Application of Transparency Obligations to Communications with Senior Civil Servants and Special Advisers</p>	<p>CSPL #33</p>		<p>CSPL recommended that consultant lobbyists should also have to register on the basis of any communications with special advisers, directors general, and directors.</p> <p>In its response the government accepted in principle that the scope of departments' transparency returns should be mirrored in the requirements of the Register of Consultant Lobbyists. It also noted that the government will be assessing the impact of expanded transparency returns on departments before introducing such a change in primary legislation.</p> <p>The CSPL has assessed the government’s commitment as partially meeting its recommendation despite the government not including the requirement for consultant lobbyists to register on the basis of any communications with special advisers. In 2022 the Registrar of Consultant Lobbyists identified special advisers as a key route for influencing the government and suggested that bringing them within the scope of disclosure could be done through amending regulations instead of legislation.</p>

4.9 The Format of the Register's Transparency Returns	CSPL #34		CSPL recommended that consultant lobbyists should have to declare the date, recipient, and subject matter of their lobbying to mirror the declarations that ministers make. CSPL noted that under the current system lobbyists do not have to declare which minister or permanent secretary they lobbied, when they lobbied, or what the subject matter was making it unnecessarily difficult for both the Registrar and interested parties to corroborate data in the register with ministerial diaries.
	Boardman #17 (part 1)		<p>In its response the government agreed in principle that consultant lobbyists should have to declare the subject matter of their lobbying and will look to implement this via secondary legislation. However, the government stated that it does not agree that they should have to declare individual instances of lobbying (date and recipient), as this would change the nature of the Register from a list of consultant lobbyists' clients to a list of individual instances of lobbying. These are recorded in the departmental transparency returns, against which the Register of Consultant Lobbyists can be cross-referenced.</p> <p>Not including individual entries failure to recognise risks</p>
4.10 Expanding the Definition of a Consultant Lobbyist	Boardman #16		<p>Boardman recommended extending the requirement to register as a consultant lobbyist to include;</p> <ul style="list-style-type: none"> <li>● lobbyists employed by more than one organisation</li> <li>● any former senior civil servant or minister who engages in lobbying</li> <li>● removing or severely curtailing the exemption for 'incidental lobbying'</li> <li>● removing the exemption for those not registered for VAT.</li> </ul> <p>In its response, the government stated that it did not believe the requirement to register as a consultant lobbyist should be expanded, as this would fundamentally change the nature and purpose of the Register. It additionally confirmed that it will not bring forward primary legislation to remove the exemption for those that fall below the VAT registration threshold, as recommended by Boardman.</p>
4.11 Disclosure of the Ultimate Beneficiary of a Lobbying Attempt	Boardman #17 (part 2)		Boardman recommended the government strengthen the rules regarding the transparency of lobbyists by requiring lobbyists to disclose the ultimate person paying for, or benefitting from, their lobbying activity. The government has agreed to this recommendation and has committed to implement this via secondary legislation.

<p>4.12 Introduction of a Statutory Code of Conduct and Review of Sanctions</p>	<p>Boardman #17 (part 3)</p>	<p>Boardman recommended the government strengthen the rules regarding the transparency of lobbyists by;</p> <ul style="list-style-type: none"><li>● requiring registered lobbyists to meet a statutory code of conduct, setting minimum standards</li><li>● government keeping under review whether the Registrar of Lobbyists should be able to impose more meaningful penalties for non-compliance, particularly in the event a statutory code of conduct (which seeks to police behaviour) is introduced; 23 and making knowingly deceiving in the process of lobbying a criminal offence.</li></ul> <p>In its response the government stated that it did not believe that consultant lobbyists should be subject to a statutory code of conduct. It suggested that industry already operates its own recognised codes to which most consultant lobbying organisations are signatories. It also stated that it did not believe it appropriate to introduce a new, separate statutory code of conduct against which it could exercise sanctions. It additionally stated that it believes the existing civil penalties scheme remains sufficient.</p>
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## 5. The Government's Approach to Conflicts of Interest in the Civil Service

