

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee about taking up an appointment as a Visiting Professor at the Institute of Global Health Innovation at Imperial College, London.

The Committee's role and remit

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.

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

Appointment details

You seek to take up an appointment a Visiting Professor at the Institute of Global Health Innovation (the Institute) at Imperial College London.

You told the Committee your role will involve:

- Lecturing on the Masters in Health Policy
- Participating in relevant health innovation meetings
- Attending the annual World Innovation Summit for health
- Other responsibilities as agreed during the tenure

This is an unpaid role requiring a time commitment of 3 days per year. You informed the Committee that you were offered this position following your resignation from government, by the Director of Health Innovation at the Institute, The Lord Darzi of Denham.

You confirmed the Institute; Imperial College London; and Imperial College Healthcare NHS Trust are all recipients of public funding from the Department of Health and Social Care (DHSC) in order to provide health research and the delivery of NHS services.

You informed the Committee that you met with Professor Darzi whilst in post and that this was in relation to your responsibility for the policy area involving innovation within the NHS. Further, as a health minister, you met and dealt with dozens of organisations operating in a similar capacity (such as the Wellcome Trust, Cancer Research UK; many other universities etc.); and took policy decisions that affected many, if not all the Imperial College related organisations, in line with your ministerial duties to promote the UK life science sector and to support the NHS to embrace life-saving innovations. However, you told the Committee that neither the Institute, nor its related institutions or their competitors were signalled out for special treatment (as the policies would have affected other, similar organisations)

DHSC was consulted regarding this appointment and confirmed its spend with Imperial College London over the last few years has varied from around £200,000 to £300,000 each year.

DHSC also confirmed it has a current live contract with Imperial College London. The funding supports *'in the region of 20 students per year to undertake a Masters in Health Policy. The total value of this contract is £348,000'*. DHSC specifically confirmed that you had *'no involvement'* in the award of funding.

DHSC have no concerns about you taking up this role and said it sees *'... no unfair advantage that Lord O'Shaughnessy's role would bring to Imperial College. Given Lord Darzi's role as the AAC chair he is closely involved with our policy thinking and delivery on the innovation agenda, so there would be little additional insight from this perspective, and certainly nothing that would cause concern'*.

The Committee's consideration

When considering your application the Committee considered whether this appointment could be perceived as a reward for decisions taken in office.

You confirmed that in your previous role as a health minister you met with the Institute, its parent University and its allied NHS Trust and many similar organisations; and you had responsibility for policy decisions that undoubtedly affected Imperial College London; and therefore the Institute, who are stakeholders in the work of your former department. Further, Imperial College London is in receipt of funding from DHSC.

You note that your contact with the relevant organisations as part of your normal ministerial duties and neither these relevant institutions nor their competitors were singled out for special treatment; and that relevant policy decisions would also have affected other similar organisations. Although Imperial College London are in receipt of funding from your former department, DHSC told the Committee you had no involvement in these awards of funding. The Committee also gave weight to the unpaid nature of this role and DHSC's confirmation that they have no concerns about you taking up this role. The Committee considered the risk that this appointment could be seen as a reward for decisions taken in office is low.

The Committee noted there is a possible risk of unfair advantage in relation to access to the contacts you gained while in ministerial office. The lobbying ban imposed, below, makes clear that it would be inappropriate for you to use your contacts across Government/Whitehall to the unfair advantage of Imperial College London; and a ban on providing advice on the terms, a bid or contract relating directly to the work of the UK Government.

The Committee also noted it could be perceived that you may confer unfair advantage to Imperial College London given the closeness of this work to the area of policy you were responsible for in office. However, given the nature of this work and the close link Imperial College London already has with DHSC, any potential risk is considered to be mitigated by the ban on using privileged information. In addition, your former department confirmed they see no unfair advantage you would offer to Imperial College London.

In accordance with the Government's Business Appointment Rules, the Committee advises this appointment as a Visiting Professor at Imperial College 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;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of any of your clients or those you advise, nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy or secure funding on

behalf of the Institute of Global Health Innovation, Imperial College or any other part of Imperial College London

- for two years from your last day in office you should not advise the Institute of Global Health Innovation, Imperial College or any other part of Imperial College London on the terms of a bid for funding or a contract relating directly to the UK Government.

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

The Baroness Browning

The Lord O'Shaughnessy MP

