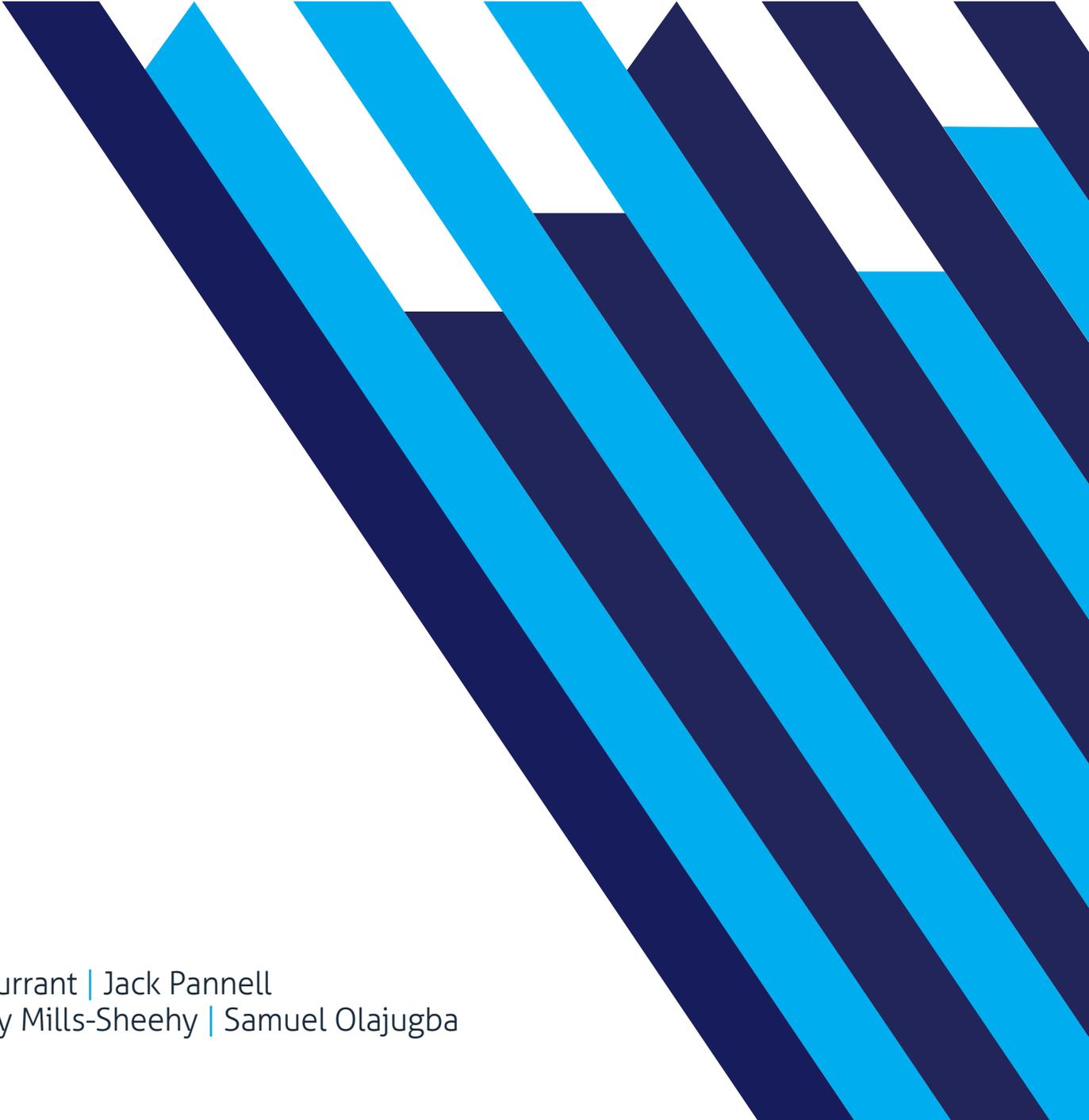


Government transparency

Departmental releases: ministers and officials

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About this report

Citizens and taxpayers deserve to know whom ministers, special advisers and senior government officials meet, what they go on to do after leaving government and if there are any conflicts of interest in their current role. This report assesses government departments' performance on their commitment to transparency on whom senior members of the government meet and how they spend their time.

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Summary

Citizens and taxpayers deserve to know whom ministers, special advisers and senior government officials meet, what they go on to do after leaving government and if there are any conflicts of interest in their current role. Successive prime ministers have reiterated the importance of transparency into how such figures spend their time. However, despite strong rhetoric, government departments' records on transparency are distinctly mixed.

This report assesses government departments' performance on their commitment to transparency on whom senior members of the government meet and how they spend their time. We analyse the information that departments have published since the 2015 general election on:

- ministerial gifts, hospitality, travel and meetings
- special advisers' gifts, hospitality and meetings
- senior civil servants' business expenses, hospitality and meetings
- advice given to senior civil servants under the business appointment rules (for those who leave government to work in other sectors).

These four sets of information form part of the "central government corporate transparency commitments", first established by David Cameron. There are other sets of information departments are required to publish, including spending on credit cards and contracts over £25,000,¹ but we focused primarily on these four commitments as they give the best insight we have into how senior leaders in government spend their time and whom they meet. Given the interest sparked by Matt Hancock's resignation as health secretary following an affair with a [non-executive director \(NED\)](#),² we also assess departments' records on publishing NEDs' registers of interest.

Cameron first established the transparency requirements, but they have been expanded and reinforced by his successors. Theresa May told her cabinet that "it is not enough to have open data; quality, reliability and accessibility are also required".³ Boris Johnson reiterated the requirement for all ministers to publish this information when he updated the ministerial code in 2019. We therefore assess departments' publications through the three lenses of reliability, accessibility and quality. The report finishes with practical recommendations for departments to take to improve their performance on transparency.

Reliability

We analysed departments' performance in publishing certain information in full and on time – two measures of **reliability**. Table 1 ranks departments for the reliability of their publication of the four sets of information on senior leaders from the transparency commitments. We scored each quarterly release on a scale of 0–5.

A score of 0 means the information was not published at all and 5 means it was published in full and on time: to do this a department must publish a quarterly release before the end of the subsequent quarter, that is, within three months.

We then totalled these scores for each type of publication. For most departments the score per type of publication is out of 115 (a maximum of five points for each of the 23 quarters between Q3 2015 and Q1 2021), but for those that have existed in their current form for less time (BEIS and FCDO), the total possible score is lower: 95 for BEIS and 10 for FCDO, which has only been able to publish data on two quarters in its current form. To enable comparison, we have converted the raw scores into percentages of the total number of points available to each department. Each department's record on each type of publication is therefore given a score out of 100, and the total score is out of 400. For more detail, see the methodology section.

