



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

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

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You sought the Committee's advice about taking up a role with Patient Safety Watch.

The Committee's remit

It is the Committee's role to advise on any 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 unpaid, part-time role as Chair and Trustee of Patient Safety Watch (PSW) - a charity you have set up and provided the seed funding to establish. You said that PSW is a healthcare charity focused on commissioning research and collating data on patient safety. It aims to improve patient safety in healthcare systems and increase awareness of patient safety issues in the UK and abroad. Your role would be unpaid and involve 2 days of work a month.

You also stated that PSW will look to share the research they commission and data they collect with the Government and other politicians. This is so the information can be used to determine which interventions are successful at improving patient safety. You confirmed that PSW will **not** be a campaigning charity; lobby government for funding; or use data or information not already in the public domain.

As Trustee you stated you will be responsible for the overall governance of the charity, ensuring it:

- is run according to its governing documents
- complies with charity law and requirements of the charities commission
- carries out activities to its charitable purposes and objectives

As Chair you will:

- Chair board meetings of fellow trustees
- act as a representative of the charity in the public domain
- not expect to have a contact with government and told the Committee you would not.

PSW was in the process of being set up as a charity (by you) and you confirmed you therefore had no official dealings with them whilst you were in ministerial office. During your time as Health Secretary, you did have official dealings with two individuals who plan to become Trustees on a regular basis - James Titcombe and Sir Norman Williams. You also confirmed that as Health Secretary you would have had to of made multiple decisions on improving patient safety. PSW was not formed during your time at Health Secretary and therefore you made no decisions, contractual or otherwise, in respect of PSW.

The Department for Health and Social Care (DHSC) and Foreign Commonwealth Office (FCO) were contacted about this application. The FCO confirmed you had no official contact and made no commercial decisions regarding PSW when at FCO and it has no concerns about this appointment.

DHSC confirmed you made no decisions regarding PSW while in post and did not meet PSW in your official capacity. It also confirmed you met with James Titcombe and Sir Norman Williams on a regular basis.

Sir Norman worked with you as Senior Clinical Adviser between 2015 - 2018 and for this he participated in weekly care meetings. Also, between February - June 2018 where he was the lead for the rapid policy review into issues relating to gross negligence manslaughter in healthcare. Sir Norman has recently been appointed as Chair of the Department of Health and Social Care Independent Reconfiguration Panel (IRP) in October 2019. The IRP advises Ministers on complex hospital reconfigurations and, whilst operating independently, is funded from departmental resources. DHSC confirmed they are considering whether there is any potential

conflict of interest relating to Sir Norman carrying out a role as Trustee while acting for DHSC as Chair of the IRP and will take action to mitigate where appropriate.

DHSC also told the Committee that:

- It is supportive of PSW and your proposed roles and has no concerns for you taking the role forward;
- It would expect to engage with PSW in the same way as any other charity or organisation external to government. DHSC does not believe that the interests of PSW should conflict with or put a similar organisation at a significant disadvantage;
- You will have had access to information and advice from officials including sensitive information and unannounced information from departmental and ALB officials. - Whilst the charity will benefit from having a minister with the insight and extensive knowledge of patient safety policy, it noted that you are now 16 months out of office and considered the advantage of this information and knowledge is already reducing;
- It expects PSW may benefit from the relationships you have established on a domestic and international level as you are regarded as a key influential figure internationally in this area;
- It considered that as you provided the seed to have PSW be established; set up the company yourself and made no decisions regarding the charity, the risk of reward here is low; and added
- It is '*...supportive of the principle aim of Patient Safety Watch which is to improve patient safety for the benefit of users of healthcare services. We would also support Mr Hunt taking up the role as Chair/Trustee and we are not aware of any specific reason that could give rise to public concern on propriety grounds directly related to Mr. Hunt's former ministerial role*'.

The Committee's consideration

When considering your application, the Committee¹ took into account that this role is unrelated to your most recent Ministerial role and that this is a newly formed Charity for which you had no official dealings or responsibilities for in Ministerial office. Further, this is a Charity that you have personally set-up and seed funded, therefore, the Committee considered the risk you were offered this role as a reward for a decision made or actions taken in office is low.

This is a Charity you set up and which aims to improve the availability of valuable health data on patient safety. However, the Committee noted this is closely related

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

to your time as the Secretary of State for Health, between September 2012 and July 2018, so there are some inherent risks under the Government's Business Appointment Rules.

The Committee noted that due to your seniority, you would have had access to privileged information on the subject of patient safety which could provide any organisation working within this space an insight that may not be available to others. Also, that you would have gained contacts internationally and nationally which, if made use of to gain funding, could provide PSW an unfair advantage. It noted you confirmed that PSW will not seek funding from the UK Government and you further confirmed you would not use information gained by contacts you have gained in post in order to secure funding or further business for the charity.

The Committee noted the Charity's focus will be on raising awareness of patient safety issues through publicly available information and research it commissions. Further, you confirmed you will not use information not already in the public domain and that while PSW will share the research the charity collects with government, it will not lobby government.

The Committee recognised that as a member of the House of Commons you plan to continue to campaign on matters related to health, a subject you are passionate about. Your actions as an MP are not for the Committee to consider and you will be bound by the rules governing all Members of Parliament and their conduct (such as the requirement to register your interests).

In line with this and recognising that DHSC is supportive of the Charity and your roles, the Committee considered the conditions below sufficiently mitigate the inherent risks here - they prevent the use of privileged information; the use of your contacts and time in office to the unfair advantage of PSW. The Committee considered that, as a former Cabinet Minister you are subject to a three month waiting period from your last day in office, though this has now passed.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in Ministerial office;
- you should make clear that any representation on behalf of Patient Safety Watch, is independent from your former department and/or the UK Government more widely;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government or contacts you have developed during Ministerial office, on behalf of Patient Safety Watch. This would not prevent you from reporting to Government on the activities of Patient Safety Watch, or from advising the UK Government in relation to its activities if the UK Government has asked for such advice; and

- for two years from your last day in Ministerial office, you should not become personally involved in lobbying contacts you have developed during Ministerial office, within other Governments and organisations, for the purpose of securing funding for Patient Safety.

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, should you continue to serve as an MP, there are separate rules in place with regard to your role in the House of Commons; and 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.

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.

The Baroness Browning

The Rt Hon Jeremy Hunt