<p>5.1 The Management of Conflicts of Interest in the Civil Service</p>	<p>Boardman #3</p>		<p>Boardman recommended the government further improve the management and monitoring of conflicts of interest in the Civil Service.</p> <p>In its response the government stated that in June 2022 it published a model policy for departments on the Declaration and Management of Outside Interests setting out the process for considering, declaring and publishing any outside interests and will require Senior Civil Servants to confirm on an annual basis that their declarations of interest are up to date.</p> <p>We have assessed the government's response as partially meeting Boardman's recommendation as there is no indication as to whether this policy is being properly implemented across government, or how compliance with the policy is being monitored.</p>
<p>5.2 The Management of Secondary Employment in the Civil Service</p>	<p>Boardman #10</p>		<p>Boardman recommended that the application process for secondary employment for civil servants should be more transparent and clearly regulated.</p> <p>In response the government has confirmed that departments must now publish details of any outside employment (i.e. secondary employment), work or appointment (paid or otherwise remunerated) held by a member of the Senior Civil Service that has been agreed through the process for the declaration and management of outside interests.</p>
<p>5.3 Pre-Appointment Rules</p>	<p>Boardman #2</p>		<p>Boardman recommended the government introduce pre-appointment rules which prevent for a period of time civil servants dealing with or promoting their former employer after joining the civil service. Boardman additionally suggested that individuals joining the Senior Civil Service from the private sector should not be involved in any procurement activity in which their previous employer has an interest for a period of two years after joining the Civil Service; and in relation to decisions relating to policy affecting their previous employer within a two year period, the civil servant must declare their previous employment and seek approval from their line manager to participate in the process.</p> <p>In its response, the government stated that it considers that the June 2022 policy (Model</p>



			policy for departments on the Declaration and Management of Outside Interests) addresses Boardman's overall concerns without introducing mandatory rules, but does not specifically address Boardman's suggestion of a two-year prohibition on new entrants being involved in a procurement activity in which their previous employer has an interest.
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## 6. The Government's Approach to Supply Chain Finance

6.1 The use of Supply Chain Finance in Government	Boardman #7		<p>Boardman recommended that the government restrict the use of supply chain finance in central government to exceptional circumstances only.</p> <p>In its response, the government points to guidance issued in March 2022 that states that supply chain finance will in the future require explicit HM Treasury approval.</p>
	Boardman #8		<p>Boardman recommended that employer salary advance schemes (ESAS) should only be used by government in exceptional circumstances and when no other option (e.g. weekly or more frequent payment) is available.</p> <p>In its response, the government does not address this point.</p>
6.2 Restrictions on Contractors	Boardman #18		<p>Boardman recommended the government impose a contractual prohibition on contractors referring to government contracts in marketing material without government consent.</p> <p>In its response, the government does not address this point directly.</p>
	Boardman #19		<p>Boardman recommended government require tenderers to disclose any former minister or senior civil servant employed or retained by them and explain the steps they have taken to ensure that they have not thereby obtained an unfair advantage in a procurement exercise.</p> <p>In its response, the government suggests this requirement is already covered by the conflict of interest provisions in the government's Model Services Contract. However, the provisions do not address directly the issue of former ministers or senior civil servants employed by the contractor.</p>

## 7. The Government's approach to honours, whistleblowing, and the recruitment of external hires into the Civil Service.

7.1 Honours	Boardman #6		<p>Boardman recommended the government strengthen the oversight of the honours process within departments through each department appointing a civil servant of appropriate seniority with responsibility for managing and quality assuring honours nominations within their department.</p> <p>In response the government stated that the Cabinet Office undertakes continuous review and assessment of the honours process across government.</p>
7.2 Whistleblowing	Boardman #4		<p>Boardman recommended the government strengthen whistleblowing processes in the Civil Service.</p> <p>In response the government stated that the Civil Service HR undertakes continuous improvement of whistleblowing processes, in line with the Nominated Officer structure under the Civil Service Code, but did not point to any specific commitment.</p>
7.3 Follow Up to the Baxendale Report	Boardman #9		<p>Boardman recommended the government undertake a follow up review to the Baxendale Report reviewing the experience of external hires into the Civil Service to ensure that impediments to effective recruitment and retention are eliminated, and that this exercise be repeated at regular intervals.</p> <p>In response the government stated that it sees no need for a formal follow-up review to the Baxendale Report.</p>

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<sup>1</sup> Para 231.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1029944/Upholding\\_Standards\\_in\\_Public\\_Life\\_-\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1029944/Upholding_Standards_in_Public_Life_-_Web_Accessible.pdf)

<sup>2</sup> <https://www.gov.uk/government/publications/correspondence-submitted-to-the-deputy-prime-minister-regarding-government-response-to-cspl-boardman-and-pacac-reports/acobas-response-to-the-deputy-prime-minister-regarding-government-response-to-cspl-boardman-and-pacac-reports>

<sup>3</sup> <https://ico.org.uk/media/about-the-ico/documents/4020886/behind-the-screens.pdf>