Table 1 **Departments' records of quarterly releases Q3 2015 to Q1 2021**

Department	Ministers' meetings etc.	Special advisers' meetings etc.	Senior civil servants' meetings etc.	Senior civil servants' business appointments	Total (out of 400)
DWP	86	90	89	83	348
BEIS	87	85	82	91	345
CO	90	77	88	82	337
DIT	91	86	82	72	331
DLUHC*	90	83	88	65	326
DHSC	90	90	77	66	323
DCMS	90	90	90	51	321
HMT	80	81	83	77	321
Scot	89	89	88	49	315
Defra	90	81	76	66	313
DfT	87	79	61	73	300
DfE	86	76	67	69	298
MoD	88	80	42	83	293
NIO	81	84	81	43	289
Wal	90	90	58	10	248
HO	87	71	11	70	239
MoJ	65	62	64	38	229
FCDO	30	40	30	0	100
DfID**	87	72	75	63	297
FCO**	81	78	72	65	296

Source: Institute for Government analysis of departmental transparency publications. * = DLUHC was created in September 2021 from the former Ministry of Housing, Communities and Local Government (MHCLG) and part of the Cabinet Office. Our analysis of its transparency releases therefore refers to publications from MHCLG. ** = DfID and FCO were merged into the FCDO in September 2020. We have included them here as comparators for the performance of their successor department. A list of departmental abbreviations is found at the end of this report.

The department that published information most reliably was the Department for Work and Pensions (DWP), closely followed by the Department for Business, Energy and Industrial Strategy (BEIS) and the Cabinet Office. These three scored highly across the different releases and performed consistently throughout the period we assessed.

At the other end of the scale were the Home Office (HO), the Ministry of Justice (MoJ) and the Foreign, Commonwealth and Development Office (FCDO). The Home Office's performance was uneven, with most of its publications of ministerial information on time, but a very poor record on publishing information on senior civil servants' expenses, hospitality and meetings that extends across the tenures of different secretaries of state and permanent secretaries. The MoJ performed poorly across all categories, gaining the lowest score of any department. The FCDO was established in September 2020 and has therefore only been able to publish information for two quarters (October–December 2020 and January–March 2021).

Within those quarters, its performance has been very mixed – it has only published information on ministers in one quarter, but it scored highly on publishing senior officials' meetings and expenses, and business appointments advice. Its two predecessor departments, FCO and DfID, performed better before the merger.

Accessibility

Publishing information is only useful if it can be found. As such we also analyse departments' performance in publishing information in an '**accessible**' way. Guidance from the Government Digital Service sets out that departments should maintain 'collections' on their websites for each of the releases on ministers, special advisers, senior civil servants and applications for advice on business appointments (that is, the four central transparency commitments analysed in this report).⁴ This makes releases easier to find, and most departments maintain these collections for most types of information. That said, the worst performers are the Scotland, Wales and Northern Ireland offices, which do not maintain any collections, apart from one by the Wales Office that contains a mix of different releases for the period 2016–18.

All departments include information on NEDs' interests in their annual reports.

Quality

Simply publishing information is not enough – it must tell the reader something. Third, then, we assessed the '**quality**' of the releases on meetings held by ministers, special advisers and senior officials during two randomly chosen quarters, Q3 2018 (July–September) and Q1 2020 (January–March). The quality of the releases varied hugely between departments and types of releases, but there were some common themes.

Despite guidance that says departments "should make every effort to provide details on the purpose of the meeting",⁵ meetings often had vague, generic descriptions. For example, Treasury minister John Glen, the minister responsible for financial services, attended 39 meetings during January–March 2020 to discuss "financial services". This was not the least informative example: the Treasury described the purpose of five meetings held by its permanent secretary in July–September 2018 simply as

“meeting”, while the then Department for International Development failed to provide any description at all for more than half of its permanent secretary’s meetings in January–March 2020.

The information on special advisers’ meetings is generally of the lowest quality. Departments are only required to disclose meetings that special advisers have with media organisations, not all their external meetings, although some go beyond this. But descriptions are often very simple and lack detail, such as “general catch-up” or “lunch”.

The exact requirements for what departments are required to publish regarding NEDs’ registers of interest are unclear, with numerous sources of guidance. As a result, departments take very different approaches. Most only state an interest if the department has made a financial transaction with an organisation with which a NED had a relationship. Others provide biographies of their NEDs. Only one department – Education – publishes information on NEDs’ shareholdings and the interests of their family members.

Recommendations in brief

- **Permanent secretaries** need to ensure that departments take the government’s commitments to transparency seriously, and do not leave them to be completed by junior administrative staff. Select committees should question them on their department’s performance in publishing this information.
- Poor performing departments like the Home Office and MoJ need to **set up new systems** to provide the information they are supposed to, on time – learning from their better-performing counterparts (such as DWP).
- The **Cabinet Office should properly co-ordinate the departmental releases** – enforcing the guidance to ensure that each is published within one quarter, is easy to find and provides high quality information. It should work with the Treasury to simplify and enforce the guidance on what departments are supposed to publish on their NEDs.

Introduction

Revelations around David Cameron’s lobbying and Matt Hancock’s relationship with a non-executive director in his department have shown the importance of transparency in government. Good government requires ministers, advisers and officials to meet regularly with those outside government. But it is equally important that the public knows the basic facts of those meetings, and any potential conflicts of interest that government leaders may have.

Contact between those inside government and outside groups is an essential, everyday part of the interaction of government with those it governs – it allows ministers to test ideas, hear alternative views and understand how their policy decisions are playing out in the real world. But it is important that members of the government are transparent about whom they meet and why. David Cameron recognised this when he was leader of the opposition, pledging to lead a “government committed to transparency and accountability”.⁶ As prime minister he introduced a series of commitments on what departments would publish.⁷ The list has since grown to become the “central government corporate transparency commitments”, with departments required to publish information on topics including ministers’ meetings, contracts over £25,000 and performance-related pay.

Since Cameron left office, his successors have maintained and expanded his expectation that departments would publish information on their activity. Theresa May wrote to her cabinet in December 2017 reminding them of the requirement to publish this information, saying that “the sunlight of transparency also acts in itself as an important check and balance, and helps ensure the highest standards of public life amongst senior government representatives”.⁸ And Boris Johnson’s updated ministerial code, published shortly after he became prime minister, reiterates the requirements on ministers to publish information on their meetings with external groups, declare any hospitality or gifts they receive and report any overseas travel they undertake.⁹

Revelations throughout 2021 about lobbying by former ministers, including Cameron himself on behalf of finance firm Greensill, have raised questions about whether the government has the right systems in place to manage lobbying properly, and whether ministers and their departments take this responsibility seriously enough. And Matt Hancock’s affair with his aide and non-executive director (NED), Gina Coladangelo, brought attention to the role of NEDs and how any potential conflicts of interest they have are managed. Nigel Boardman’s recent report for the Cabinet Office makes several recommendations about how departments can improve their future performance on transparency.¹⁰ Our report looks at how well departments are *currently* performing on these key transparency commitments. For more analysis of other transparency releases, see the Institute’s [Whitehall Monitor](#) series.

