



**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 Health Data Research UK.

The Committee's remit

As you are 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.

It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

Appointment details

**Non-Executive Director at Health Data Research UK (HDR UK)**

You wish to take up an unpaid, part-time appointment as a Non-Executive Director at HDR UK, an organisation which develops and applies data science approaches to address health

research challenges. HDR UK is partly funded by the National Institute for Health Research, (NIHR) which is funded by the Department for Health and Social Care (DHSC).

You said that you do not expect to have contact with Government in this role.

HDR UK was established after you left office. You said you are not aware of a relationship between your former Department, Her Majesty's Treasury (HMT) or HDR UK; that you had no dealings with competitors of HDR UK in your last two years in ministerial office; and that you had no access to commercially sensitive information that could provide HDR UK with an unfair advantage.

HMT confirmed it has no relationship with HDR UK or its subsidiaries; that you did not make any decisions which would have affected HDR UK; and you had no access to commercially sensitive, or unannounced departmental or policy, information which could give HDR UK or its subsidiaries an advantage over its competitors. HMT raised no concerns about this appointment.

#### The Committee's consideration

The Committee<sup>1</sup> took into account that HDR UK was established after you left office. The Committee noted HMT confirmed it has no relationship with HDR UK and that you did not make any decisions which would have affected the company. The Committee therefore considered the risk of this appointment being considered as a reward for decisions you made whilst in office, is low.

HMT confirmed you had no access to any sensitive information that would provide HDR UK with an unfair advantage; and the Committee noted it has now been approximately 14 months since you left HMT.

The Committee considered that whilst you do not expect to have contact with Government in this role, there is a potential risk that HDR UK could gain an unfair advantage as a result of your contacts across Government. To guard against this risk, the Committee has imposed the conditions below to preclude any use of your contacts to influence policy or secure funding or business for HDR UK.

Taking into account the specific facts in this case, in accordance with the Government's Business Appointment Rules, the Committee advises the 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 ministerial office; and
- for two years from your last day in ministerial office you should not become personally involved in lobbying the UK Government on behalf of Health Data Research UK, its partners or its subsidiaries, nor should you make use, directly or

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<sup>1</sup>This application for advice was considered by Sir Alex Allan; Jonathan Baume; Lord Michael German; Terence Jagger; Richard Thomas and John Wood. Dr Susan Liautaud was unavailable. Baroness Helen Liddell and I recused ourselves from this application in line with ACOBA's published Code of Practice. This letter contains the Committee's advice, arrived at without my input and which I am sending in my capacity as Chair of the Committee.

indirectly, of your contacts in Government and/or Crown service to influence policy or secure funding or business on behalf of Health Data Research UK, its partners or its subsidiaries.

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.*"

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.

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 where appropriate, refer to it in the relevant annual report.

The Baroness Browning

The Rt Hon Baroness Neville-Rolfe DBE CMG

