Centre for the Study of Corruption

The Role of UK Anti-Corruption Champion

A Short History of the Championship: who, why and what?

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Working Paper No. 5
May 2020

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Acknowledgements
I would like to thank: Phil Mason OBE, formerly of DFID, for his comments on the draft of this paper, as well as my colleagues Prof Dan Hough and Prof Liz David-Barrett; and my former colleagues at Transparency International UK, particularly Rachel Davies Teka, who worked with me on many of the documents and activities cited in this paper.

Note on sources
Websites cited in the footnotes were accessed January 3-10th 2020 and re-accessed May 15-16th 2020. Where there was a change in that period, this has been noted in the relevant footnote.

Published in May 2020

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1. Introduction

In the absence of a formal Anti-Corruption Agency, the UK has chosen another route for overseeing its approach to tackling corruption, which is for the Prime Minister to appoint an Anti-Corruption Champion. This paper looks at the role of the Champion, analysing how and how successfully the office has been executed by the seven incumbents since it was created, and examining the changes in Terms of Reference, status of the post-holder and accountability over that period. The paper concludes with five key areas for reform if the role is to be continued and is to be effective.

The Anti-Corruption Champion role was formally created in June 2006, although for a couple of years prior to that DFID had been playing an informal coordinating role across Whitehall.[1]

In 2006, the UK Government was facing severe challenges on the issue of corruption. It had recently signed up to UNCAC; was being told that the UK was not compliant with the OECD

[1] Contemporary press reports suggest the role was created in June 2006; the UK Government self-assessment submission to UNCAC *UK Second Cycle Review* (2017), p.7 states the date as 2004 https://www.unodc.org/documents/treaties/UNCAC/SA-Report/2018_01_09_UK_SACL.pdf; a recent International Development Committee report gives the date as 2005: *Tackling corruption overseas* (2016), House of Commons, para 45 https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf.

Anti-Bribery Convention by Transparency International and the OECD itself; and most dangerously for the Government's international reputation, it was allowing itself to be sucked into political interference in the BAE Systems Saudi Arabia bribery investigation undertaken by the Serious Fraud Office. This was ultimately to cause the SFO to drop its investigation in December 2006 on the questionable grounds of 'national security,'[2] and apparently in direct contravention of Article 5 of the OECD Convention which says that national economic interests should not influence decisions on investigation and prosecution.

As the BAE scandal mounted, there was a need for some kind of action, and the Blair Government responded by creating the post of Anti-Corruption Champion and launching a one-and-a-half page, 12-point document on 'Combating International Corruption: UK Action Plan for 2006/07.'[3]

It is unclear why the role was designated as a 'Champion' – there have been a number of UK government champions or tsars over the past two decades, but the subjects covered suggest the title may be grander than the duties: they have included the Small Business Appeals Champion, the BEIS Devolution Champion and the UK Indian Diaspora Champion. Even some of those with responsibility for subjects that are more obviously linked to government priorities such as the Digital Champion and Diversity and Inclusion Champion seem to have more title than support and resourcing to pursue their role. So creating an Anti-Corruption Champion meant there was a lot to do to prove the role had real substance.

2. A short history of the Championship

Benn & Hutton

The post was first occupied by the Secretary of State for International Development, Hilary Benn, with the title 'Ministerial champion for combating international corruption,'[4] who marked his new role with a wide-ranging speech on corruption.[5]

The government's need for a hasty pre-emptive response to the looming BAE crisis may explain why there were no Terms of Reference and there was no real civil service support put in place. That ad-hoc approach has characterised the role ever since.

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[2] Daily Telegraph, *BAE Systems: Timeline of Bribery Allegations*, December 21 2010, https://www.telegraph.co.uk/finance/newsbysector/industry/defence/8216172/BAE-Systems-timeline-of-bribery-allegations.html

[3] *Combating International Corruption: UK Action Plan for 2006/07* (2006). DFID, https://webarchive.nationalarchives.gov.uk/+/http://www.dfid.gov.uk/pubs/files/corruption-action-plan.pdf

[4] BBC News, *UK Police to Tackle Corruption,* June 22 2006 , http://news.bbc.co.uk/1/hi/business/5107332.stm

[5] The Guardian, *Full Text of Hilary Benn's Speech on Corruption*, February 3 2006 https://www.theguardian.com/politics/2006/feb/03/development.internationalaidanddevelopment

In March 2007, responding to the Private Member's Bill on Corruption introduced to the Lords by Lord Chidgey, Baroness Scotland gave the first Parliamentary update on the Champion's role on behalf of the Government – a surprising route for such an update, but reflecting the fact that no other channel had been established for this:[6]

'Last July,[7] the Prime Minister appointed the Secretary of State for International Development to be the ministerial lead in fighting international corruption. That was a very important move. We have had some notable achievements, especially in combating corruption overseas. We have provided additional funding to assist the City of London Police and the Metropolitan Police to dedicate a team to investigating foreign bribery and money-laundering. Structures for targeting money-laundering by politically exposed persons have been strengthened. We have actively promoted responsible business conduct, both internationally—via taking forward initiatives in particular industries, such as the Extractive Industries Transparency Initiative—and by revamping the United Kingdom national contact point for the OECD guidelines on multinational enterprises. Much has been achieved. However, we accept that there is still much more that we can do.'

The Scotland statement highlights one of the key achievements under the Benn tenure. ODA funds were allocated to create specialist police anti-corruption units, setting in train a series of institutional reforms within law enforcement agencies in tackling the proceeds of corruption that are still playing out today.

