



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

Rt Hon Angela Rayner MP
Deputy Leader, Shadow Chancellor of the Duchy
of Lancaster and Shadow Secretary of
State for the Future of Work
By email

24 January 2022

Dear Angela

I write today, with an update to my letter of 9 December 2022.

I wrote to Mr Steve Brine MP to clarify the position with his role at Sigma Pharmaceuticals (Sigma) and two other roles he consulted ACOBA on - with Microlink and Remedium Partners.

This exchange of correspondence is enclosed below, with the correspondence referring this matter to the Cabinet Office, as owner of the government's Business Appointment Rules (the Rules).

Please also find attached the advice ACOBA provided to Mr Brine in relation to his roles at Microlink and Remedium Partners.

All correspondence on this matter will be published on ACOBA's website in line with our commitment to transparency.

Best wishes

The Rt Hon Lord Pickles

**Annex A - Correspondence to the Cabinet Office, enclosing correspondence between
the Rt Hon Lord Pickles and Mr Steve Brine MP**



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G/08 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://acoba.independent.gov.uk>

The Rt Hon Steve Barclay MP
Chancellor of the Duchy of Lancaster and Minister for Cabinet Office

24 January 2022

Dear Steve

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (the Committee) to bring your attention to the correspondence I have exchanged with Mr Steve Brine MP, enclosed.

The Business Appointment Rules (the Rules) are set by the government, with the policy owned by the Cabinet Office. The Committee is independent, with a remit to consider applications received under those Rules, consider the risks and advise on the conditions that should apply.

It was reported in recent press articles¹ that Mr Brine had made contact with the government on behalf of Sigma Pharmaceuticals (Sigma). Mr Brine had approached the Committee retrospectively and had not received advice on this role.

The government's Rules (and any advice offered as a result) include provisions which seek to prevent any reasonable suggestion that a former minister's employer may be

¹ <https://www.mirror.co.uk/news/politics/boris-johnson-faces-new-sleaze-25617323>
<https://www.thetimes.co.uk/article/right-on-rayner-finally-becomes-right-hon-as-well-mmd05wvxb>

offered unfair access or influence within the government as a result of their former role. As you will see from the correspondence enclosed, I have no doubt Mr Brine believed contacting the government on Sigma's behalf was appropriate and you might wish to take this into consideration when formulating your view of the matter.

However, I consider there is a reasonable concern that his direct engagement with the then Minister for COVID Vaccine Deployment during the pandemic was only made available to Sigma as a direct result of Mr Brine's time as a minister at the Department for Health and Social Care (DHSC). I do not consider it was in keeping with the letter or the spirit of the government's Rules for a former minister at DHSC to contact a minister with responsibilities for health on behalf of a pharmaceutical company which pays him.

I am growing increasingly concerned that not all former Ministers of the Crown are sufficiently clear on the various standards of behaviour, rules and legislation that are incumbent on them. The government's Business Appointment Rules administered by departments and the Committee relate to conflicts presented by an individual's previous role in government and are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. You will see from Mr Brine's correspondence that he has confused advice in relation to 'consultant lobbying' and the Rules. Having met with the Registrar in November 2021, I understand that some individuals have recently sought to draw on the government's Business Appointment Rules and related advice in relation to the duties incumbent on them under the lobbying legislation².

The Committee's advice letters will now make explicit reference to a former minister's responsibility to understand any other rules and regulations they are subject to in parallel with the Committee's advice. I understand the Registrar of Consultant Lobbyists will also be adding some clarification text to the Registrar's formal guidance when it is next reissued.

It is the Committee's policy to act transparently, including making public any failure to follow the Rules, or the Committee's advice, that it is made aware of. It is now a matter for you to decide what appropriate action to take.

Yours ever
Gwir Piddees

² The Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014: <https://www.legislation.gov.uk/ukpga/2014/4/contents/enacted>

The Rt Hon Lord Pickles

Copied to: Darren Tierney, Director general, Propriety and Ethics; and Lord True CBE, Minister of State, Cabinet Office.

Annex - Correspondence between Mr Steve Brine MP and the Rt Hon Lord Pickles



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Email: acoba@acoba.gov.uk
Website: <http://www.gov.uk/acoba>

24 January 2022

Steve Brine MP
House of Commons
London
SW1A 0AA
By email

Dear Mr Brine

Thank you for your response to my letter as Chair of the Advisory Committee on Business Appointments (ACOBA) dated 21 December 2021. Our previous correspondence is attached below.

You confirmed you asked the then Minister for COVID Vaccine Deployment to attend a public event organised by Sigma Pharmaceuticals (Sigma) in February 2021; the Minister was informed the event was being hosted by you, on behalf of Sigma when he agreed to attend.

