



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You approached the Committee about taking up an appointment as a Non-Executive Director of the Board at Health Data Research UK.

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 an unpaid and part time position as a Non-Executive Director of the Board at Health Data Research UK (HDR-UK). The website states that HDR-UK's vision is that *'...every health and care interaction and research endeavour will be enhanced by access to large scale data and advanced analytics.'* HDR-UK aim to have health data available to researchers and innovators so they can better understand diseases and discover ways to prevent, treat and cure them. They aim to do this by uniting health data assets across the UK, including the NHS and partner with universities and institutes across its six research sites; NHS and social care organisations; charities; industry; patients and the public; and other government-funded organisations.

6. You stated that as a Non-Executive Director, you will share collective responsibility for the effective governance and development of HDR-UK, setting its major policies and agreeing its strategic direction in accordance with the Institute's objectives. You note the role is unlikely to include contact or dealings with your former department (the Department of Health and Social Care (DHSC)) or the Government more widely. However, you note that due to the area in which HDR-UK operate, there might be informal contact - though your offer letter with HDR-UK makes it clear that lobbying or other such activities would not be expected of you, nor necessary for you to carry out your role.

7. You advised the Committee that as you had ministerial responsibility for the area in which HDR-UK operates you have several meetings with Dr Andrew Morris, CEO of HDR-UK and other members of his team in regard to health data policy. However you told the Committee you had no responsibility for oversight or any other facets of HDR-UK, nor did you meet with any members of the Board in regards to their responsibilities at HDR-UK. Though HDR-UK receives funding from the Government, you noted that rather than via DHSC, this was via BEIS and did not fall within your responsibilities.

8. You said you did not consider HDR-UK to have any competitors but that as the minister responsible for life science and for technology you did have official dealings with other organisations operating in this sector, though you had no access to sensitive information on competitors of HDR-UK.

9. DHSC was contacted about this application and confirmed:

- you met with HDR-UK while you were Minister.
- you had no formal responsibility specifically over HDR-UK, though you were regularly briefed on the work of the organisation as part of your overall role as responsible Minister for health data and helped develop and drive the general DHSC policy in this area. This included support for the work of HDR-UK.
- Policy decisions from your time in office that would have impacted HDR-UK were through the code of conduct for data-driven health and care technology; and DHSC's work on Genomics (such as the National Genomic Healthcare Strategy) and both pieces of work that have subsequently been developed and announced by your successor, Baroness Blackwood.

- funding for HRD-UK was routed via BEIS.
- it does not consider you have any knowledge about unannounced policy that would put HDR-UK at an unfair advantage; and noted HDR-UK do not have any competitors as such, though others provide some similar services, HDR-UK's work is focussed on acting for the whole of the UK by providing easier access to a range of health data.
- it does not consider that you would provide HDR-UK with a competitive advantage due to the time which has now passed since you left office.

10. DHSC also wanted to emphasise that the ethos of HDR-UK is about adding value for researchers and the NHS, rather than competing with other data providers. The Department said it is '*...supportive of the appointment as HDR-UK is doing important work and having [you] on the Board would support the organisation proceed in the right direction.*'

The Committee's consideration

11. When considering your application, the Committee¹ considered whether this appointment could be perceived as a reward for decisions taken in office. You confirmed that in your previous role as a health minister you had official dealings with HDR-UK, however these meetings did fall into the scope of your responsibilities as minister and related to broad health data policy rather than HDR-UK specifically. Further that policy been continued by your successor. While both you and DHSC confirmed research councils fund HDR-UK at arms' length from the Government, you had no involvement in this, which sits with BEIS. Whilst this is an area of policy you were involved in, DHSC noted that this work was broad in nature, rather than specific to HRD-UK and had As such, the Committee did not consider it could reasonably be perceived you were offered this unpad role as a reward for decisions made in office.

12. The Committee noted there is a possible risk of unfair advantage in relation to access to the contacts you gained while in ministerial office, in particular given it operates in the sector for which you have responsibility. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government/Whitehall to the unfair advantage of HDR-UK. The Committee would also like to draw your attention to the ban on providing advice on a bid or contract relating directly to the work of the UK Government, including with regard to funding, to mitigate the risk you may offer an unfair influence in the Government's funding decisions in the future.

13. The Committee also noted the possible risk that you will have had access to sensitive information that could affect HDR-UK and its competitors. The Committee noted as the minister responsible for health data and helped develop and drive the general DHSC policy in this area, which included work on data-driven health and care technology. However, the Committee noted this work has moved on and been further developed by your successor.

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Terence Jagger; Dr Susan Liautaud; Lord Larry Whitty; Richard Thomas; Mike Weir and John Wood.

The Committee therefore agreed with DHSC that there is a low risk attached to the information you have access to in office due to the amount of time that has passed; and it is likely the majority of the information will be in the public domain or no longer sufficiently relevant.

14. In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as a Non-Executive Director of the Board at Health Data Research UK will be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations 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 on behalf of HDR-UK, nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy or secure funding on behalf of HDR-UK or its clients. This is not intended to prevent you from authoring reports, or representing their findings and recommendations provided that is not done directly to government; and
- for two years from your last day in office you should not advise HDR-UK or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government and the NHS.

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 Lords.

18. I should be grateful if you would inform us as soon as you take up this appointment, 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 Ministerial Code. Similarly, I should be grateful if you would inform us if

From the Chair

you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

19. Once this 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

The Lord O'Shaughnessy