Hilary Benn moved departments in June 2007, and the post of Champion moved to John Hutton, Secretary of State for Business, Enterprise and Regulatory Reform. The responsibility therefore moved departments. Much of what we know about the Champion's role and how it has been viewed comes from reports by the International Development Committee, a House of Commons Select Committee. Their 2007 report was not complimentary about the handover from Benn to Hutton:

'In response to a question about why the transfer of responsibilities had not been publicised, the Minister told us: "It is a little unfair, if I may say so, to expect my Secretary of State for Business, Enterprise and Regulatory Reform in a sense to have advertised his responsibility in this area immediately. […] I know he appreciates having the responsibility but he has been concentrating on the detail of work in that area rather than on seeking to advertise the post."' The Committee noted that others had questioned whether Hutton even knew he was the Champion: 'Evidence we received in this inquiry revealed some confusion about this role under the new structures. Transparency International (UK) said that "it is understood that the role now falls to the Secretary of State for Business,

[6] *Hansard*, March 16 2007, column 960 https://publications.parliament.uk/pa/ld200607/ldhansrd/text/70316-0004.htm

[7] The BBC had reported the appointment in June 2006, not July (see Note 4)

Enterprise and Regulatory Reform but nowhere is this set down". The TUC had come to the same conclusion and said that "so far there has been no announcement that John Hutton is the new Ministerial Champion."'[8]

The Committee concluded:
'We welcome the continuation of the role of Ministerial champion for combating international corruption. We would be concerned, however, if the transfer of responsibility from the Department for International Development to the Department for Business, Enterprise and Regulatory Reform meant that these matters were now seen largely from a trade perspective and that development concerns were neglected. We do not agree with the Government's view that the visibility of the role is of secondary importance: championing an issue by definition requires a high-profile. We recommend that the Government prepare a plan for promoting the role and the associated action plan and that it share this with the Committee within two months.'

Straw & Clarke

In the event, Hutton's tenure was marked by a vacuum of visible activity, and no such promotional plan seems to have been drawn up. He himself was relatively short-lived in the role, moving departments in October 2008, at which point the role passed to Jack Straw who was then Secretary of State for Justice. In October 2008, Straw made a written statement to the Lords[9] about his appointment – remarkably early in his tenure compared to his predecessors, and perhaps reflecting the mounting pressure for an update to the UK's anti-bribery laws, with continued domestic and international scrutiny over the BAE Systems case:

'Having been appointed as the Government's anti-corruption champion this week, I am writing to inform the House of progress made in our anti-corruption efforts.

'For two years, the Government have undertaken a concerted programme of action to co-ordinate and to improve our anti-corruption systems through annual anti-corruption action plans driven forward by my predecessors John Hutton and Hilary Benn. The role of anti-corruption champion is a personal appointment by the Prime Minister and the Secretariat and support functions remain within BERR…'

'…We will make further significant progress in the next few months on the reform of the law on bribery. The Law Commission is expected to report in November on the full range of

[8] Select Committee on International Development (2007), *Second Report*, House of Commons, para 42 https://publications.parliament.uk/pa/cm200708/cmselect/cmintdev/68/6807.htm#note78
[9] *Hansard*, October 15 2008, vol 704 https://hansard.parliament.uk/Lords/2008-10-15/debates/08101546000002/Anti-Corruption

structural options. As announced in the draft legislative programme, we propose to publish a draft bill in the next Session of Parliament, which will be informed by the Law Commission's review… We have written to the OECD about our plans to develop a comprehensive UK strategy for tackling foreign bribery. This strategy will build on the solid foundation we have established for combating foreign bribery and strengthen our work with international partners, establishing a clear legal, regulatory and policy framework.'

It is notable that Straw used a different title at this stage, moving from 'Ministerial champion for combating international corruption' to 'Anti-Corruption Champion.' However, the brief still appears to have covered overseas corruption, and not domestic, ie UK-focussed, corruption. A peculiarity was that the Minister sat in one department and his civil servants in another. This awkward anomaly was to continue until the creation of the Joint Anti-Corruption Unit (JACU), announced in the UK Anti-Corruption Plan in 2014.[10]

Jack Straw's primary activity as Champion was to steer through the Bribery Bill, and manage both the international pressure and the domestic (corporate) lobbying against the Bill. Most notably, he instigated regular meetings with a stakeholder group that included civil society representatives, to update on progress with the Bribery Bill and take soundings.[11] A core of this group was subsequently selected to form the Committee of Experts that oversaw the drafting of the official guidance to the Bribery Act, and again included representatives from civil society. There was no more talk of a new anti-corruption plan, and the civil service support sat between the Ministry of Justice – responsible for the Bribery Bill – and BERR – responsible for certain international relations aspects of corruption such as representing the UK at meetings on the OECD Anti-Bribery Convention. DFID were in charge of UNCAC representation, having inherited from a not very engaged FCO, and it is hard to escape the conclusion that having finally put its energy into the Bribery Bill, the Blair/Brown government was not really interested in doing much else.

[10] *UK Anti-Corruption Plan* (2014), Home Office, Section 8.1
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf

[11] Barrington, R (2020), The Bribery Act: key moments in the campaign, *CSC Working Paper* no.4
https://www.sussex.ac.uk/research/centres/centre-for-study-of-corruption/documents/bribery-act-2010.pdf

