



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You approached the Committee about taking up an appointment as an external advisor with Bain & Co.

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 an External Advisor at Bain & Co. You stated that you expect to support the company internally and Bain & Co. teams in projects, primarily in the UK however this could extend to global clients depending on the needs of the company. You stated that your role will cover:

- thought leadership focused on creating a '*step change in healthcare delivery*', institutional reforms, technology transformation and behavioural change; and
- advice to Bain teams on scoping, analysis and communication

This is a part-time, paid appointment involving 1 day of work per month. You noted this role is not expected to involve contact with the Government.

You informed the Committee you did not meet with Bain & Co. whilst in ministerial office. Also, that you were not involved in policy that would have affected the company. You stated there is no known relationship between the Department for Health and Social Care (DHSC) and Bain & Co.

However, you noted that as a former Health Minister you had meetings with consultancy firms to gather information and gain insights from research that they carried out independently of the Government, and to be briefed on information specifically gathered by those companies which held contracts with the department to carry out consultancy work as part of your Ministerial duties. You also stated you did not have access to sensitive information on competitors of Bain & Co; though you did accept recommendations from officials to award contracts to their competitors following open competitions and confirmed you were not involved in the process of procuring or the decisions to award.

DHSC was contacted regarding this application. The department confirmed the details provided in your application and stated that:

- it does not hold any contracts or spend with Bain & Co and you did not have any meetings with Bain & Co.
- you do not have any access to commercially sensitive information about any competitors of Bain & Co.
- you do not have any knowledge about unannounced Government policy that could be advantageous to Bain & Co.
- it has no concerns with you taking up this role
- it recommends similar conditions that were applied to your previous application to work with Portland Communications

The Committee's consideration

DHSC confirmed it has no specific relationship with Bain & Co, and you made no specific decisions regarding the company while in post. The Committee¹ also noted that following recommendations from Government officials, you signed off on contracts with Bain & Co's competitors, which would not be seen to be in favour of the company. As such, it considered the risk you were offered the role for decisions or actions made in post as low.

However, the Committee noted that due to your seniority, there is a possible risk you could be seen to provide an unfair advantage to Bain & Co in relation to access to the contacts and information you gained while in ministerial office - it is difficult to anticipate in advance specific conflicts which may arise in relation to Bain & Co's future clients which are unknown. DHSC do not believe you are privy to any specific information which could be seen to offer an unfair advantage; and a year has passed since you left ministerial office. However, there may be a potential conflict should you become involved in matters related to your time in office, such as in relation to clients of Bain & Co who work in Health and Life Sciences and

¹ Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. Dr Susan Liataud was unavailable.

seek to influence the UK Government. With this, the Committee would also draw your attention to the prohibition of advising on any work that is within the UK Health and Life Science Sector in order to mitigate your providing an unfair advantage in this regard.

The Committee has also imposed a lobbying ban which makes clear that it would be inappropriate for you to use your contacts across Government/Whitehall to the unfair advantage of Bain & Co and its clients; and a ban on working on bids and contracts related to the Government and the NHS, to mitigate the remaining risks associated with your time in office.

In accordance with the Government's Business Appointment Rules, the Committee advises this appointment with Bain & Co 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 Bain & Co (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Bain & Co (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise or lobby on behalf of any pharmaceutical or medtech company in your role at Bain & Co, in relation to their UK business

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 Ministerial Code/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