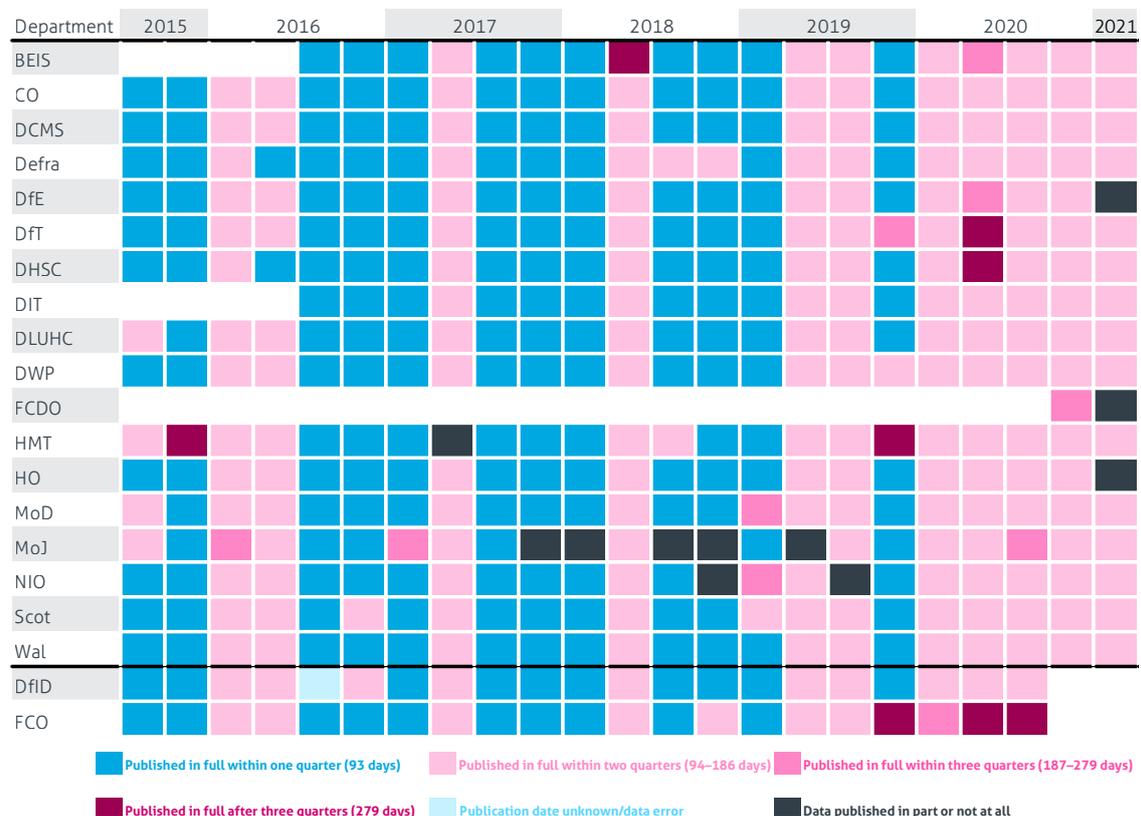
Ministerial gifts, hospitality, travel and meetings

Departments are required to publish “details of ministers’ meetings with external organisations, gifts (given and received), hospitality and overseas travel on a quarterly basis.”¹¹ The exact date of publication depends on a number of factors, including the government’s communications ‘grid’ – the forward plan for announcements. However, most releases (at least until 2019) were published within one quarter (three months) after the quarter to which they referred and this seems like a reasonable target for departments to aim for. As Transparency International UK has pointed out, even when departments do publish information within the subsequent quarter, that still means information could be published more than six months after a meeting took place.¹²

Cabinet Office guidance from 2017 on what should be published, released in answer to a Freedom of Information (FoI) request earlier this year, gives more details on what is required and how it should be cleared (by the relevant minister or their principal private secretary).¹³ This includes how information on any upgrades to travel should be treated, how the value of gifts should be calculated and, importantly, how meetings should be described. The guidance says that “departments should make every effort to provide details on the purpose of the meeting. ‘General Discussion’ should not normally be used.” As detailed below, this guidance is not always adhered to.

Reliability

Figure 1 **Publication of ministerial gifts, hospitality, travel and meetings, Q3 2015 to Q1 2021**



Source: Institute for Government analysis of gov.uk transparency data on ministerial gifts, hospitality and meetings, Q3 2015 to Q1 2021.

Most ministerial transparency releases were published within a quarter, as expected. However, several long delays, particularly since Boris Johnson became prime minister, push the average time to publication to 108 days – that is, within two quarters of the quarter it refers to. Because publication is only possible when a slot in the No.10 grid has been agreed, returns are sometimes published after they have been collated and submitted by departments. The second quarter of each calendar year generally saw the worst performance, with most releases published more than three months after this quarter. This is possibly because of other administration around the end of the financial year or because of summer holidays. The middle quarters of 2019, with a change of prime minister and political uncertainty as parliament and the government tussled over Brexit, saw a marked drop-off in timeliness. And departments' publications were understandably delayed throughout the pandemic – although this should have been resolved by now.

No department had an average publication time within the one quarter target, though the Cabinet Office (98 days), DCMS (98 days), the Wales Office (99 days) and the Home Office (99 days) came the closest – each publishing all of their ministerial transparency data within two quarters.

The MoJ is by far the least reliable department on ministerial releases. It published data within the one quarter target on just six of the 23 quarters we assessed. It also published the wrong information on three occasions (Q1 2018, and Q3 and Q4 2019), submitting the releases for senior officials rather than ministers, and failed to publish any information on another three occasions. For the data it did publish, it took an average of 330 days to do so. We have spoken to MoJ officials and understand that they are in the process of compiling the missing information, which will be published in due course.

The FCDO has performed poorly since it was created from the FCO and DfID in September 2020. Since then it has only published one set of ministerial data, for the period October to December 2020. While the [difficulty of merging two departments](#), which can lead to staff turnover, may be an explanatory factor, the FCDO has managed to publish its data for special advisers. And while the merger had a big impact on the work of the department, the ministerial team did not change – all ministers worked across both FCO and DfID before the merger, and remained in post afterwards. The merger should not have affected the publication of the information on ministerial meetings. We understand the department is also working to improve its internal processes, to ensure more timely publication in the future.

There is also a question of whether all the departmental returns are complete. During controversy over David Cameron's lobbying on behalf of Greensill Capital, it was revealed that, in October 2019, Matt Hancock met Lex Greensill. Hancock claimed he had notified officials at DHSC of this meeting¹⁴ – but the relevant quarterly return makes no mention of this. DHSC also had to update its return for Q2 2020 twice after "an admin error" meant meetings not being included.¹⁵ Former housing secretary Robert Jenrick also recently failed to disclose a meeting with a Conservative lobbying group in his Q1 2021 returns.¹⁶ It is not possible to know whether such omissions also occur in other departments' returns.

At times some ministers are not included at all in the returns for meetings. While most departments will include 'nil returns' for quarters when ministers had no meetings, DfE DfID, DfT, DIT, FCO, and MoJ all had at least one quarter when certain ministers are not mentioned at all. In this case we cannot determine if ministers had no meetings in that quarter or if the data is missing.