Box I – UK Anti-Corruption Champions

Name	*Role Title*	*Dates in Office*	*Other role*	*Status*	*Key achievements*
Hilary Benn	Ministerial champion for combating international corruption[12]	2006-2007	Secretary of State for International Development	Cabinet member	Creation of anti-corruption units in Met and City of London police; publication of 1.5 page Anti-Corruption Plan
John Hutton	Unclear	2007-2008	Secretary of State for Business, Enterprise and Regulatory Reform	Cabinet member	Not known
Jack Straw	Anti-corruption champion[13]	2008-2010	Secretary of State for Justice	Cabinet Member	Bribery Act passed into law
Ken Clarke	International anti-corruption-champion[14]	2010-2014	Secretary of State for Justice (2010-2012), Minister without Portfolio (2012-2014)	Cabinet Member (2010-2012), attending Cabinet (2012-14)	Commitment to UK public register of beneficial ownership at G7 Summit in Lough Erne
Matt Hancock	Government Anti-Corruption Champion[15]	2014-2015	Minister of State for Business and Enterprise	Minister, attending Cabinet	Publication of 64-point national Anti-Corruption Plan; incorporation of anti-corruption aspects into UK's Open Government Partnership plan; establishment of Joint Anti-Corruption Unit
Eric Pickles	Prime Minister's Anti-Corruption Champion[16]/ government's Anti-Corruption Champion[17]	2015-2017		Backbench MP, not attending Cabinet	Anti-Corruption Summit; introduction of Unexplained Wealth Orders in Criminal Finances Act
John Penrose	Prime Minister's Anti-Corruption Champion [18]	2017-2019, *re-appointed post-election 2019 or 2020 (date unclear - no official announcement)*		Backbench MP not attending Cabinet (2017-19; 2019-), Minister for Northern Ireland not attending Cabinet (2019)	Publication of five-year national Anti-Corruption Strategy; launch of global Beneficial Ownership Transparency campaign

[12] Cited in Select Committee on International Development (2007), *Second Report*, House of Commons, para 41 https://publications.parliament.uk/pa/cm200708/cmselect/cmintdev/68/6807.htm#note78

[13] Lords Statement by Baroness Vadera, *Hansard*, October 15 2008, vol 704 https://hansard.parliament.uk/Lords/2008-10-15/debates/08101546000002/Anti-Corruption

[14] *Appointment of international anti-corruption champion,* No10 Press Release, June 15 2010, https://www.gov.uk/government/news/appointment-of-international-anti-corruption-champion

[15] *UK Anti-Corruption Plan* (2014), Home Office, Foreword https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf

[16] *The Rt Hon Lord Pickles, Biography* https://www.gov.uk/government/people/eric-pickles#announcements

[17] *Sir Eric Pickles speech on tackling corruption*, October 14 2016 https://www.gov.uk/government/speeches/sir-eric-pickles-speech-on-tackling-corruption

[18] *Prime Minister's Anti-Corruption Champion John Penrose MP, Biography* https://www.gov.uk/government/people/john-penrose

The Coalition Government came into power in May 2010, and Ken Clarke succeeded Jack Straw as Secretary of State for Justice. However, as with the transfer from Benn to Hutton, it was unclear whether the post of Anti-Corruption Champion would continue, and who would hold it. A month after the election, there was – for the first time – a press release announcing the new Champion.[19] The post was once again described as 'the international anti-corruption champion' and its brief to 'ensure the effective implementation of the Bribery Act 2010, legislation which will help to achieve the highest in international standards and demonstrates cross-party commitment to the fight against bribery.'

There followed a year in which the Bribery Act, which had been passed in April 2010, faced yet more lobbying to dilute it through attempts to water down the Ministry of Justice's official guidance. The formal commencement of the Act, in June 2011 – though pushed to the outermost limits of when such legislation could plausibly come into force – marked Mr Clarke's sole known accomplishment as the Champion. Transparency International, one of the NGOs which attended the single meeting that Mr Clarke had with civil society during his four-year tenure, reported:

'The Champion position only functions if there are civil servants attached. It was never quite clear why Ken Clarke was so dispiritingly inactive when he held the brief, but he himself always blamed lack of civil service support.'[20] Indeed, the civil service support team had remained in the Department of Business, Innovation & Skills, a legacy of the Hutton days, and there is no evidence that Clarke and the civil service team interacted.

By this time, No10 was beginning to take an interest in issues related to transparency, and Clarke himself had moved to being a Minister without Portfolio, still in Cabinet, and retaining the role of Anti-Corruption Champion. The immediate stimulus for No10's interest was apparently the UK's declining position on the Corruption Perceptions Index, a further legacy of the BAE scandal and the prevarications over the Bribery Act. A senior civil servant has commented: 'Cameron reportedly saw the 2012 CPI where the UK had dropped to 17th and Barbados was above us. The latter seemed to be the spark that lit everything. Clarke was kicked into action. He did a cross-Whitehall scan of who was doing what and discovered that little was actually happening. His review eventually led to the creation of JACU to drive action, but at the time, he said, DFID seemed to be the only department doing anything.'[21]

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[19] *Appointment of international anti-corruption champion,* No10 Press Release, June 15 2010, https://www.gov.uk/government/news/appointment-of-international-anti-corruption-champion

[20] Barrington, R (August 1 2016). *Why we still need an Anti-Corruption Champion*, Transparency International UK blog https://www.transparency.org.uk/why-we-still-need-an-anti-corruption-champion-and-what-more-they-need-to-do/

[21] Email to Robert Barrington of March 30th 2020

An opportunity arose to address this at the G8 Summit, held at Lough Erne in 2013, at which an agenda that was initially around tax transparency was extended into areas of overlap with anti-corruption activities such as beneficial ownership transparency.[22]

In practical terms, a high-quality civil service team was put in place at the Cabinet Office, which formed the template for the future Joint Anti-Corruption Unit (JACU). Transparency International were using the G8 Summit as an opportunity to promote their long-standing argument that there should be a comprehensive national anti-corruption plan, covering both domestic and international corruption as well as the proceeds of corruption. This was reflected in their Anti-Corruption Scorecard,[23] which was to provide a road-map for future Champions.