You confirmed that separately, the Office of the Registrar of Consultant Lobbyists had looked into this contact and concluded you had not carried out 'unregistered consultant lobbying'. You further stated '*no lobbying on behalf of Sigma took place, neither was I*

making use of Ministerial contacts to influence Government policy or secure business on behalf of Sigma'.

The lobbying legislation³ administered by the Office of the Registrar of Consultant Lobbyists and the government's Business Appointment Rules administered in departments and by ACOBA impose different obligations and affected parties must comply with both separately. As a former minister it is your personal responsibility to understand any other rules and regulations you may be subject to in parallel with your obligation to seek advice from ACOBA under the government's Rules.

I have no doubt you believed this type of contact with a serving minister on behalf of the company which employed you was appropriate. It was not, the Rules are a set of principles that exist to protect the integrity of government. The Rules (and any advice offered as a result) include provisions seeking to prevent any reasonable suggestion that a former minister's employer may be offered unfair access or influence within the government as a result of their former role.

Your contact with the then Minister for COVID Vaccine Deployment, during the pandemic response, raises a reasonable concern that direct engagement with the Minister was only made available to Sigma as a direct result of your time as Parliamentary Under Secretary of State for Public Health and Primary Care. The material consideration is the privileged access you obtained for Sigma, not the commercial value of that specific engagement.

In line with the Committee's policy of transparency, correspondence on this matter will be published on our website; and this letter will be copied to the Cabinet Office, as the owner of the Rules. I will bring the government's attention to the separate rules administered by other bodies - such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards.



The Rt Hon Lord Pickles

³ The Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Act 2014: <https://www.legislation.gov.uk/ukpga/2014/4/contents/enacted>



HOUSE OF COMMONS
LONDON SW1A 0AA

The Rt Hon Lord Pickles
By email acoba@acoba.gov.uk

21 December 2021

Dear Lord Pickles,

Thank you for your further letter, dated 17 December 2021.

I do appreciate that the delay in consulting ACOBA on Sigma was my error. I made a mistake, by a few weeks, and can only apologise again for poor admin on my part. I would simply re-state that there was clearly no attempt here to conceal such interests from the public, which was registered in the Register of Members Financial Interests to ensure that this was in the public domain.

With regards to the clarifications you have requested, I can answer your questions as follows:

1. Yes
2. Yes
3. No

I might also take this opportunity to inform you that having been contacted by the Office of the Registrar of Consult Lobbyists in relation to this matter, the conclusion of the Registrar was that "Mr Brine did not conduct unregistered consultant lobbying". So I would confirm again that no lobbying on behalf of Sigma took place, neither was I making use of Ministerial contacts to influence Government policy or secure business on behalf of Sigma. Indeed, Mr Zahawi was not even a Minister at DHSC when I was a Minister there and was, from memory, at the time of this webinar being serviced out of his office at BEIS as he was a 'shared' Minister given the national emergency at that time.

I wish you and your team a Merry Christmas and a Happy New Year.

Yours sincerely,

A handwritten signature in blue ink that reads "Steve Brine".

Steve Brine MP

Steve Brine MP

Winchester & Chandler's Ford

Tel: 020 7219 7189 □ email: steve.brine.mp@parliament.uk

www.stevebrine.com



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17 December 2021

Steve Brine MP
House of Commons
London
SW1A 0AA
By email

Thank you for your response to my letter as Chair of the Advisory Committee on Business Appointments (ACOBA) dated 9 December, in which you provided additional context regarding your role at Sigma Pharmaceuticals (Sigma). This is attached below.

You have apologised for the miscommunication in relation to your role with Sigma. However you write that you were never 'advised to step back from the role'. To be clear, it is not ACOBA's role to ask individuals to accept or step down from any particular role. It is an applicant's personal responsibility to manage the propriety of any appointment. The Ministerial Code and the government's Business Appointment Rules make it clear that advice must be sought before accepting or announcing a new role. This allows individuals to receive and consider advice without prejudice before taking on a role that may present risks under the government's Rules. That cannot happen where someone is already employed or retained by a company.

You also provided clarification around your contact with government Ministers, confirming it was only in relation to taking part in publicly accessible webinars organised by Sigma and hosted by you. This included one in February 2021 with the then Minister for COVID Vaccine Deployment. You further confirmed that you have not lobbied a government minister on behalf of Sigma, nor did the company ever ask you to do so.

I wanted to clarify:

1. If it was you personally who asked the then Minister for COVID Vaccine Deployment to attend this public event organised by Sigma in February?
2. if the Minister was informed the event was being hosted by you, on behalf of Sigma when he agreed to attend?
3. have you had contact with any (non ministerial) government officials on behalf of Sigma?