Nigel Boardman recommended in his review that departments publish more frequent transparency releases on ministerial activity, and that they report on the timeliness of the publication of these returns.¹⁷ While this extra transparency would be welcome, many departments at present have a long way to go even to meet existing expectations.

Accessibility

To be truly transparent, the information that departments publish must be easy to find. However, different departments take different approaches to pointing visitors to their website to the information on ministers' meetings. Most departments have a 'collection' page where all the releases can be found in chronological order, often going back to 2010 or whenever the department was created (for example 2016 in the case of BEIS and DIT). The only departments that do not have such a collection page for their releases on ministers are DCMS and the Scotland, Wales and Northern Ireland Offices. The MoJ has one collection page that brings together transparency releases for ministers, special advisers and senior civil servants.

Quality

To assess the quality of the departments' releases, we sampled two randomly chosen quarters' publications: Q3 2018 (July–September) and Q1 2020 (January–March). We looked at whether departments used unique descriptions for ministerial meetings, and how meaningful those descriptions were.

There is a large disparity in the quality of information provided, both between departments and between individual ministers, as well as over time. Information on meetings in Q3 2018 attended by DIT's then secretary of state, Liam Fox, was generally of a lower quality than other ministers in the same department. Many of Fox's meetings were vaguely described, with titles like "to discuss investment opportunities" or "to discuss UK and US trade policy". Information on the meetings of other ministers was more detailed: "Discuss opportunities for Atkins and other UK firms to participate in Canadian infrastructure; discuss UK's export strategy; update on the reorganisation of SNC Lavalin and Atkins since the merger in July 2017".

In Q1 2020 most of DHSC's ministerial meetings were described in detail, particularly, like DIT, those of junior ministers. For example, Edward Argar (minister of state for health since September 2019) met the General Medical Council to "discuss streamlining the registration process for doctors from overseas and discuss professional regulation reform". Similarly, in Q3 2018, Steve Brine (parliamentary under-secretary of state for public health and primary care, June 2017–March 2019) met various organisations to gain "insight into the experiences of those who access support for alcohol misuse to inform the alcohol strategy".

The MoJ was the only department to fail to publish any information at all in Q3 2018, which is in line with its general poorer performance across the areas we assessed. In the same quarter, MHCLG did not include any information on the meetings of its then secretary of state, James Brokenshire, saying that this information was “to follow”; it is nowhere to be found on gov.uk. Having spoken to officials at the department (since rebranded the Department for Levelling Up, Housing and Communities), we understand that they are in the process of updating this information.

Treasury ministers attended 171 meetings during Q3 2018, 14 of which, all held by John Glen, were “to discuss financial services”. As economic secretary, Glen “is the City Minister responsible for financial services”¹⁸ – so this description of his meetings does not tell us anything. In Q1 2020, 39 of the 168 meetings recorded were “to discuss financial services” (again, attended by John Glen). This lack of detailed disclosure is a recurring theme for the Treasury (see below), at least in the quarters we sampled.

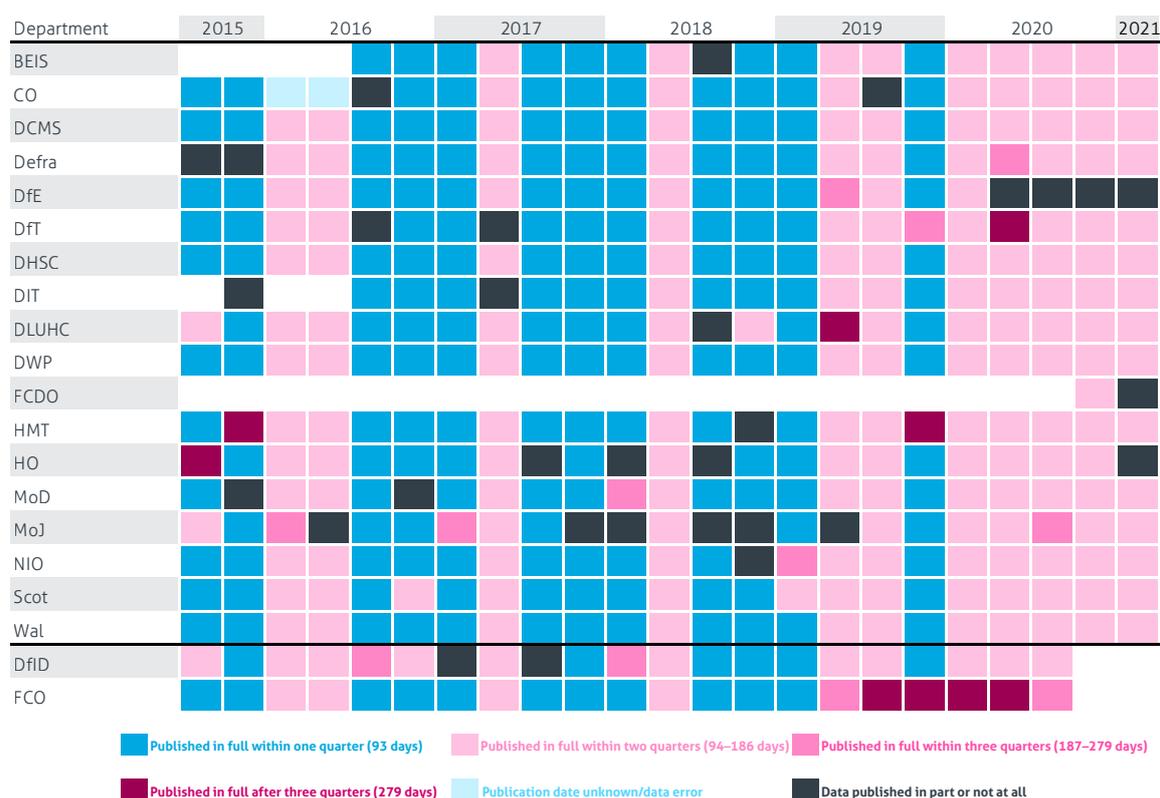
Overall, departments have very different approaches to ensuring the quality of the information they publish on ministers’ meetings. To show that they are serious about transparency, ministers, their private offices and permanent secretaries need to take this requirement more seriously and publish information that is timely and tells the reader something useful about what was actually discussed at the meetings.

Special advisers' gifts, hospitality and meetings

Departments are required by the central government transparency commitments and the special adviser code of conduct to publish "data on gifts and hospitality received by special advisers, and meetings they attended with senior media figures."¹⁹ Like the other data releases, these are supposed to be published quarterly. The guidance released under FoI on ministers' publications also includes advice on what information should be published on special advisers' meetings, and states that departments should include "the purpose of the meeting". Unlike ministers, there is no formal instruction for departments to provide a detailed description of the purpose and the information on the purpose of special advisers' meetings is much less detailed than that of ministers'.