When Mr Clarke left his post as Minister without Portfolio in July 2014, he also gave up the position of Anti-Corruption Champion, and there was another period of several months before a successor was appointed. This has been a long-standing pattern. The long gaps, and lack of clarity about precise dates of appointment by the Government's own spokespeople, suggests that filling the role was an afterthought for successive Prime Ministers. In fact, government statements repeatedly emphasised that the role was (as it remains) a 'personal appointment of the Prime Minister.' This means that in any Cabinet re-shuffle or change of government, the position has typically been relegated to a fourth or fifth wave of minor appointments.

Hancock & Pickles

In the event, the position of Champion switched back to the Department of Business in October 2014, as Matt Hancock was appointed.[24] There had been a four-month gap since it was vacated by Clarke, and for the first time, the post was not attached to a Cabinet Minister.

An early act of Hancock was to announce in the Commons in December 2014 'today we are publishing the UK's first anti-corruption plan',[25] thanking Ken Clarke for his work on it – so perhaps he had after all accomplished more than was discernible to external commentators. The new Plan had originally been announced in October 2013, within the second Open

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[22] The extension of the agenda into anti-corruption activities seems to have been driven by three factors: the Prime Minister's growing personal interest in issue, the internal advice he received from Professor Paul Collier, and external pressure from Global Witness and Transparency International

[23] Barrington, R & Davies, R (2013). *Anti-Corruption Scorecard: a mid-term assessment of the UK Coalition Government's record on tackling corruption*, Transparency International UK https://www.transparency.org.uk/publications/anti-corruption-scorecard/

[24] Barrington, R (October 12 2014). *Anti-Corruption Champion Announced*, Transparency International UK blog https://www.transparency.org.uk/anti-corruption-champion-announced/

[25] *Hansard* December 18 2014, vol 589 col 1567, https://hansard.parliament.uk/Commons/2014-12-18/debates/14121837000004/UKAnti-CorruptionPlan

Government Partnership Action Plan.[26] Hancock's statement makes no reference to the Benn plan of 2006, a likely legacy of the brief having moved between departments and the lack of a coordinated, long-term strategy to tackle corruption. Benn's plan had probably been forgotten.

A significant announcement alongside the Action Plan was the creation of the Joint Anti-Corruption Unit:[27]

'Cabinet Office Unit on Corruption – the Cabinet Office is establishing a new Joint Unit on international corruption, providing a secretariat to the Government Anti-Corruption Champion and working closely with the Home Office, which leads on coordinating domestic corruption policy.'

The reference to domestic policy was significant. The 2014 Anti-Corruption Plan differed significantly from the 2006 Benn plan in that it incorporated two important elements alongside the UK's role in international corruption: domestic corruption in the UK, and the UK's role as a facilitator and recipient of the proceeds of corruption.

Although there were several landmarks during his tenure (see Box I), Hancock was also to be short-lived. The general election of May 2015 brought a Conservative majority government under David Cameron. In this second period as premier, he was to take the issue of corruption much more seriously than any of his predecessors as Prime Minister. It may have been as a consequence of No10 taking greater ownership of the corruption issue that the Champion's post was downgraded even further. The appointee was Eric Pickles, who was not only no longer at Cabinet level, but was not a Minister at all. Pickles' appointment in June 2015 received a cautious welcome from civil society as a result:

'The good news is that an appointment has been made swiftly (remember the four month gap last year when the post was vacant after the last Cabinet re-shuffle?) and indeed that it continues to exist. The less good news is that it is no longer considered a Cabinet-rank post. In some senses that matters very much. A Cabinet role shows that the government takes the issue of corruption seriously and has given the post to someone with sufficient seniority to get it on the agenda of colleagues who don't consider it a priority. But it also may not matter, if the post-holder has sufficient credibility and drive to make the post effective. So a

[26] *Open Government Partnership UK National Action Plan 2013 to 2015*, Cabinet Office (October 2013). Commitment 6 p.19
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/255901/ogp_uknationalactionplan.pdf
[27] *UK Anti-Corruption Plan* (2014), Home Office, Section 8.1
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf

lot depends on the individual. Which brings us to Eric Pickles. Where does he stand on the issue of corruption? It's a mixed picture.'[28]

The Pickles era did, however, see some significant advances. First and foremost was the more institutionalised acceptance of the view that the role should not be restricted to international issues. Although this was written into the Anti-Corruption Plan, Pickles was the first Champion whose public speeches and interaction with stakeholders reinforced this view. Secondly, he was in post during the London Anti-Corruption Summit of May 2016. Although he was not personally prominent, he played a role both before and after in liaising with external stakeholders, notably civil society organisations.

Pickles also co-chaired the newly-formed Inter-Ministerial Group on Anti-Corruption announced in the 2014 Action Plan, which had taken on a new importance once the Prime Minister and No10 sent out the signals that they wanted a joined-up approach across government to tackling corruption.

Of course, during the Pickles era as Champion, the Brexit referendum led to a change in Prime Minister. As a former Cabinet colleague and Chair of the Conservative Party, Pickles had worked closely with Theresa May, and he was keen to emphasise the continuity with the Cameron policies on corruption:[29]

'So, while there may have been considerable political upheaval since the London Anti Corruption Summit in May, make no mistake. This government is absolutely committed to tacking corruption, money laundering and economic crime, working in partnership with the City and British businesses to identify risks, raise standards, and promote a level playing field globally.

'As we seek to make a success of Brexit; forge a bold, new positive role for ourselves in the world, tackling corruption and money laundering at home and abroad will be a top priority.

'Corruption undermines trust and confidence in governments and in business. Around the world, huge sums of money that should be spent on vital public services - roads, schools and hospitals - end up in secret bank accounts, or spent on super-mansions and yachts instead. Such private gain, hollowed out of the public good, is an affront to social justice.'

