



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>

25 October 2017

You asked for the Committee's advice about taking up an appointment with Public Group International Limited (Public).

The Committee's remit

It is the Committee's role to advise on any 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.

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.

Appointment details

Public is an organisation which works with start-up companies in the technology and finance sectors by supporting them as they move into the public sector. It does this through its growth scheme, GovStart, which currently has investments in 12 start-up companies (three of which are health related).

You confirmed this role will be part-time and paid. You described your role at Public as researching and writing a report on how the NHS can be more open and transformed by new technologies and promoting its conclusions. You also confirmed with the Committee that the report will be published online and freely available to members of the public. You said it is

intended to help the NHS think about how it can better innovate to help UK startups understand the health and care innovation landscape more clearly; and clarify where they may be able to offer their technologies - with a view to bringing new technologies into the NHS.

You stated that you have no commercially sensitive information which could benefit Public; you had no previous contact with the startups in which Public invests; and although Minister for Innovation, you were not involved in any decisions that relate to the specific issues the 12 startup companies are tackling. You also explained that, as your role at Public will only be to conduct research, you do not expect to have any contact with central Government - though it is possible that your research may involve interviews with a small number of individuals at arms length bodies.

The Permanent Secretary at the Department for Health confirmed the Department has no relationship with Public, which is a relatively newly formed company, or any of its founders (which include Daniel Korski, a former Special Adviser). Whilst the Department recognised you had access to commercially sensitive information, the information the Department provided confirmed this did not relate to this role, and it saw no reason you should be prevented from taking up this work.

The Committee's consideration

The Committee noted you were Minister for Public Health and Innovation, and therefore you had Ministerial responsibility in an area in which Public operates. However, the Committee took into account that Public is a relatively newly formed company; that you confirmed you had no previous official dealings with it, its clients or its founders; and the Department confirmed it has no relationship with the company. The Committee therefore concluded this work could not reasonably be perceived as a reward for your time in office.

You stated you have no sensitive information which could unfairly advantage Public. The Department raised no concerns about you doing this piece of work. The Committee also took into account that you will be working on a discrete piece of research and the report produced will be made freely available to members of the public.

However, as this work is within the same broad sector for which you had responsibility whilst you were a Minister, the Committee recognised that it could be perceived that Public may stand to gain an unfair advantage from your employment. As such, the Committee considered that applying the conditions below reduces the potential for risks in taking up this role. In particular, a condition that your work must be confined to the work described in this advice. Therefore, you must not advise Public, or the companies in which it invests, on any other matters; and any contact with Government should be limited to that as described above in carrying out your research.

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:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister;
- any work for Public Group International must be confined to researching and writing the research paper described in this advice, which will be made available in the public domain. You must not provide advice to Public Group International's clients or partners or support or advise Public Group International in any other matters (such as business development) and;

- for two years from your last day in Crown service, you should not become personally involved in lobbying the UK Government on behalf of Public Group International or its clients or partners. This is not intended to prevent you from having contact with Government in order to conduct research as described in this advice. However, it would prevent you from making use, directly or indirectly, of your contacts in Government to influence policy or secure business or funding on behalf of Public Group International or its clients or partners.

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.

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.*"

I should be grateful if you would inform us as soon as you take up employment with this organisation, 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.

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.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

Mrs Nicola Blackwood-Bate