Reliability

Figure 2 **Publication of special advisers' gifts, hospitality and meetings, Q3 2015 to Q1 2021**



Source: Institute for Government analysis of gov.uk transparency data on special advisers' gifts, hospitality and meetings, Q3 2015 to Q1 2021.

The time to publish was on average 111 days, similar to ministerial transparency data, with the Cabinet Office again performing best at an average of 97 days and the former Foreign and Commonwealth Office worst, at 150 days. These averages only take into account releases that were actually published; there were many more quarters when departments either failed to publish any data or published data that was incomplete

or contained errors. Errors included publishing data from the wrong quarters, or on ministers', rather than special advisers', meetings; failing to publish one of the three types of releases; or not publishing the names of advisers. Just two departments – DCMS and DHSC – have correctly published all their transparency data on special advisers since July 2015.

The Home Office and MoJ are among some of the least reliable departments. The former failed to publish data twice (in Q3 2017 and Q1 2021), and also twice published incomplete information (only gift data in Q1 2018 and only meeting data in Q3 2018). But the MoJ was by far the least reliable department on special adviser data failing to publish on four occasions, publishing the wrong data twice, and incomplete data on another occasion. This continues the pattern of the MoJ repeatedly performing badly on transparency across the different categories we assessed. Again, we understand that MoJ officials are working to rectify this.

The pandemic has had a major impact on departments' transparency. Since Q2 2020 there have been delays to the publication of all departments' data. While there has been an effect across the board, some departments have reacted worse than others. For example DfE has not published any of its special adviser releases since March 2020. While this was understandable at the beginning of the pandemic, when the government moved to a crisis response footing, we would have expected departments to have adapted by now.

Accessibility

Like ministers, most departments have a 'collection' page for their transparency releases on special advisers. DCMS, again, does not. Nor do Defra, the Scotland Office or the Northern Ireland Office. The Wales Office has a collection page for special advisers, but it includes releases for ministers and senior officials, and does not provide links to all the releases on special advisers.²⁰ This inconsistent approach makes it harder to find these releases and to compare across quarters.

Quality

We assessed departments' publications on special advisers' meetings again for Q3 2018 and Q1 2020. The requirements for releases on special advisers' meetings are less strict than for ministers: departments only have to publish meetings with "senior media figures". While departments do include the names of the people advisers met, the information on the topic of the meetings does not generally aid understanding of what the adviser(s) discussed with the people they met. For example, the Cabinet Office registers 16 meetings in Q3 2018. Of these, eight were described simply as "lunch" and another "breakfast". Other descriptions included "general catch-up" and "to discuss PM priorities". This approach is common across departments, meaning anyone interested in what advisers have been discussing with journalists is none the wiser.*

* Q1 2020 was the first quarter in which the Cabinet Office also published information on Treasury special advisers, after the establishment of the 'joint economic unit' of advisers advising both the prime minister and the chancellor. No Treasury advisers were named in the Q1 2020 release.

Some departments do go beyond the bare minimum. In Q1 2020 four departments – Defra, DHSC, MHCLG and DfE – published information on meetings their special advisers had had with organisations other than media outlets. But that does not always mean they contained useful information. DfE’s release says that its special advisers had 35 meetings during this time, from universities to the British Retail Consortium to the Conservative Party. Of these, 32 were described as “introductory stakeholder meetings”.

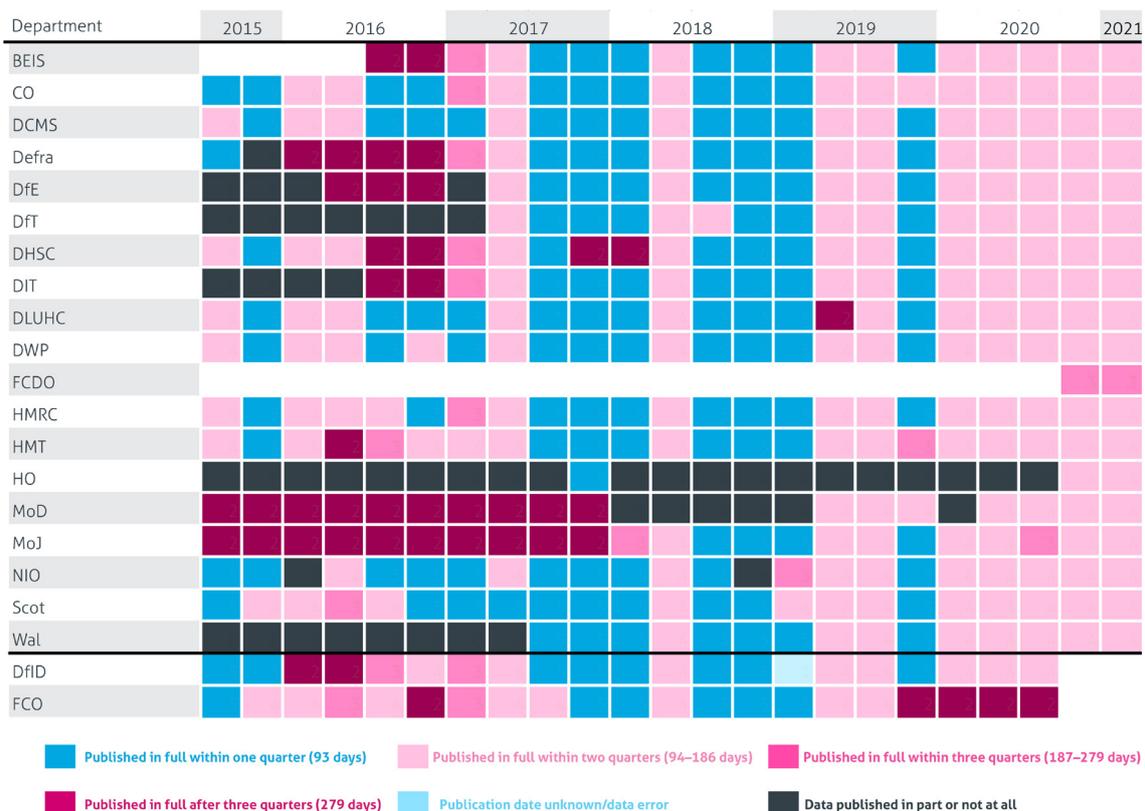
Much of what special advisers do is inherently behind the scenes, so it is good that departments are required to publish information on their meetings. However, departments’ patchy records undermine efforts for transparency. Given special advisers play such a key role in helping ministers make decisions, departmental leaders need to ensure that they are meeting the requirements for special advisers as well as for ministers and senior officials. As Nigel Boardman has suggested, greater transparency over whom special advisers meet and what they discuss in those meetings would be welcome.

Senior civil servants' business expenses, hospitality and meetings

Departments are required to publish "all data on senior officials' business expenses and hospitality, and the permanent secretary's/secretaries' meetings with external organisations."²¹ This information is also supposed to be published quarterly.

Reliability

Figure 3 **Publication of senior officials' business expenses, hospitality and meetings, Q3 2015 to Q1 2021**



Source: Institute for Government analysis of gov.uk transparency data on senior officials' business expenses, hospitality and meetings, Q3 2015 to Q1 2021.