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[28] Barrington, R (May 13 2015). *The Government's new Anti-Corruption Champion: Time for Action*, Transparency International blog
https://www.transparency.org.uk/governments-new-anti-corruption-champion-exciting-appointment-or-damp-squib/

[29] *Sir Eric Pickles speech on tackling corruption*, October 14 2016
https://www.gov.uk/government/speeches/sir-eric-pickles-speech-on-tackling-corruption

Despite this loyal message of continuity, it was by no means clear whether the change of Prime Minister from David Cameron to Theresa May would also signal a change in appointee or brief of the Anti-Corruption Champion. A report from the International Development Committee of October 2016 noted:[30]

'The appointment (or reappointment) of the Anti-Corruption Champion has yet to be announced following the Government reshuffle earlier this year. In answer to a parliamentary question raised by Jonathan Ashworth MP on 18 July 2016, the Minister for the Cabinet Office, Rt Hon. Ben Gummer MP, stated: "The Prime Minister will consider all such appointments, including that of the anti-corruption champion, in due course."

Pickles was duly re-appointed, and after an excursion into a project on electoral fraud,[31] his final success was the introduction of Unexplained Wealth Orders in the Criminal Finances Act 2017. This was a measure which he had personally championed both within government and externally – as early as October 2015 making a public speech with the promise: 'London will not be a place where blood-stained dictators can spend out their twilight years.''[32]

Pickles lost the Anti-Corruption brief in 'spring 2017' according to his government profile,[33] presumably when the General Election was called in May 2017. Although JACU's role was to continue, there was another long gap in the appointment of a new Champion – in fact the longest gap to date, at six months.

Eventually, in December 2017, after pressure from Parliament[34] and civil society[35] to publish the national Anti-Corruption Strategy that had been promised for December 2016, both the Strategy and the name of the new Champion were published.[36]

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[30] *Tackling corruption overseas* (2016), International Development Committee, House of Commons, para 48 https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf

[31] *United Kingdom Anti-Corruption Strategy 2017-22* (2017), HM Government, p.44 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf

[32] Barrington, R (October 8 2015*). What the Champion Told Us*, Transparency International UK blog https://www.transparency.org.uk/what-the-champion-told-us/

[33]*The Rt Hon Lord Pickles, Biography* accessed January 3 2020 https://www.gov.uk/government/people/eric-pickles– updated *Biography* accessed May 16 2020 removes references to holding Anti-Corruption Champion post https://www.gov.uk/government/people/eric-pickles#announcements; incorrectly listed on Wikipedia as December 2017 https://en.wikipedia.org/wiki/Eric_Pickles

[34] *Hansard*, July 10 2017, vol 783 https://hansard.parliament.uk/Lords/2017-07-10/debates/AC79B502-067B-4E0F-8F05-417B61E638B1/Anti-CorruptionStrategy

[35] *As UK negotiates Brexit, Anti-Corruption Strategy more vital than ever* (September 19 2017). Transparency International UK press release https://www.transparency.org.uk/press-releases/as-uk-negotiates-brexit-anti-corruption-strategy-more-vital-than-ever/

[36] *United Kingdom Anti-Corruption Strategy 2017-22* (2017), HM Government https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/

Penrose

John Penrose was a surprise appointment, but had a positive start by organising a public launch of the Anti-Corruption Strategy 2017-22. He was not (yet) a Government Minister, and his sole previous intervention on the subject had come in replying for the Government during a Westminster Hall debate on the London Anti-Corruption Summit in May 2016.[37]

Penrose viewed his role as follows: 'Broadly speaking, at a very high level, my role is to support and challenge the Government's efforts in this area. I put equal weight on those two elements.'[38] Despite the frequent changes of ministerial personnel during the May and Johnson premierships, and briefly becoming a Minister for Northern Ireland en route, Penrose managed to retain his brief as Anti-Corruption Champion, bringing continuity to the role at a time when there were frequent changes elsewhere in Government.

This was not a fertile period for Government policy on corruption, but the advantage of having the five-year strategy from 2017 in place became evident, as the Government had made public commitments, including a commitment to report annually on progress. Penrose's role was to oversee this and keep up the UK's profile in international forums at a time when international scrutiny over Brexit might naturally lead to questions about the UK's continuing commitment.

Penrose's most informative public appearance as Anti-Corruption Champion to date came in July 2018, with his appearance before the House of Lords Select Committee undertaking post-legislative Scrutiny on the Bribery Act. His description of the role, accountability and day to day operation are a useful source for information that had previously needed to be inferred due to the consistent lack of transparency about the role.

Transparency International had noted, on the appointment of Penrose, that 'One lesson from the past fourteen years has been that what most counts is the interest and energy of the individual office-holder.'[39] In addition to his obvious role of monitoring the implementation of the Strategy 2017-22, Penrose apparently brought just such interest and energy, notably in pursuing the global campaign to create public registers of beneficial

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6_3323_Anti-Corruption_Strategy_WEB.pdf; *Transparency International gives qualified welcome to new UK Anti-Corruption Strategy* (December 11 2017), Transparency International UK press release https://www.transparency.org.uk/press-releases/transparency-international-gives-qualified-welcome-to-new-uk-anti-corruption-strategy/

[37] *Hansard,* May 3 2016, vol 609 https://hansard.parliament.uk/Commons/2016-05-03/debates/1605032000001/Anti-CorruptionSummit

[38] John Penrose oral evidence to House of Lords Select Committee on Bribery Act July 2018*: Select Committee on The Bribery Act 2010 Collated Oral Evidence Volume* (2018) House of Lords, pp.24ff https://www.parliament.uk/documents/lords-committees/Bribery-Act-2010/BA-Oral-evidence-volume.pdf

[39] Barrington, R (January 25 2018). *What does the UK's Anti-Corruption Champion do?* Transparency International UK blog https://www.transparency.org.uk/what-does-the-uks-anti-corruption-champion-do/

ownership.[40] It is possible this issue in particular had a further resonance for Penrose, a supporter of Brexit and undoubtedly aware that the UK would be needing a level playing field in such matters across the world if it were to benefit from new trade relationships. Penrose would not have been alone in seeing the wider strategic significance of tackling corruption; all of the UK's anti-corruption plans and strategies to date have made no secret of the fact that they first and foremost exist due to the national interest. Political will with regard to tackling corruption for its own sake may ebb and flow; but national security, economic prosperity and social well-being are constants.

