



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: DAME UNA O'BRIEN

The Committee has been asked to consider an application from Dame Una O'Brien, former Permanent Secretary at the Department of Health. Dame Una proposes to become a Non-Executive Director and trustee of Macmillan Cancer Support.

Appointment details

Dame Una has advised that this is an unpaid position and is likely to involve 20 days per year. She expects to start her induction in October 2017 and to take up the board appointment in January 2018. She stated that the appointment is not likely to include any contact or dealings with the Department of Health or with Government more generally.

The Committee consulted the current Permanent Secretary at the Department of Health who advised that the Department has no reservations about the appointment. He noted that Dame Una's official dealings with Macmillan were limited to stakeholder relations and there is no evidence that she was formally involved in any decisions that would have affected the charity. The Department does not have any on-going commercial links with Macmillan.

The Permanent Secretary advised that as one of the "big two" cancer charities, the Department engages closely with Macmillan, particularly in relation to patient support and end of life care. This includes regular meetings with senior officials. Macmillan is also a partner in delivering the Cancer Strategy for England and sits on NHS England's National Cancer Transformation Board alongside the Department and other Arm's Length Bodies and Stakeholders.

The Permanent Secretary advised that Dame Una would have been aware of the Department's work on cancer policy during her time in post. However, the Government's policy regarding end of life care has subsequently moved on with the publication, in July 2016 (after Dame Una left the Department), of the Government Choice Commitment in End of Life Care).

The Committee's consideration

The Committee noted that Dame Una is proposing to take up a role in the same sector that her former Department had responsibility for. However, it concluded that this appointment does not give rise to reasonable concerns under the Government's Business Appointment Rules. The post is unpaid; there is no evidence that Dame Una was formally involved in any decisions that would affect Macmillan; and the Department does not have any on-going commercial links with Macmillan. As a result the Committee had no concerns that this post could reasonably be perceived as a reward.

The Committee considered that the risk of the appointment unfairly benefiting Macmillan over other charities is also very low given the time that has lapsed since Dame Una left her post as Permanent Secretary in April 2016 (20 months will have passed by the time she takes up the board position in January 2018); because the Government's policy on end of life care is public and because there are no on-going commercial links with the Department. Dame Una has said that she does not expect to have contact with Government in this role. However, given that influencing decision makers is part of Macmillan's purpose, the Committee decided to mitigate the risk that it could be perceived that her contacts could provide Macmillan with an unfair advantage by recommending an extended lobbying ban that prohibits the use of contacts, whether direct or indirect, to influence policy or secure funding.

The Prime Minister accepted the Committee's advice that, in accordance with the Government's Business Appointment Rules, this appointment be subject to the following conditions:

- she should not draw on (disclose or use for the benefit of herself or the organisations to which this advice refers) any privileged information available to her from her time in Crown service; and
- for two years from her last day in Crown service, she should not become personally involved in lobbying the UK Government on behalf of Macmillan Cancer Support or make use, directly or indirectly, of her contacts in Government and/or Crown service to influence policy or secure funding on behalf of Macmillan Cancer Support.

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 ensure that we are informed as soon as Dame Una takes up this position, or if it is announced that she will do so (I enclose a form for this purpose). We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether she had complied with the rules.

I should also be grateful if you would ask that Dame Una informs us if she proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her 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.

Yours sincerely

Nicola Richardson
Committee Secretariat