



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment with Eagle Genomics.

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

Eagle Genomics is a company that has created a smart data management platform, allowing scientists to bridge the gap between data and biological research.

You explained this role will be part-time and paid. You propose to become an Advisory Board Member, providing strategic advice to the Board.

You noted that, as the Minister responsible for the 100,000k Genomes Project run by Genomics England (which is owned by the Department), you held several meetings with it regarding progress with the project; visited the sequencing centre on the Wellcome Genome Campus in Cambridge; and spoke at a genomic conference in Paris with a number of the Genomics England team. You stated that your work on genomics was focused on this public-private project to sequence whole genomes of NHS patients with cancers and rare diseases. You noted that Eagle Genomics is working on a different area of research: smart data management and microbiomes (the genes of microbes). You confirmed you had no official contact with Eagle Genomics whilst in ministerial office.

The Department confirmed it does not have a current relationship with Eagle Genomics. However, there was an indirect relationship as Eagle Genomics has previously applied for funding through Genomics England. You were not responsible for these decisions and the Department noted Eagle Genomics was unsuccessful in its latest application for funding.

The Department stated that you were privy to sensitive commercial information relating to technology in the health sector. However, the Department confirmed that the relevant information has either moved on since you left office; or is now in the public domain. The Department confirmed it sees no conflict of interest in you taking up this role.

The Committee's consideration

The Committee noted you were Minister for Public Health and Innovation, and therefore had Ministerial responsibility in an area in which Eagle Genomics operates. However, you confirmed with the Committee you had no official dealings with Eagle Genomics whilst in office and the Department confirmed there is only an indirect relationship with the company by virtue of its application for funding via Genomic England, which was most recently unsuccessful. As a result, the Committee considered the risk of perception that you received this role as a reward for your time in office is low.

The Committee took into account that you would have received briefings which included some sensitive information about health technology policy whilst you were a Minister, but placed weight on the Department's confirmation there is no specific conflict of interest - given that matters have moved on or are in the public domain.

The Committee was mindful of the risk you may be seen to offer Eagle Genomics an unfair advantage given the closeness of this work to that for which you were responsible as a Minister. However, the Committee recognised that Eagle Genomics is focussed in a different area of work (in particular smart data management and microbiomes); and the nature of your role will be to provide advice in a non-executive capacity to the board. After careful consideration, the Committee decided that the four months which have passed is a long enough gap between you leaving office and taking up this post, subject to the conditions outlined below. As such they have not imposed a further waiting period and consider the conditions below provide suitable mitigations.

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;

- for two years from your last day in Crown service, you should not become personally involved in lobbying the UK Government on behalf of Eagle Genomics or its partners, or make use, directly or indirectly, of your contacts in Government/Whitehall to influence policy or secure funding on behalf of Eagle Genomics or its partners;
- for two years from your last day of Crown service you should not undertake any work on behalf of Eagle Genomics or its partners that involves the subject matter, or terms of, a bid or contract relating directly to the work of the Department of Health or its arms-length bodies.

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 Eagle Genomics, 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