The General Election of December 2019 once again brought a hiatus and uncertainty about what would happen to the Champion's role, although by this time its continued existence was at least an underlying assumption of the Anti-Corruption Strategy 2017-22 launched two years earlier by Penrose:[41]

'The Prime Minister's Anti-Corruption Champion will take responsibility for helping drive delivery of the strategy as well as representing the government's anti-corruption agenda in the UK and internationally.'

However, true to form, it took a month after the General Election for the Johnson Government to confirm that the role of Anti-Corruption Champion would continue, and that it would be filled by Penrose. The appointment was not publicly announced, but quietly made known to civil society. This followed the previous pattern, in which the personal patronage of the Prime Minister for this position was exercised long after the bulk of official appointments were confirmed.

3. Status

A recurring theme in recent years regarding the Champion has been what level of Government the post should be attached to. This first surfaced as a concern in the Clarke era, when his switch in main job from Secretary of State for Justice to Minister without Portfolio meant that for the first time the Champion role was not held by a Cabinet Minister. The status gradually declined thereafter, to a Minister attending Cabinet (Hancock), then a former Cabinet Minister not attending Cabinet (Pickles) to an MP with no ministerial position (Penrose).

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[40] Hirst, N (October 25 2018). *John Speaks on Beneficial Ownership Transparency*, johnpenrose.org blog http://johnpenrose.org/wp/2018/10/25/john-speaks-on-beneficial-ownership-transparency/

[41] *United Kingdom Anti-Corruption Strategy 2017-22* (2017), HM Government, p.10 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf

The report from the International Development Committee of October 2016 noted:[42]

'Although we understand that non-Cabinet members may have more time to dedicate to the post, we agree with the view that a Cabinet-level appointment to the post of Anti-Corruption Champion would enable them to exert greater influence and ensure more effective coordination at the highest levels of Government…We believe that this position should be a Cabinet-level appointment. A Cabinet-level Champion would be able to exert more influence, encourage a coordinated approach and ensure that anti-corruption efforts remain a key priority at the highest levels of Government.'

This point was also picked up by the Lords Committee on the Bribery Act in March 2019:[43]

'Ensuring that the Government's Anti-Corruption Champion is a sufficiently high-level office-holder, with appropriate access to other ministers and senior officials, is crucial for ensuring that decisions relating to corruption are acted on and seen through to completion. We believe that the right individual should be a minister to have the necessary influence to act as the Government's Anti-Corruption Champion, and should be provided with the appropriate support and resources.'

Transparency International has also periodically made this point – while also noting that 'the interest and energy of the individual office-holder' is also what has made the difference to the role's effectiveness.[44]

Alongside the changing status of the Champion, the civil service support mechanism, JACU, has also been moved from the Cabinet Office to the Home Office. Before JACU's creation, the Champion's supporting civil servants periodically moved around departments, giving rise to problems of remit, resources and marginalisation. A home in the Cabinet Office gave it a cross-government convening and coordinating hue that is diminished by being out of the Cabinet Office. The JACU team continues to be very well regarded both inside and outside the civil service; and there is a logic to having a base at the Home Office. But like the Champion's own role, there is the inescapable perception of a downgrade in priority.

The question of the Champion's status may have mattered less when the Prime Minister was taking a personal interest, and JACU was located in the Cabinet Office. However, at face value, successive occupants (see Box 1) seem to have had diminishing power and influence alongside diminishing status.

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[42] *Tackling corruption overseas* (2016), International Development Committee, House of Commons, paras 50, 53 https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf

[43] *The Bribery Act 2010: post-legislative scrutiny* (March 2019). House of Lords Select Committee on the Bribery Act 2010, para 115 https://publications.parliament.uk/pa/ld201719/ldselect/ldbribact/303/303.pdf

[44] See above note 42

4. Terms of Reference: what does the Anti-Corruption Champion do?

What does the Anti-Corruption Champion actually do? This has been shrouded in opacity over the years. Parliament[45] and civil society[46] have repeatedly pressed the Government to publish terms of reference, and the Government has steadfastly refused. Most of what is known has been the result of Parliamentary Questions, high-level phrases in submissions to international evaluations and Government responses to parliamentary Committees, in particular the excellent work by the International Development Committee. Quite why the Terms of Reference needed to be secret is unclear; the suspicion must be that they never really existed, and the Government never thought the post important enough to require them.

The December 2014 Anti-Corruption Action Plan described the role as follows:[47]
'The role of the Government Anti-Corruption Champion is a personal appointment of the Prime Minister. The Champion will be supported by the new Cabinet Office unit to take on a strengthened role in overseeing the Government response to both domestic and international corruption. The main elements of the Champion's role are:

- Scrutinising the performance of departments and agencies, as co-chair of the Inter-Ministerial Group on Anti-Corruption;
- Responsibility, along with Home Office Ministers, for approval of the UK's Anti-Corruption Plan and for parliamentary and public accountability of the Government's performance against the Plan;
- Responsibility, along with other Ministers, for leading the UK's push to strengthen the international response to corruption; and
- A mandate to engage with external stakeholders, including business and civil society organisations.'

