

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 an Advisory Member to Joint Strategy Board, and Patron to Tessa Jowell Brain Cancer Mission.

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:

- 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
- an employer could make improper use of official information to which a former Minister has had access; or
- 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 an Advisory Member to the Joint Strategy Board, and Patron to Tessa Jowell Brain Cancer Mission (the Mission). This is an unpaid role requiring 6 days of work per year.

You told the Committee your role will include providing: advise on strategy; attending up to four meetings per year; and participating in brainstorm sessions and the annual Mission offsite. You noted the role may include contact with members of Government and other public sector organisations such as the NHS, in the normal course of duties.

The Mission serves as a national convening body, uniting professional, patient, charity and government groups to share information and work together to eradicate brain tumors. The Mission is a convening body made up of a steering committee and four working groups focusing on research, clinical trials, training and patient experience. You describe the Joint Strategy Board as approving; monitoring; and facilitating the overarching strategy of the Mission - enabling engagement and communication between the four Strategic Programmes.

Government announced its support of the Mission in May 2018 and pledged a £40 million investment for research; an annual global symposium and new commitments to clinical excellence (such as using gold standard dye to identify brain tumours and speeding up adaptive trials). The Health Secretary also announced that you would lead on these commitments pledged by government.

You confirmed you had significant involvement in the creation and setting up of the Mission. This included working closely with Baroness Tessa Jowell and many, others inside and outside Government, to organise a roundtable in February 2018. This was attended by a broad range of stakeholders, at which the Mission was formed. You also played an active role in early development of the mission; and attended several other meetings and workshops for the Mission as it developed.

You also noted that as a health minister you had broad policy responsibility funding for science and research, which inevitably led you to speak to many medical research charities and universities, including those involved in the Mission.

The Permanent Secretary at your former department (the Department for Health and Social Care (DHSC)) was consulted regarding this appointment.

DHSC confirmed it is actively supportive and involved in the work of the Mission. The Government, via the National Institute for Health Research (NIHR), will be contributing £30K per year for three years towards the running costs of the Mission along with Cancer Research UK, the Eliminate Cancer Initiative, and brain tumour charities. DHSC noted that all applications for funding will be subject to the usual NIHR processes of open competition and entirely informed by expert peer review from scientific review - if standards are not met in open competition, the money will not be spent. *'A key aim of the mission is to help raise the standards of proposals coming into NIHR from researchers, and it is those researches and their institutions that would ultimately receive funding.'*

The department has no concerns regarding this appointment given the nature of the Mission - which seeks to bring together a range of partners to improve the quality of research into, and treatment of brain tumours. DHSC noted it is *'an initiative the Department is strongly supportive of, and still closely involved in.'*

The Committee's consideration

This is closely related to your time as the former Under Secretary of State for Health. The Committee¹ noted that whilst this closeness can sometimes raise risks under Business Appointment Rules, there are a number of mitigating factors in this case which lower these inherent risks.

This is an unpaid role with a convening body which seeks to bring together a range of partners to improve a particular area of health research. Your support and active involvement in the setting up of the Mission was entirely in keeping with your ministerial role; and the Government remains actively supportive. Therefore the risk this role would be seen as a reward here is low.

Whilst the Mission will benefit from your expertise and profile, this is not improper. Your role will be to support the strategy of the Mission which is actively supported by the Government. The public funding already pledged will be allocated in an open, transparent and competitive manner; the Mission will not be bidding for this money; and ministers will have no role in deciding which organisations ultimately receive the funding.

The Committee concluded that any contact you might have with government or your former department in keeping with your role as an Advisory Member of the Joint Strategy Board, and Patron, would not be reasonably deemed improper. However, the Committee considered it would not be proper for you to become involved in influencing the Government in respect of changing its policy position or its funding allocations. As such the lobbying ban below makes this clear.

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; 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 the Tessa Jowell Brain Cancer Mission. This would not prevent you from having routine contact with the Government in keeping with your role on the Tessa Jowell Brain Cancer Mission's (the Mission) Strategy Group and as Patron of the Mission. However, it would prevent you from making use, directly or indirectly, of your government and/or Ministerial contacts to influence policy on behalf of the Mission or secure funding on behalf of its partners.

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume ; Baroness Angela Browning; Lord Michael German; Terence Jagger; Baroness Helen Liddell; Richard Thomas and John Wood. Dr Susan Liautaud was unavailable.

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