Ten departments – BEIS, CO, MHCLG, DCMS, DHSC, DIT, DWP, HMRC, HMT and MoJ – all published all of the data required. However the timing of this varied greatly. DCMS, the most reliable department, took 102 days on average to publish its data (still more than one quarter), whereas MoD took 508 days. Across all departments the average time to publish was 161 days, more than for ministerial data.

The Home Office has by far the worst record for its publications on senior civil servants. In the 23 quarters since July 2015, it has published the necessary data in full on just three occasions, and within one quarter just once. The department repeatedly only published one of expenses, hospitality and meetings and failed to publish the other two. This period covers part of Sir Mark Sedwill's (later cabinet secretary and now Lord Sedwill), tenure as permanent secretary and all of Sir Philip Rutnam's time at the head of the department. We understand that the Home Office is reviewing why this has

happened. Since late 2020, it has published the information required, although still outside the target period of one quarter (like nearly all other departments). Defra, DfE, DfT, Home Office, FCDO, MoD, NIO and the Wales Office all failed to publish any data for at least one quarter.

Accessibility

Most departments have a 'collection' page for the transparency releases on senior officials' meetings, hospitality and travel. Those that do not are the usual suspects, DCMS, and the Scotland, Wales and Northern Ireland offices. Putting all of these releases onto one collection page would bring these departments into line with the rest of government, would mean they are complying with the published guidance,²² which expects departments to maintain collection pages for these releases and, most importantly, would make it easier for those outside government to find, analyse and compare these data releases.

Quality

Looking again at Q3 2018 and Q1 2020, the Home Office published very little in this category – it did not provide any information for the two quarters we sampled. The MoD did not publish anything for Q3 2018, with a note on its website saying:

MOD Senior Officials' expenses, travel and hospitality data for Quarter 1 and 2 of 2018 to 19 [i.e. April–June and July–September 2018] were not published due to changes in the reporting requirements. This created complexity and resource implications in completing the return for a large department such as the Ministry of Defence.²³

No other department had a similar issue and the largest department by headcount, DWP (more than twice as large as MoD),²⁴ published its return within a quarter. For those that did publish something, the quality of the information was variable. Some departments' information was unhelpful in its lack of detail: the Treasury's release lists five meetings that the permanent secretary held in Q3 2018, each one described simply as "meeting". At least Treasury officials filled in all the sections of the form, however. For DfID's Q1 2020 release, over half (31) of the 58 meetings included had no description whatsoever.

Not all departments performed as poorly. For each of the two quarters sampled, DfE provided a unique description of all of the meetings of its permanent secretary, with no generic terms like "catch-up". However, even these releases included some vague information, including a meeting with a "member of the House of Lords" and an event with "attendees from public, private and voluntary sector bodies".

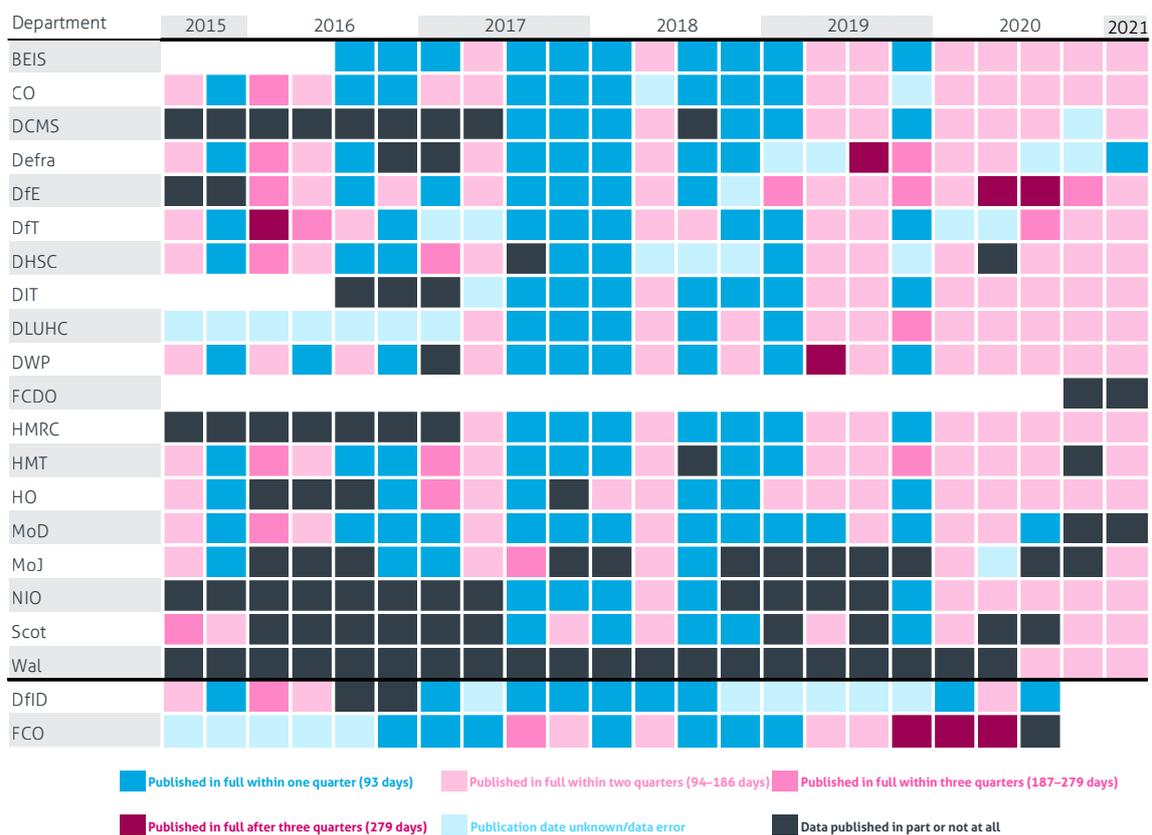
As permanent secretaries generally have fewer external meetings than ministers, we would expect it would be easier to provide good quality information on what those meetings are for. But departments' records on permanent secretaries' meetings are as patchy as those on ministers. Permanent secretaries should show leadership on this issue and take it upon themselves to ensure that the information is useful, and consistently of high quality.

Senior civil servants' business appointment applications

If a civil servant leaves government to work for the private sector, they must apply for advice under the "business appointment rules".²⁵ Under the transparency commitments, departments are required to publish "summaries of advice given under the business appointment rules to applicants at SCS2 [senior civil service] and SCS1 level and equivalents", including special advisers at equivalent grades. The government has committed to publishing this data quarterly.²⁶ Information is only published when a former official or adviser takes up the role they have sought advice on, not when they first seek advice or when they leave the civil service, so releases may include information on people who left the civil service months earlier but only took up their new role during the quarter in question.

Reliability

Figure 4 **Publication of business appointment rules advice, Q3 2015 to Q1 2021**



Source: Institute for Government analysis of gov.uk transparency data on business appointment rules advice, Q3 2015 to Q1 2021.