This description forms the template for the future official descriptions, although it was sufficiently lacking in clarity that parliamentarians and civil society organisations continued to ask for more detail - but without success. For example, in a 2016 answer to the Parliamentary Question: 'what are the remit and terms of appointment of the anti-corruption champion, and what staffing and financial support arrangements have been put

[45] For example, Written question HL1957 asked by Lord Hughes of Woodside on 15 September 2016 https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2016-09-15/HL1957/
[46] Barrington, R (January 25 2018). *What does the UK's Anti-Corruption Champion do?* Transparency International UK blog https://www.transparency.org.uk/what-does-the-uks-anti-corruption-champion-do/
[47] *UK Anti-Corruption Plan* (2014), Home Office, para 8.2 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf

in place to assist him in carrying out his duties?'[48] the Government response revealed no more:

'The Anti-Corruption Champion, Sir Eric Pickles, is a personal appointment of the Prime Minister. The main elements of the Champion's role were set out in the UK's Anti-Corruption Action Plan and include: scrutinising the performance of departments and agencies, as co-chair of the Inter-Ministerial Group on Anti-Corruption; responsibility, along with Home Office Ministers, for approval of the UK's Anti-Corruption Plan and for parliamentary and public accountability of the Government's performance against the Plan; responsibility, along with other Ministers, for leading the UK's push to strengthen the international response to corruption; and a mandate to engage with external stakeholders, including business and civil society organisations. The Champion is supported by the Joint Anti-Corruption Unit.'

Box II Evolution of the Anti-Corruption Champion's Terms of Reference

There are five key developments in the official descriptions of the Anti-Corruption Champion's role between 2014 (Anti-Corruption Action Plan) and 2017 (UNCAC submission and Anti-Corruption Strategy 2017-22):
i) a remit to 'challenge' and not just 'scrutinise';
ii) specific coordination in relation to 'organised crime and wider economic crime';
iii) 'represent the UK at relevant international fora';
iv) engaging a wider group of external stakeholders;[49]
v) 'making sure that their concerns are taken into consideration in the development of government anticorruption policy.'

Importantly, one element that was *removed* in the 2017 version is accountability – the 2014 version specifying 'parliamentary and public accountability of the Government's performance against the Plan.'

A significant change in the Pickles era around 2015, drawing on Hancock's 2014 Anti-Corruption Plan, was the acknowledgement that the brief should cover corruption within the UK, and not simply corruption overseas.

Since 2017, the picture has become marginally clearer. The evolving formulation first articulated in 2014 was formalised in the 2017 submission by the UK Government to the UNCAC review - though for reasons unknown, not in the Strategy published the next

[48] Response on behalf of Government by Baroness Chisholm of Owlpen on 28 September 2016 to Parliamentary Question by Lord Hughes of Woodside HL1957 https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2016-09-15/HL1957/

[49] Civil society was specified for engagement by the Champion in both the 2014 and 2017 iterations

month.[50] The UNCAC submission contained, for the first time, a form of official job description for the Champion, albeit closely following the 2014 formulation (but without the commitment to accountability):

'The Prime Minister's Anti-Corruption Champion is a personal appointment of the Prime Minister. The Champion is supported by JACU in overseeing the Government's response to both domestic and international corruption. The main elements of the role are to:

- Scrutinise and challenge the performance of departments and agencies.
- Lead the UK's push to strengthen the international response to corruption and to represent the UK at relevant international fora.
- Engage with external stakeholders, including business, civil society organisations, parliamentarians, and foreign delegations making sure that their concerns are taken into consideration in the development of government anticorruption policy.'

This brief formulation has now become the standard description of the Champion's role – for example, on the Anti-Corruption microsite that has been created on the Government website, owned by the Home Office.[51]

The Anti-Corruption Strategy 2017-22 is longer but less precise than the submission to UNCAC the month before:[52]

'The Prime Minister's Anti-Corruption Champion, John Penrose MP, will challenge and support the government in implementing the strategy. He will also help to bolster UK efforts on organised crime and wider economic crime, and advocate for stronger international action against corruption.'

'The Prime Minister's Anti-Corruption Champion will take responsibility for helping drive delivery of the strategy as well as representing the government's anti-corruption agenda in the UK and internationally.'

'Across government we will ensure that our efforts are joined up in the following ways…The Prime Minister's Anti-Corruption Champion will take responsibility for helping drive delivery of the strategy as well as representing the government's anti-corruption agenda in the UK and internationally.'

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[50] *United Nations Convention Against Corruption UK Second Cycle Review* (2017). United Nations Office on Drugs and Crime, pp.7-8 https://www.unodc.org/documents/treaties/UNCAC/SA-Report/2018_01_09_UK_SACL.pdf

[51] *Prime Minister's Anti-Corruption Champion John Penrose MP* https://www.gov.uk/government/people/john-penrose

[52] *United Kingdom Anti-Corruption Strategy 2017-22* (2017), HM Government, Introduction, p.5, pp.66-67 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf

'The Anti Corruption Champion will play an important role in enabling more proactive engagement with the private sector and civil society. We will especially do this where it helps to promote open and inclusive societies.'

A less formal elaboration came from the Penrose evidence to the Lords Committee on the Bribery Act in 2018, which describes how he allocates time within the role:[53]

'Roughly speaking, it means that I spend quite a lot of time with the Joint Anti-Corruption Unit—which used to be in the Cabinet Office and is now in the Home Office—going through the 130 or so action points and deliverables in the UK anti-corruption strategy... Somebody somewhere has to track progress and where we are, either ahead of or behind the due dates for the deliverables, and chase people if that is not happening. That needs to happen to co-ordinate this across government. That is what at least half of this role is, with people in the Joint Anti-Corruption Unit. I guess that the other part of the role is the challenge that this field does not stand still…Therefore, part of the job is simply to look upwind and say, "This is changing. We may be in danger of becoming out of date here or there. Should we be doing more in the other areas?" … My final point is that I am not an investigator or a prosecutor. I do not take up individual cases. Obviously, that needs to be left, quite rightly, to independent prosecutors and investigating agencies. If we start to get into the details of individual cases or particular prosecution rates and that sort of stuff, I may need to defer to their independent expertise. I think that covers it...'

