

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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June 2019

You approached the Committee about taking up an appointment as a member of the Advisory Council at Portland Communications.

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 as a member of the Advisory Council at Portland Communications (Portland). You told the Committee your role will involve:

- providing ad hoc advice to Portland's senior leadership team
- representing Portland externally
- coaching and mentoring Portland's consultants
- providing insight to client-facing staff on issues of public policy; and
- contributing to Portland's non-UK work

This is a part-time, paid appointment requiring a work commitment of 24 days per year. You noted you previously worked for Portland and were approached regarding this role following your resignation.

You informed the Committee you indirectly met Portland staff while in ministerial office, when they attended meetings held with their clients; and noted it is common for communication agency staff to support clients in these meetings (therefore you also met staff from other agencies on other occasions). You further stated you did not deal directly with them; and none of your decisions as a minister directly affected those agencies. You confirmed you were not involved in any awarding of contracts, grants or similar; nor were you involved in any regulatory work affecting this sector.

You advised the Committee that Portland operates a small health and life science practice, therefore, you will not provide any input, advice, support or any other kind of activity to its clients Vertex and BioGen. This is due to your involvement in discussions with NHS England, the National Institute for Health and Social Care Excellence and the Department for Health and Social Care (DHSC) regarding drugs they sought to promote.

DHSC was contacted regarding this application. It confirmed DHSC does not hold any contracts with Portland nor is there a direct relationship between Portland and DHSC. Further, whilst it holds no record, as the ministerial diary may not include all specific attendees, it was possible you had met with Portland when they represented clients.

DHSC confirmed it does not believe you are privy to any sensitive information. It has no concerns about you taking up this appointment providing you do not advise or lobby on behalf of pharmaceutical or meditech companies in relation to their UK business.

The Committee's consideration

DHSC confirmed it has no specific relationship with Portland, though you met with Portland and other communications agencies (and similar) on a number of occasions, when those employees were supporting health & life science related clients in meetings between yourself and officials. This is in keeping with your ministerial role and you advised the

Committee¹ you did not deal directly with Portland or make decisions as a minister which directly affected those agencies.

However, the Committee noted there is a possible risk of unfair advantage in relation to access to the contacts and information you gained while in ministerial office.

The Committee noted that your role would not be to advise Portland's clients, but to sit on its Advisory Board. DHSC do not believe you are privy to any specific information which could be seen to offer an unfair advantage; and almost six months have now passed since you left ministerial office. However, as recognised by your former department, there is a potential conflict should you become involved in matters related to your time in office, such as in relation to Portland's clients who work in Health and Life Sciences and seek to influence the UK Government.

The Committee noted your intention to mitigate any potential conflict here by way of recusing yourself from work related to Vertex and BioGen. However, the Committee's view is that it is difficult to anticipate in advance specific conflicts which may arise in relation to Portland's future clients; given the access to information and contacts you gained whilst in office. As such, the Committee agrees with your former department that there should be a restriction on advising Portland in relation to Health and Life Sciences more generally.

As you note, Portland provide a range of services such as supporting companies with their business strategy; internal and public-facing communications and philanthropic work. The Committee considered that given the restrictions prevent you from working on Health and Life Sciences and contracts more generally with the UK Government, you could work on other matters for Portland with reduced scope for conflict.

The Committee would also draw your attention to the lobbying ban which makes clear that it would be inappropriate for you to use your contacts across Government/Whitehall to the unfair advantage of Portland and its clients.

In accordance with the Government's Business Appointment Rules, the Committee advises this appointment with Portland 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 Portland or its clients, nor should you make use, directly or indirectly, of your government and/or Whitehall contacts to influence policy or secure business on behalf of Portland/ or its clients; and

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.

- for two years from your last day in office you should not become involved in, or advise Portland (or its clients), on any work it undertakes that is primarily within the UK Health and Life Science Sector.

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 these appointments, 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