The publication of transparency data for senior civil servants appointed to the private sector has changed markedly from 2017. Before Q2 2017, the standard was patchy, with many departments failing to disclose any information, provide a publication date or publish the advice in a timely manner. This improved considerably after Q1 2017, but like other information releases the timeliness and reliability decreased again through 2019 and 2020.

BEIS performed particularly well, with no data missing and most of its advice before the pandemic published within one quarter. MoD has also performed well, although it has yet to publish the two most recent quarters of information. These departments' strong performance may be due to the close links of their officials with the private sector, as both deal regularly with businesses and contractors, meaning this process is better understood within the department.

The five least reliable departments are DfE, DCMS, Defra, MoJ and the Wales Office. Of all departments, the Wales Office was the least reliable; of the 23 quarters in question, there is no information for 20. That may be because the department did not issue any business appointment advice during this time. It has a staff of around 40–50, so this is entirely possible, but its website does not state either way whether this was the case; the only information on business appointment advice published dates from the second half of 2020 or later.

The MoJ provided no information whatsoever for 12 quarters. This does not include quarters when the department issued no advice as no relevant officials left to work in the private sector, as that is made clear on its website; for these 12 quarters, there is no information at all. DCMS did not publish any of its business appointment advice before Q2 2017 but since then it has been fairly reliable in publishing the required information. Many departments uploaded information without a publication date (which is also often a problem for other transparency releases outside the scope of this report, including departmental organograms).

Accessibility

Nearly all departments have a 'collection' page for the transparency releases on senior officials' applications for business appointment rules. This shows it can be done. The only exceptions are the Scotland, Wales and Northern Ireland offices, which do not maintain collections for any of the releases we have assessed in this report.

Quality

Given the information in the business appointment releases simply states what organisation the civil servant is moving to and what conditions, if any, the department has imposed on their departure, we have chosen not to assess the quality of these releases – there is much less scope for poor quality compliance than with other releases we have considered.

Non-executive directors' register of interests

Unlike the other items assessed in this report, non-executive directors' (NEDs) registers of interest are not part of the transparency commitments. However, under the Code of Conduct for Board Members of Public Bodies, which also applies to departmental board members, NEDs are required to "declare publicly, usually in the body's register of interests, any private financial or non-financial interests of your own, or of close family members, which may, or may be perceived to, conflict with your public duties."²⁷

Reliability

At a minimum, departments publish information on their NEDs' interests in their annual reports, which are published each summer for the preceding financial year. This means that all departments publish this information annually. As such, there is no variation in how reliable departments are at publishing this information. As noted below, however, this does not mean there is no discrepancy in the quality of the information published.

Accessibility

Five departments – the Cabinet Office, DIT, MoJ and the Scotland and Northern Ireland offices – published some of their registers of interests for the period we examined as standalone documents or pages on gov.uk. The registers for the MoJ and Scotland Office, however, are each a single page that is updated as new board members join, or existing members update their interests, making it difficult to track changes over time. DIT only has a separate register on gov.uk for 2020/21 and 2019/20 (the previous year is available on the gov.uk web archive). NIO only has a separate register for 2020/21.

Other departments only disclosed information in their annual reports. DfE duplicated the information on NEDs' interests from its annual report, which most departments publish solely in PDF form, as a separate html page on gov.uk. Providing the information in html complies with the recommendations of the Government Digital Service, which argues that "information published in a PDF is harder to find, use and maintain" and "unless created with sufficient care PDFs can often be bad for accessibility."²⁸

Quality

The quality of the information included in departments' registers of interest for their NEDs varies substantially. This is perhaps due in part to the confusing range of guidance as to what departments should actually publish. As noted above, the board members' code of conduct requires NEDs to declare any financial or non-financial interests that "may, or may be perceived to, conflict with your public duties."²⁹ The Treasury's code of good practice for corporate governance in central government departments says that "the board should publish, in its governance statement, all relevant interests of individual board members and how any identified conflicts, and potential conflicts, of interest of board members have been managed."³⁰

However, this is complicated by the Government Financial Reporting Manual, also published by the Treasury, which says that departmental reports only need to contain “details of company directorships and other significant interests held by members of the management board which may conflict with their management responsibilities”³¹ – that is, they do not need to list *any* interest that presents a conflict, only “significant” ones, and they do not need to publish the actions they take to manage the conflicts.

Given this range of guidance, it is perhaps not surprising that departments take different approaches to publishing information on their NEDs’ real or potential conflicts of interest. Eleven departments – BEIS, DCMS, Defra, DfT, DHSC, DWP, FCO until 2019/20 and FCDO afterwards, HMRC, MHCLG, MoD and NIO – provided only minimal information in annual reports. The most common reference to conflicts of interests was in the ‘Related Party Transactions’ section of their annual reports, which detailed if the department made any financial transaction with an organisation that a board member had a relationship with. If a transaction of this kind did not occur, these departments did not provide any further information other than the fact that a register of interests was maintained by the permanent secretary and that it was available on request. Before 2020/21, the Wales Office does not appear to have even included this information.

DfID (until 2019/20), the Treasury, and BEIS in 2017/18, included a biography of their NEDs together with their financial transaction declarations. The biographies in the DfID and Treasury annual reports provide an overview of all professional roles that NEDs held at the time of publication. The NIO published a similar page for 2020/21. Although these professional biographies do not amount to a formal register of interests, they do provide additional information that allow the public to understand some of the potential conflicts of interests that may exist among NEDs.

The Cabinet Office, DfE, DIT, MoJ and Scotland Office provided the highest quality information regarding NEDs’ conflict of interests throughout this period, although the approach again varies. Cabinet Office, DIT and MoJ all publish a register of interests that include a list of all professional roles each NED holds. The DIT and MoJ registers of interests also contain a “miscellaneous” category that includes information such as political party affiliation and involvement in charity organisations and universities. The Scotland Office lists various categories of interests that its NEDs may have. In 2021, the Home Office also published information on other positions, paid and unpaid, that its NEDs’ hold. DfE also contains disclosures of NEDs’ “significant shareholdings/interests in public or private companies” and interests of family members.

The differing approaches of departments to publishing information on their NEDs’ outside interests reveals the confusion inherent in the various sources of guidance. The Cabinet Office and the Treasury, as the departments responsible for overseeing governance across the government, should issue one source of simplified guidance that makes clear what it is that departments should publish – and they should use DfE’s recent publications as the standard to which other departments should aspire. Only then will departments be providing the information that those outside government need to assess NEDs’ potential conflicts of interest.

Conclusion and recommendations

Boris Johnson, Theresa May and David Cameron have all spoken about the importance of transparency and its benefits to government, but departments are failing to live up to expectations these prime ministers have set, and to their own commitments. Departments' transparency releases on senior leaders are often late, of poor quality, and are sometimes difficult to find. Things have got worse during the pandemic, but performance was already patchy. The fact that departments still struggle to publish on time, over a year into the pandemic, shows they do not consider this issue a priority. And the requirement to get a grid slot for publication means that even when the information is available, it is sometimes delayed.