In line with our commitment to transparency, we will be publishing the exchange of correspondence on this matter. Please reply by Thursday 23 December 2021.

Sir Pickles

The Rt Hon Lord Pickles



HOUSE OF COMMONS
LONDON SW1A 0AA

The Rt Hon Lord Pickles
By email acoba@acoba.gov.uk

14 December 2021

Dear Lord Pickles,

Thank you for your letter dated 9 December asking me to clarify ACOBA's understanding around external roles taken up after I had left Government.

I would be only too happy to provide something which can be published along such; and have addressed your points in turn:

- 1) I can confirm that I did not receive advice from ACOBA about taking up a role with Sigma. Having contacted ACOBA regarding the appointment, I was not informed that advice would not be forthcoming, or that I should step back from the role. I do, of course, have all corresponding email documentation to support such. There was clearly a miscommunication between myself and ACOBA regarding this appointment, for which I can only apologise.
- 2) I am happy to clarify that the contact I had with Government Ministers involving Sigma was simply to invite them to take part in publicly accessible webinars, organised by Sigma and hosted by me. At no time during these webinars, or on any other occasion, have I been in communication with a Government Minister to lobby on behalf of Sigma, nor did they ever ask.

I hosted the webinar with Sigma Pharmaceuticals on 10 February 2021, and the Rt Hon Nadhim Zahawi MP took part as a guest as the, then, Vaccine Deployment Minister. The webinar was a public event, at which Minister Zahawi gave an update on the vaccine programme to community pharmacists and took the opportunity to thank them for all their hard work during the COVID-19 pandemic. The webinar was broadcast live on YouTube, and remains available to view on the platform.

Steve Brine MP
Winchester & Chandler's Ford
Tel: 020 7219 7189 □ email: steve.brine.mp@parliament.uk
www.stevebrine.com

In the interests of full transparency, on 23 June 2021, in one of his last engagements as Secretary of State for Health & Social Care, the Rt Hon Matt Hancock MP, also took part in a webinar with Sigma, hosted by me. He talked about the new Health Bill, the role played by Community Pharmacy during the pandemic, including the vaccination programme, and took the opportunity to pass his thanks on to the sector. Again, this was a publicly available webinar and remains available to view on YouTube.

Finally, on 20 July 2021, I hosted a Sigma webinar with backbench parliamentarians focusing on the new Health Bill. Taking part were the Rt Hon Jeremy Hunt MP, Chair of the Health and Social Care Committee, Jackie Doyle-Price MP, Chair, All Party Pharmacy Group and Alex Norris MP, Shadow Minister Health and Social Care. The discussion focused on the new Health Bill. Again, this was open to the public and remains available to view on YouTube.

- 3) Having consulted ACOBA on 16 May 2019 regarding taking up a post with Remedium, I received the Committee's advice 19 July 2019, and my role with Remedium commenced on 10 September 2019 and concluded on 28 February 2020. I also contacted ACOBA on 15 June 2020 regarding returning to work with them, received advice on 18 June 2020 and recommenced my relationship with Remedium on 1 July 2020.
- 4) I can confirm that the role with Microlink was taken up on 10 October 2019.

There has never been any intention on my part to mislead ACOBA, and indeed I have recorded all my external earnings on the Register of Members Financial Interests, as laid out in the Code of Conduct for Members of Parliament. At no time had I added to my Register of Interests that I had consulted ACOBA before I made contact with the Committee and have, in writing, confirmation from the Registrar that all advice was followed.

More widely, I feel it is important to point out that any attempts in the media designed to smear Members of Parliament demean the entire political process and the reputation of decent people. At all times I have acted with respect for the, albeit often complex, rules that rightly exist to regulate any outside interests we have.

Finally, I would add that (as my Register records) my role with Sigma ended in November 2021 because they no longer have a requirement for online webinars and that is now reflected in the latest publication of the Register.

Yours sincerely,



Steve Brine MP



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9 December 2021

Steve Brine MP
House of Commons
London
SW1A 0AA
By email

I am writing to you in my capacity as Chair of the Advisory Committee on Business Appointments (ACOBA) about your role with Sigma Pharmaceuticals (Sigma) which has been brought to my attention by recent press coverage, and in particular reports you had contact with the government whilst representing Sigma.

The Business Appointment Rules, which apply as a result of the Ministerial Code, set out that ministers must not lobby government on behalf of their employers for two years after leaving office. It is this which has resulted in a number of enquiries to ACOBA about your role with Sigma and other roles which you consulted ACOBA on. I am therefore writing to clarify the position and would be grateful if you could remove any confusion on these matters by answering a few questions which I set out below.

