



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 Push Doctor Limited (Push Doctor).

The Committee's remit

As you will be aware, 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

You wish to take up a paid and part-time role as a Member of the Governing Board at Push Doctor - a digital health company, which provides online GP services including virtual consultations, prescriptions and general GP services.

You said you will offer strategic advice to assist Push Doctor in providing well governed and high quality digital GP care. You do not expect to have contact with Government in this role.

You said you had no meetings with Push Doctor whilst you were in ministerial office. You also said that officials at the Department for Health (DH) may have met with Babylon Health, (a similar company) when it was working with NHS England and NHS Digital to develop the 'GP at Hand' service, which has now been rolled out and is in the public domain.

Your former department, DH, confirmed it has no formal relationship with Push Doctor, but that officials are due to meet with the company. DH considered this meeting would not benefit you. DH also confirmed you would have been involved in policy development in this area, and had regular meetings with the policy team to deliver a brief for the Secretary of State. However, it confirmed you were not privy to any commercially sensitive information that would give you an unfair advantage in this role. It also confirmed that you had no official dealings with Babylon Health. The Department raised no concerns about this appointment.

The Committee's consideration

The Committee noted the Department's confirmation it has no formal relationship with Push Doctor; that you did not meet with the company during your time in ministerial office; and that it has no concerns about you taking up this role. The Committee considered there is little risk you took actions or made decisions in office in expectation of being offered a role with this organisation.

Push Doctor operates within the same sector for which you had some ministerial responsibility, which presents some risk around the potential for offering the company an unfair advantage as a result of your time in office. The Department stated you would have been involved in policy development in this area, and had regular meetings with the policy team to deliver a brief for the Secretary of State, but that it does not deem this to be sensitive information. DH confirmed you do not hold any commercially sensitive information and that you had no official dealings with Babylon Health. The Committee also recognised that approximately seven months have now passed since you left ministerial office. This lessens the potential risk that Push Doctor will gain an unfair advantage as a result of knowledge gained during your time in office. Considering the specifics of this case, the Committee considered the ban imposed on the use of privileged information should mitigate any risk you could offer an unfair advantage to Push Doctor as a result of information you were privy to as a Minister.

However, the Committee recognised that, although you do not intend to have contact with Government in this role, there may be a risk that Push Doctor could gain an unfair advantage as a result of your contacts gained across Government/Whitehall during your time in ministerial office. DH stated that departmental officials are due to meet with Push Doctor in the coming weeks. Whilst the Committee notes this was arranged before you joined the company, it would bring your attention to the conditions imposed which make clear that any use of your contacts across Government/Whitehall on behalf of Push Doctor, would be inappropriate; and that you should not become involved in advising Push Doctor with regard to bids for funding or contracts from the UK Government.

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 yourself or the organisations to which this advice refers) any privileged information available to you from your time in Crown service;
- for two years from your last day in Crown service, you should not involve yourself in work on or advice to Push Doctor Limited or its partners or clients, in relation to the terms, or with regard to the subject matter of, bids or contracts relating directly to the work of the UK Government and its arms-length bodies; 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 Push Doctor Limited or its partners or clients or its partners, nor should you make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business on behalf of Push Doctor Limited or its partners or clients.

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