This inconsistent performance matters for anyone interested in whom ministers, special advisers and senior officials meet and what potential conflicts of interest NEDs may face. But it also matters to government itself. If departments are unable to publish timely, descriptive records of whom their ministers and senior officials are meeting, that perhaps indicates they are also not keeping the information in a useable form internally. Having this information to hand would give government a better sense of what groups are most active in their communication with government. And greater transparency would help tackle perceptions of unfair access and lobbying that have been bolstered by events around Greensill.

Recommendations

Permanent secretaries, supported by ministerial private offices, need to lead the work to improve performance. While junior staff assemble the information, senior staff need to take responsibility to ensure that their department is meeting expected levels of transparency. As the Committee on Standards in Public Life has argued, "compliance with the government's own transparency rules is an important ethical responsibility, and should not be seen as a low priority administrative exercise."³² As Nigel Boardman recommends, **parliamentary select committees** should scrutinise departments' performance on transparency when they question permanent secretaries on their work.

In the past [we have called for departments](#) to publish more information on whom their ministers, special advisers and senior officials meet. But before they can provide more information, departments need to **publish the details they are already committed to**. Recurrent poor performers, like the Ministry of Justice and the Home Office, need to examine why they are unable to publish the information they are supposed to, of high quality, on time, where it can be easily found. The FCDO needs to be careful that its performance does not decline further following its merger. Poor performers should learn from those who are more reliable, such as DWP and the Cabinet Office. Officials we spoke to acknowledged the importance of the government meeting its transparency commitments, and made the point that departments are working to improve their processes.

The Cabinet Office already plays some role in shepherding the quarterly releases, but it should go further and **co-ordinate publication across departments**. Publication should not be reliant on a slot in the No.10 grid – the priority for these releases should be transparency, not managing the message they contain. The transparency and data team, under the leadership of the director general for propriety and ethics, should ensure that departmental returns are of high quality, and that departments are publishing their releases in the correct format and location. If greater central co-ordination does not lead to an improvement in performance, the Cabinet Office should take over responsibility for publishing this information for all government departments.

The Cabinet Office should work with the Treasury to **simplify and enforce the guidance** on what departments are supposed to publish on their NEDs – learning from the Department for Education and taking into account Nigel Boardman’s recommendation that all “material potential or actual conflicts in their declarations of interest [be] published”³³ – so that all departments take a consistent approach.

Methodology

Reliability

For the four central government corporate transparency commitments – information on ministers’, special advisers’ and senior civil servants’ meetings, travel and expenses, and on senior civil servants’ applications for advice under the business appointment rules – we recorded the date of publication for each department’s releases between Q3 2015 (July–September), the first full quarter since the 2015 general election, and Q1 2021 (January–March), the latest date for which departments have published information. We scored each quarterly release on a 0-5 scale:

Category	Score
Published in full within 93 days of the end of the quarter in question	5
Published in full within 94–186 days	4
Published in full within 187–279 days	3
Published in full within after 279 days	2
Publication date unknown/data error	1
Data published in part or not at all	0

Data published ‘in full’ means all expected pieces of information (meetings, hospitality, gifts, travel etc.) are included. These are usually published as separate webpages or spreadsheets, but at times are published on a single page that has each section clearly labelled. ‘Data error’ refers to publications that do not give all expected information in a particular category, for instance, omit names of advisers or descriptions of meetings – there are few examples of this. Data published ‘in part’ refers to publications that only provide some of the expected information, for instance, not all of meetings, hospitality, gifts and travel. It is possible that in some quarters not all meetings, or expenses were published, but it is not possible for us to ascertain this. Because of this we have given departments the benefit of the doubt on their publications and assumed that if they have published the data it is comprehensive.

Many departments uploaded information on senior civil servants’ business appointment application without a publication date. This has a significant impact on scores across many departments and the only departments where this did not occur at all were BEIS and the MoD. This affected these departments’ scores in the summary table, as does the fact that the Wales Office has not published any information at all on business appointment advice for the period before July 2020.

These scores generated the colour-coding for the charts and a total score for the period assessed (Q3 2015 – Q1 2021). This total score was out of a maximum of 115 (a maximum of 5 points for each of the 23 quarters assessed). However, as departments have existed in their current forms for different lengths of time, the total points available to each department differed.

For example, the FCDO has only existed in its current form since September 2020, while BEIS has only existed since July 2016, so these departments have only been able to publish transparency releases for two and 19 quarters respectively, meaning their score is out of a total of 10 and 95 in turn.

To produce the ranking used in the summary we therefore converted each department's score on each type of release into a percentage of the total points available to them, to allow comparisons between departments that have existed for different lengths of time. Each department's record on each type of publication is therefore given a score out of 100, and the total score is out of 400. We also included the former Foreign and Commonwealth Office and Department for International Development in the table as comparators for their successor department, the Foreign, Commonwealth and Development Office, given its relatively short existence in its current form.

Departments publish information on their non-executive directors' interests in their annual reports. At the time of publication, eight departments – BEIS, DCMS, Defra, DfE, DHSC, HMRC, MoD, and MoJ – had not yet published their annual reports for financial year 2020/21.

Accessibility

For each of the four central government corporate transparency commitments, we noted whether each department had a 'collection' page that was kept up to date. An example of a collection, maintained by the Treasury, is available at <https://www.gov.uk/government/collections/hmt-ministers-meetings-hospitality-gifts-and-overseas-travel> (accessed 3 September 2021).

Quality

We analysed the information on meetings of ministers, special advisers and senior civil servants, given the interest sparked by recent revelations about lobbying and other relationships between members of the government and those in the private sector. We assessed all the returns published for two quarters, Q3 2018 and Q1 2020. Given the wide disparity in the quality of descriptions, between departments and between the different types of release, we chose to identify illustrative examples of particularly strong and weak descriptions.

For non-executive directors, we assessed the level of detail provided by each department.

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List of departmental abbreviations

Abbreviation	Organisation
BEIS	Department for Business, Energy and Industrial Strategy
CO	Cabinet Office
DCMS	Department for Digital, Culture, Media and Sport
Defra	Department for Environment, Food and Rural Affairs
DfE	Department for Education
DfID	Department for International Development (now merged into FCDO)
DfT	Department for Transport
DHSC	Department of Health and Social Care
DIT	Department for International Trade
DLUHC (MHCLG)	Department for Levelling Up, Housing and Communities (formerly the Ministry of Housing, Communities and Local Government)
DWP	Department for Work and Pensions
FCDO	Foreign, Commonwealth and Development Office, the Foreign Office
FCO	Foreign and Commonwealth Office, the Foreign Office (now merged into FCDO)
HMRC	Her Majesty's Revenue and Customs
HMT	Her Majesty's Treasury, the Treasury
HO	Home Office
MoD	Ministry of Defence
MoJ	Ministry for Justice
NIO	Northern Ireland Office
Scot	Scotland Office
Wal	Wales Office

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