



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about becoming the Chairman of the University College of London Hospital Foundation Trust (the Trust).

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

You stated that having applied for an advertised role, you have been offered a paid role as as Chairman of the Trust; a part time role which will involve around 2 days of work a week.

The Trust, as a foundation trust, is separated from central government and controls and manages its own budgets. The Board of Directors comprises 16 members (split evenly

between executives and non-executives), including the Chairman and Chief Executive of the Trust. The Board sets the overall policy and strategic direction for the Trust, approves and monitors its business plans, budgets and major capital expenditure and performance against objectives.

The current Chairman's tenure is coming to an end in December 2017; and the Trust would like to make an early announcement of your intention to take up the appointment when you leave office. You plan to leave at the end of December 2017 and take up the role in January 2018.

The Committee's consideration

The Committee considered information provided by you and that sought from the Permanent Secretaries at each of the department's you have held Ministerial office (the Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Health).

You confirmed with the Committee that you had no involvement in policy or funding in relation to the Trust whilst in office. However, both you and the Department of Health, confirmed that you did meet the current Chair of the Trust at a dinner you attended, alongside a number of other NHS providers, in April 2016.

In addition, you and the Department of Health also confirmed you met with the outgoing Chief Executive (Sir Robert Naylor) on a number of occasions in 2015/2016. However, you stated these meetings were not in relation to the Trust, but specifically in relation to Sir Robert's wider work reviewing NHS estates and property (which he reported on in March 2017). Further, the Committee noted that Sir Robert is no longer at the Trust. In the round, it considered these meetings could not reasonably be perceived to have influenced the application process that resulted in the offer of your appointment.

You explained that the appointment may involve contact with the Department of Health from time to time. The Department of Health noted that there is a supporting/regulatory relationship between NHS Improvement and the Trust; and as this is a foundation trust, funding is arranged at arms length from government.

The Committee took into account that you plan to take up the post in January 2018 and although you will go straight from your current Ministerial role at BEIS, 13 months will have passed since you were in a ministerial role at the Department for Health. Further, the Department for Health confirmed you would have no particular influence or advantage to afford the Trust given the passage of time; and that it has no concerns about you taking up the post. The Committee also noted BEIS's confirmation that there is nothing from your current position in office that would conflict with this role at the Trust.

The Committee noted this appointment is specifically related to a sector for which you have recently held Ministerial responsibility. However, it considered that any potential risks under the Government's Business Appointment Rules that this could be perceived as a reward for

your time in office; or for any advantage your time in office may provide to the Trust is reduced given your previous employment in the health sector, *prior* to becoming a Minister in 2015 (most recently as Chairman of the Care Quality Commission).

The Committee also wish to note that it is unusual to consider applications significantly in advance of the proposed start date of an appointment; and whilst an applicant remains in ministerial office. It therefore sought confirmation from Government on what action would be taken to manage any potential conflict of interest while you remain in ministerial office.

BEIS confirmed that whilst you remain in post:

- you will not meet with any person associated with University College of London Hospital Foundation Trust or with any other Chair of any other Trust, in your capacity as a Minister at BEIS;
- submissions from the Office for Life Science will be considered on a case by case basis by the responsible DG and the Director who will advise accordingly if any (potential) conflict of interest arises;
- you will not meet with Google DeepMind, who currently have a working relationship with the Trust (on a collaborative research programme exploring the potential benefits of AI technology in planning treatment for patients suffering from head and neck cancers). Nor will you be be involved in any decisions related to Google DeepMind; and
- the above measures will be reviewed regularly.

In view of the particular circumstances in this case, the Committee is prepared to provide advice now. However, the Committee wish to make clear its recommendation is made on the basis of the information provided; and on the understanding that whilst you remain in office, you will have no relationship or dealings with the Trust or related matters, as described by BEIS above. However, if you become aware of any circumstances that would be relevant to your application and this advice, in the gap between receiving this advice and you taking up this post, you should revert to the Committee for further advice.

In accordance with the Government's Business Appointment Rules, the Committee advises that to mitigate against any remaining risk around this appointment, the following conditions should be imposed:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from your time in Ministerial Office; and
- for two years from your last day in service, you should not become personally involved in lobbying the UK Government on behalf of the University College of London Hospital Foundation Trust. This is not intended to prevent you from having routine contact with Government pursuant to your role as Chairman of the University College of London Hospital Foundation Trust or its partners. However, it would prevent you from making use, directly or indirectly, of privileged access derived from

your role as a Minister to influence Government policy on behalf of the the University College of London Hospital Foundation Trust or its 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 the Trust, 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 roles as, depending on the circumstances, it may be necessary for you to make a fresh application.

Once the appointments have 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

The Right Honourable Lord Prior