

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 member of the Steering Committee of a project for PWC called 'Future of Government'.

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 wish to take up an appointment as a member of the Steering Committee of a project for PwC called 'Future of Government'.

You told the Committee your role will involve 'providing advice and guidance throughout the duration of the project to make sure its analysis is as robust as possible and that its conclusions are practical and actionable'. You informed the Committee this is unpaid, having been approached regarding this position following your resignation from government, by Chair Alan Milburn (former SoS for Health and currently an advisor at PwC). The role is set to involve a work commitment of 6 days per year. PwC are carrying out a project divided into three thematic pillars:

1. **Intelligence digital** - which seeks to explore the way government can draw on new technology to improve public services
2. **Workforce and future** - which explores how the job market is changing, the impact this will have on the economy and people's lives
3. **Place-based growth** - This focuses on place-based growth strategies

You informed the Committee that PwC have carried out some work for DHSC, however you were not responsible for any specific procurement of PwC work. You noted you met with Alan Milburn on a number of occasions whilst in office 'to benefit from his experience as a former Health Secretary'. You also confirmed you attended a dinner at PwC hosted by Mr Milburn; and you met with other PwC employees on occasion to discuss issues related to your ministerial brief (digital health and data for example).

DHSC was consulted regarding this appointment and confirmed its spend with PwC over the last few years has varied from around £2,000,000 to £3,000,000 each year. However, in relation to your involvement in contracting, DHSC confirmed the only work undertaken by PwC related to your time in office was around the Sir Robert Naylor review of NHS estates. DHSC told the Committee you assumed ministerial responsibility for this when you joined the Department; and confirmed the work had already been commissioned and was largely complete by the time you were appointed. The Department also noted PwC did a small piece of consultancy work around the use and benefits of patient's data to health and economic outcomes, which you have seen, but the contract was held by NHS Digital and they saw no conflict in this regard.

We asked the department for their views on whether or not you may have access to information, such as unannounced policy or ongoing work that may confer an unfair advantage to PwC.

The Department noted you would have had access to unannounced EU Exit policy during your time as lead minister for EU Exit. DHSC noted that by exit day, these policies should

have been announced or ultimately not taken forward. It also noted that you will have had some access to relevant policies in government departments, through your attendance at cross Whitehall meetings.

DHSC advised if this work is through the lens of individual policy priorities then you would have had access to more information than if you were not a Lords minister; though this is not the case if the work is through the lens of a much broader 'how does government function'. DHSC confirmed the department has no concerns with you taking up this role.

The Committee's consideration

Your former department confirmed that whilst PwC has done some work in areas you had responsibility for, you were not involved in the awarding of these contracts (one of which was awarded before your appointment; and the other was awarded by NHS Digital). Therefore, whilst you had some contact with PwC whilst in office as evidenced above, this contact was in line with your ministerial duties and you were not involved or responsible for the award of contracts to PwC. Considering the above, alongside the unpaid nature of this role, the Committee¹ considered the risk of this appointment being seen as a reward for decisions taken in office is low.

You informed the committee that you previously held responsibility for areas such as Brexit preparations; and your role on the Steering Committee will involve exploring questions surrounding government transformation post-brexite. The Committee therefore considered whether you may have access to unannounced policy that may confer an unfair advantage to PwC.

DHSC recognised that you would have access to unannounced policy during your time as lead minister for EU Exit. The Department has noted any unfair advantage you could offer PwC would depend on the scope of government transformation involved in this project, although it has no concerns about you taking up this role.

The Committee has considered the potential risk around the information you had access to. It considered the risks here are limited given the broad nature of the research piece being undertaken internally at PwC; that almost three months have now passed since you left office; and the uncertainty around the UK's exit from the EU. In order to mitigate any potential risks the Committee would like to draw your attention to the ban on privileged information and due to the nature of this appointment, reminding you in this context that this includes information and potential policy approaches relating to EU exit.

The Committee also considered it could be perceived your contacts gained whilst in ministerial office might offer an unfair advantage to PwC. Therefore, the lobbying ban below makes clear that the use of your contacts across Government/ Whitehall to the unfair

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Browning; Lord Michael German; Terence Jagger; Dr Susan Liautaud and Richard Thomas. John Wood was unavailable. Baroness Helen Liddell recused herself from this application in line with ACOBA's published Code of Practice.

advantage of PwC would be inappropriate; and the Committee has imposed a ban on providing advice on the terms, or with regard to the subject matter of, a bid or contract relating directly to the work of the Government.

In accordance with the Government's Business Appointment Rules, the Committee advises this 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;
- 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 PwC, nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy or secure funding on behalf of PwC or its clients;
- for two years from your last day in office you should not advise PwC on the terms of a bid or 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

