

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

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You approached the Committee about taking up an appointment as a Member of the Global Advisory Board with Healthy.io.

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.

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

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The Application

You sought the Committee's advice on taking up a paid, part-time position as a Member of the Global Advisory Board with Healthy.io, which will involve one day of work per month. You stated that this is unlikely to include contact or dealings with DHSC or Government; and described your responsibilities below:

- 'Support Healthy.io senior leadership in developing corporate strategy
- Provide strategic counsel to the senior leadership team
- Chair roundtable events and host visits from the non-UK team
- Advise on the development of thought leadership pieces'

You stated you had no official dealings with Healthy.io while in post; are unaware of a relationship between DHSC and Healthy.io; and had no access to commercially sensitive information about their competitors while in office.

You noted you did have official dealings with possible competitors of Healthy.io, stating that as Minister, you met with a range of organisations including public sector, commercial, charitable, trade bodies and others involved in either digital health or medical diagnostics. These meetings are listed in the DHSC transparency data. You noted that as far as you are aware, you did not meet with companies from the same specific technology space and focus of Healthy.io.

You also noted: 'As Minister my portfolio included responsibility for technology, digital and data within the NHS. Consequently, I had responsibility for overseeing policy developments in this area. These developments may have had some impact on Healthy.io in the same way that they impact any provider that is operating in this area, but provided no special treatment for this (or any other) company.'

Permanent Secretary at DHSC, Sir Chris Wormald, was contacted about your application. The Department stated that:

- During your time as Minister, you had no meetings with Healthy.io
- DHSC does not hold any contracts with Healthy.io.
- The Department has an **indirect** relationship with Healthy.io connected to funding programmes:
 - DHSC's test bed programme, where Healthy.io is an industry partner of the Care City project. Funding was awarded through a competition and DHSC confirmed though you would have signed off the winners of the competition, you were not involved in the decision making and it was unlikely you would have been aware of Healthy.io's involvement in Care City. (The Test Bed Programme brings NHS organisations and industry partners together to test combinations of digital technologies with pathway redesign in real-world settings. The testing includes £2 million provided by NHS England to support interventions aimed at improving the

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management of diabetes and over £5 million provided by DHSC and OLS to support interventions in other priority areas. Care City is just one of a number of these test bed programmes.)

- The Academic Health and Science Networks (AHSNs) have provided a low level of advisory support to the company; though DHSC confirmed neither you nor the department had any involvement in this. (AHSN's aim to improve patient outcomes and generate economic benefits for the UK by promoting and encouraging the adoption of innovation in healthcare.
- The Department stated it does not have any record of providing you with any commercial information on Healthy.io or any of its direct competitors beyond general briefings on a range of medtech companies for Ministerial meetings and visits. Therefore, the Department was therefore content that you would not have gained any specific information that would have been an advantage for Healthy.io.

The Committee also noted Healthy.io has an existing relationship with the NHS the NHS Innovation Accelerator (NIA), a national accelerator supporting high impact, evidence-based innovations across the NHS and wider healthcare system. This programme operates independently of DHSC and the selection process includes an expert group of over 100 assessors (such as patients, clinicians, commercial directors, improvement directors, information governance leads, etc. from a wide range of organisations NHS England, NHS Digital and AHSNs).

The Committee's Consideration

The Committee¹ noted that while there is no **direct** funding relationship between the company and Department, DHSC confirmed that you did sign off the winners of a competition to be involved in Care City as part of the Test Bed programme. Where there are relevant decisions made in office, this can bring a risk of reward. However you told the Committee you had no awareness of Healthy.io until you have left ministerial office; DHSC have confirmed it was unlikely you would have known of their involvement in the programme; and you were not involved in the selection process. Although Healthy.io is a clearly an NHS stakeholder, the relationship is held outside of DHSC, including via AHSNs and the NIA - which operate at arms length from DHSC and have their own governance structures in place. The Committee noted that though Healthy.io is clearly a stakeholder for the NHS and could be seen to have benefitted from DHSC's focus on health care innovations alongside other meditech firms, this was not as a result of actions taken or decisions made by your time in office.

The Committee noted there are also risks with you entering into the Health and Digital Health space, as this is the policy area you were responsible for while Minister. The Committee noted that due to your position, you would of had access to information which could be seen to be of benefit to the organisation. However, you are prevented from drawing on privileged information (which would include any commercial information you may have had sight of);

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Dr Susan Liataud; Richard Thomas; John Wood and Terence Jagger.

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and the department has confirmed there is nothing you have access to that would give rise to a particular risk of unfair advantage of the company.

The Committee also considered it was significant that 6 months have passed since you left Government, which is considered to be a sufficient gap in between your access to privileged information and you taking up this role; lessening the risk it could be used by the company to an unfair advantage.

The Committee noted you had some involvement in signing off on winners of innovation competitions whilst in post. Though DHSC confirmed you were not involved in the decision making, your awareness in this area and your profile as a former health Minister does raise risks in terms of the influence you may offer Healthy.io in this space. As such, the Committee has imposed a ban on advising on bids and contracts to prevent you from being involved in any future bids for contracts or funding with the UK Government and/or the NHS.

The Committee also considered a ban on the use of contacts gained in office, both in commercial organisations and across government was necessary. The Committee would bring this to your attention, particularly in light of the aspects of your proposed role which include supporting the build of the advisory board; external communications and bringing in those from the sector to conduct thought pieces for your new employer.

The Committee considered the role is consistent with the description of your consultancy which was described as a strategy and research consultancy in the fields of business, health, life sciences and education.

In the circumstances, the Committee's advice is that, under the Government's Business Appointment Rules, this appointment with Healthy.io be subject to the conditions on your consultancy, below:

- 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 business or funding on behalf of Mayforth Consulting or its clients;
- for two years from your last day in office you should not undertake any work as a consultant that involves providing advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK Government and the NHS; and

for two years from your last day in Ministerial office, before accepting any commissions and or/before extending or otherwise changing the nature of any commission, you should seek advice from the Committee. The Committee will decide whether each commission is

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consistent with the terms of his consultancy and consider any relevant factors under the Business Appointment Rules.

In addition, this application would be subject to the condition, which is an addition the lobbying ban:

- for two years from your last day in Ministerial office, you should not make use, directly or indirectly, of contacts developed in Government and/or Whitehall, including those in external/commercial organisations, to influence government policy or secure business on behalf of Healthy.io, its subsidiaries, partners or clients.

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 role, 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 Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Once the 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.

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The Baroness Browning

The Lord O'Shaughnessy