1. Although you contacted ACOBA about taking up a role with Sigma, you did so after being retained by Sigma. This is a breach in the Rules and applications are not usually accepted in these circumstances. You also subsequently contacted the Secretariat in September 2020 about resuming employment with Sigma, leading the team to believe you had already received advice on this case. Please confirm that you did not receive advice from ACOBA on Sigma, or supply a copy of that advice.
2. It is reported⁴ you had contact with government whilst representing Sigma, a company with which you were retained and paid by. I am therefore writing to ask you about the circumstances around this contact, which occurred whilst you were still subject to the government's Business Appointment Rules and whether it might be construed as lobbying?

⁴ <https://www.mirror.co.uk/news/politics/boris-johnson-faces-new-sleaze-25617323>
<https://www.thetimes.co.uk/article/right-on-rayner-finally-becomes-right-hon-as-well-mmd05wvxb>

3. You consulted and received advice from ACOBA in relation to a role with Remedium Partners, though a search of the records does not confirm when this was formally taken up or announced - can you confirm when you took up that role?
4. You also received advice in relation to an appointment with Microlink. However, there is some inconsistency about when this was taken up, having submitted the application on 25 October 2019, and received advice the following month in November 2019. However, I note this is registered on your entry in the House of Commons' Register of Interest as commencing on 10 October 2019. I would be grateful for the clarification on that point.

In line with our commitment to transparency, we will be publishing correspondence on this matter. To allow us to clarify this matter swiftly, if you wish your explanation to be published alongside this letter, please reply by Thursday 16 December 2021.



The Rt Hon Lord Pickles

Annex B - advice letters in respect of Remedium Partners and Microlink



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

July 2019

1. You sought the Committee's advice about taking up an appointment with Remedium Partners.

The Committee's role and remit

2. As you will be aware, it is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:
 - a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
 - b) an employer could make improper use of official information to which a former Minister has had access; or
 - c) there may be cause for concern about the appointment in some other particular respect.
3. When the Committee considers applications, it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.
4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The Application

5. You sought the Committee's advice on taking up a role as an Advisor with Remedium Partners (Remedium).
6. Remedium is a recruitment company which aims to reduce agency locum spend in the NHS, through placing only fixed-term and permanent doctors. Created in 2013, Remedium have offices in London and Mumbai.
7. You confirmed this will be a paid position within Remedium's business advisory team. You said that, as a relatively young company, Remedium are interested in your business experience. The role will focus on business development, growing the business through your understanding of the NHS and your experience of parliament. However, the role is unlikely to involve contact with your former Department or Government. You also noted your previous experience of running an SME.
8. You confirmed that whilst working as a Minister, you did not have any official dealings with Remedium; you are unaware of any relationship the Department of Health and Social Care (DHSC) has with Remedium; you had no official dealings with Remedium's competitors or representatives of the sector; nor did you have access to commercially sensitive information about competitors of Remedium.
9. Your former department, DHSC were contacted about this application. The Department confirmed you were not the Workforce Minister, and that you had no official dealings with Remedium while in office, nor with competitors of the company, or with the sector they operate. DHSC also confirmed it holds no contracts with the company; and it considered you have no access to commercially sensitive that could give Remedium an advantage.

The Committee's consideration

10. The Committee⁵ noted you had no contact with Remedium whilst in ministerial office and that DHSC has no contractual relationship with the company. The Committee considered the risk you could be seen to have been offered this role, for decisions or actions taken in office, was low.
11. The Committee considered there are some inherent risks given Remedium work at arms length from DHSC with NHS organisations, and as you were Health Minister. The Committee recognised that Remedium would benefit from your experience and profile as a Minister and an MP. You and DHSC confirmed you have no commercially sensitive information. Therefore, the risk that Remedium could gain an unfair advantage as a result of any specific commercial information to which you were privy is low.
12. The Committee noted you would have had access to potentially relevant privileged and/or commercially sensitive information about the general health sector. However, the Committee noted that 3 months has passed since you were in post, putting a gap between your access to that information and you taking up this role and therefore, lessening the likely relevance of that information. This, alongside the usual ban on the use of privileged information appropriately mitigated the inherent risks here associated with your access to information.
13. However, there is a risk that, as a former Health Minister, you could be seen to have influence within the NHS at the unfair advantage of Remedium . The Committee has therefore imposed a condition preventing you from advising on bids and contracts with the UK Government and the NHS and a lobbying ban which makes clear use of your contacts across Government/ Whitehall is inappropriate. Further, given the focus of your role in business development, the Committee also considered it appropriate to impose a condition that you must make it clear you do not represent DHSC or the NHS in any way when carrying out this role.
14. In the circumstances, the Committee's advice is that, under the Government's Business Appointment Rules, this appointment with Remedium Partners be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in Ministerial office.
 - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government/NHS organisations on behalf of Remedium Partners, nor should he make use, directly or indirectly, of his Government and/or Whitehall contacts to influence policy or secure business on behalf of Remedium Partners or its clients;
 - for two years from your last day in office you should not undertake any work with Remedium that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK Government and/or the NHS; and
 - you should make clear that any endorsement of Remedium Partners; is your own professional and personal endorsement and not an endorsement in any way deriving from the UK Department of Health and Social Care/the NHS.

