

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee for advice on taking up an appointment as a Senior Advisor at Carnall Farrar.

The Committee's role and remit

As you will be aware, it is the Committee's role to advise on the 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.

Senior Advisor, Carnall Farrar

You informed the Committee that you have been invited to become a Senior Advisor at Carnall Farrar, a healthcare consultancy.

You said that this is a paid role, which will involve one days' work per month. You will advise on "overseas business development and investment partnerships." The appointment is not likely to include contact with Government.

You informed the Committee that you have never had any official dealings with Carnall Farrar but that when you were at the Department of Health between May 2015 and December 2016 you would have met many organisations within the NHS.

The Permanent Secretaries at the Department for Business, Energy and Industrial Strategy (BEIS) and the Department of Health and Social Care (DHSC) have no concerns about this appointment.

The Departments additionally provided the following information:

- You had no contact with Carnall Farrar while in office.
- There is no known relationship between BEIS and the company.
- DHSC do not hold any contracts with Carnall Farrar. The Care Commission and NHS England (non-departmental public bodies sponsored by DHSC) have contracts with Carnall Farrar, however, although these organisations are associated with the Department, Ministers do not have involvement in procurement of contracts.
- You did not make any decisions that would have benefitted Carnall Farrar.
- You would not have access to unannounced policy or commercially sensitive information about either Carnall Farrar or its competitors.

The Committee's consideration

When considering this application the Committee noted that you are proposing to take up a role working within the same sector as DHSC, the Department in which you served as a Minister between May 2015 and December 2016.

The Committee concluded that there is no evidence that the appointment is a reward for decisions made while in office. You had no contact with Carnall Farrar while you were a Minister – confirmed by both DHSC and BEIS and neither Department has a direct relationship with the company. While two arms length bodies of DHSC have contracts with Carnall Farrar, DHSC has explained that Ministers have no involvement in the procurement of contracts.

The Committee has assessed the risk of your appointment conferring an unfair advantage on Carnall Farrar as low. Your former Departments have confirmed that you would not hold commercially sensitive information about either Carnall Farrar or its competitors, or have access to unannounced policy.

While you were a Minister in BEIS until October 2017, the Committee notes that 18 months have passed since you left your Ministerial position at DHSC, which would reduce the likelihood of any relevant information to which you had access as a Health Minister remaining sensitive. Any residual risk is mitigated by the 'privileged information' condition.

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 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 Carnall Farrar or its clients, or make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business or funding on their behalf.

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 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 this appointment, 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 Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.

Once this 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

Lord Prior of Brampton