It is notable that although he had previously told the Committee that half of his role is to 'challenge', he does not mention this explicitly in describing the job, although it may be implicit in his remit to 'chase people' when actions in the Strategy are 'not happening'. This, of course, anchors the 'challenge' firmly to what was already planned rather than what else should be done.

However, as Penrose has demonstrated with his energetic global campaign on Beneficial Ownership Transparency, the role is about the attitude of the incumbent as much as the Terms of Reference. The report from the International Development Committee of October 2016 noted:[54]

'Transparency International has in the past outlined what it believes makes a good Champion: "a willingness to pick up the brief, to form a plan, to articulate the plan internally and externally, to be accountable; and above all an ability to get things moving in a

[53] *Select Committee on The Bribery Act 2010 Collated Oral Evidence Volume* (2018) House of Lords, p.24 https://www.parliament.uk/documents/lords-committees/Bribery-Act-2010/BA-Oral-evidence-volume.pdf
[54] *Tackling corruption overseas* (2016), International Development Committee, House of Commons, para 46 https://publications.parliament.uk/pa/cm201617/cmselect/cmintdev/111/111.pdf

coordinated way across government, since anti-corruption activities are split among so many departments".'

5. Conclusions and recommendations

The role of Anti-Corruption Champion has developed over the fourteen years it has existed, and in some very positive ways. There have been incumbents who did little or nothing; there have been incumbents who took the role seriously, and moved things forward. The UK's international standing on the issue of corruption has increased markedly since the murky days of the BAE Systems scandal, and the UK has made progress both domestically and internationally – four highlights being the Bribery Act, the commitment to Beneficial Ownership transparency, the national Anti-Corruption Strategy and the introduction of Unexplained Wealth Orders. Political will has also fluctuated, reaching a high point under David Cameron in his truncated second term as Prime Minister, and this has inevitably affected the influence and effectiveness of the Anti-Corruption Champion.

To some extent, it is a surprise that the role has continued. It was ad-hoc and reactive in its creation, and the fluctuating political support and long gaps between appointments could easily have led to the role being quietly abolished. However, a couple of things make this difficult: there is scrutiny from civil society, and so an abolition of the post would not be quiet; and more importantly, given the absence of any other mechanism in the UK government for overseeing its anti-corruption response, it would raise a number of awkward questions about who is responsible for what and how well they are doing.

The five most positive developments of the role itself have been:

- Broadening the remit to encompass domestic as well as overseas corruption
- Arming the Champion with a national Anti-Corruption Strategy
- Providing more consistent and appropriate levels of civil service support with the creation of the Joint Anti-Corruption Unit
- Gradually engaging with civil society, both at the level of the Champion, and via JACU
- Developing a more formal description of the role, including the remit to scrutinise and challenge, and not simply act as a mouthpiece for government policy.

Yet there remains a need for a wider debate about whether the role of Anti-Corruption Champion is the right answer to the question of how the UK should plan, coordinate and implement its response to corruption. By default, much of that responsibility seems to fall on the Champion's shoulders, as no other area of government takes ownership of the issue. However, much remains unclear about the Champion's rights and responsibilities with regard to the multi-agency approach that the UK has selected to fulfil its obligations under multiple international conventions and domestic plans and strategies. Is the Champion

meant to be the conductor of the UK's anti-corruption orchestra – and if not, who is? And if the Champion is not the conductor, how does he most effectively interact with the conductor(s) when the post is not at Cabinet or ministerial level, the civil service team has been moved out of the Cabinet Office, and the Champion is not a member of certain key government committees?

Setting aside the wider question of the UK's anti-corruption governance, and given the position exists, the immediate challenge is to ensure that the position functions as well as possible.

Despite the positive developments, there are some structural flaws which date from the way in which the role was originally created, that mean even a talented and energetic incumbent has at least one hand tied.

Too many areas around a role of this importance have been, and remain, vague and ad-hoc. It has often been vacant for months on end, sending poor signals about its importance. There has been a severe lack of transparency about how it functions and – at times – who is in post. Terms of Reference have only become apparent very recently, and they are brief and entirely insubstantial in relation to the magnitude of the task. The civil service team has been impermanent and moved around between departments, often separated from their notional Minister. The post of Champion has been downgraded from Cabinet level, and the accountability has been voluntary, sporadic and exercised through written reports that have not been properly subjected to parliamentary scrutiny. The role is (ironically) appointed through old-fashioned prime ministerial patronage which sits badly with the subject it is meant to cover, and creating a patron-client conflict of interest with regard to the scrutiny and challenge that are an important part of the job.

To make the Anti-Corruption Champion role fit for purpose, five key areas need to be addressed:

1. ***Terms of Reference:*** create and publish adequate Terms of Reference;
2. ***Status***: respond to the Lords Committee recommendations that the role should be at Cabinet or Ministerial level; and related to this, consideration should be given to re-locating JACU within the Cabinet Office;
3. ***Accountability***: formalise the accountability mechanism for the role and the discharge of its duties, and allow proper parliamentary scrutiny of this;
4. ***Institutionalising the role***: remove the highly inappropriate element of Prime Ministerial patronage by institutionalising it, and ensuring there is a swift re-appointment when the role is vacant;
5. ***Transparency***: remove unnecessary secrecy – for example, over the name and date of appointment of the Champion and the membership of the Inter-Ministerial Group on Anti-Corruption that the Champion co-chairs.

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