⁵ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; and John Wood. Dr Susan Liautaud; Baroness Helen Liddell; Terence Jagger and Richard Thomas were unavailable.

15. By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.
16. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister "*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"
17. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Parliament.
18. I should be grateful if you would inform us as soon as you take up this role, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.
19. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
20. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Baroness Browning

Steve Brine MP



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

1. You approached the Committee about taking up an appointment as a Strategic Advisor at Microlink PC (UK) Ltd.

The Committee's role and remit

2. It is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:

- a. the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b. an employer could make improper use of official information to which a former Minister has had access; or
- c. there may be cause for concern about the appointment in some other particular respect.

3. When the Committee considers applications, it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment Details

5. You seek to take up an appointment as a Strategic Advisor with Microlink PC (UK) Ltd (Microlink). The company (according to its website) are leaders in Assistive Technology, their goal is to help people with health conditions to succeed in education and employment, they assess, advise, supply, train and support people/companies/organisations to achieve this goal. This is a part-time, paid appointment with a maximum work commitment of 2 days per month. It is unlikely to involve contact with your former department or government generally. You noted you obtained this role through a direct offer from the Managing Director Dr Siabi, who you met through your constituency work as an MP.

6. You informed the Committee you had no official dealings with Microlink in office and had no involvement in policy decisions that directly impacted Microlink. Further, you are not aware of any relationship between your former department, the Department of Health and

Social Care (DHSC) and Microlink; and you had no dealings with, access to commercially sensitive information about its competitors.

7. The Permanent Secretary at DHSC was consulted and confirmed to the Committee: that you had no official dealings with Microlink or its competitors while in ministerial office; you did not make any policy decisions specific to Microlink; and you have had no access to commercially sensitive or unannounced departmental policy information which would give Microlink an unfair advantage. DHSC has no concerns about you taking up this appointment.

The Committee's consideration

8. When considering this application, the Committee⁶ took into account your role in office. You had no dealings with Microlink whilst in office and made no decisions in office which will have impacted Microlink specifically - DHSC confirmed this. Moreover, technology and disability were not covered in your Ministerial portfolio so you would not have had any involvement in decisions that would have impacted the company. Therefore, the Committee considered there is no objective reason it might be perceived this appointment is a reward for decisions made or actions taken from your time in office.

9. As a former Minister, you would of had access to wide ranging policy insights and privileged information on the workings of DHSC, the NHS and other health organisations. This could be perceived to offer Microlink an unfair advantage if the company were to compete for contracts with the government or the NHS. However, the Committee also notes that you were not privy to policy or other commercial information on Microlink or its competitors, mitigating some of the risk of you providing an unfair advantage to Microlink. Further, the privileged information ban and the conditions below which prevents you from providing advice on contracts or bids with the Government appropriately mitigates these risks.

10. The Committee also noted it is likely you have access to contacts that could be potentially beneficial to Microlink. The Committee would therefore draw your attention to the lobbying ban below, to make it clear that any use of your contacts gained in Government/Whitehall to Microlink's unfair advantage would be inappropriate.

11. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of himself or the organisation to which this advice refers) any privileged information available to him from ministerial office;
- for two years from his last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Microlink, its subsidiaries, partners or clients, nor should you make use, directly or

⁶ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Mike Weir; Terence Jagger; Dr Susan Liautaud; Richard Thomas; Lord Larry Whitty and John Wood.

indirectly, its or his contacts developed in Government and/or Whitehall, including those in external/commercial organisations, to influence government policy or secure business on behalf of Microlink, its subsidiaries, partners or clients; and

- for two years from his last day in ministerial office you should not advise Microlink on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of, the UK Government or the NHS.

12. By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

13. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister "*should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.*"

14. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Commons.

15. I should be grateful if you would inform us as soon as you take up this role, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

16. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

17. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Baroness Browning

Mr Steve Brine MP

