



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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1. You asked for the Committee's advice about carrying out a short term piece of work with Oxford Nanopore Technologies Ltd.

The Committee's remit

2. 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.
3. 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.
4. When the Committee considers applications it must have in mind that the 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.

From the Chair

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

Appointment details

6. Oxford Nanopore Technologies is a private company with headquarters at the Oxford Science Park and offices in New York, Cambridge, San Francisco, Singapore, Shanghai, Beijing, and '*...a broader commercial presence that includes Japan, Germany, France and India. The company sells to nearly 100 countries and is in a period of rapid growth.*'
7. It's goal is '*...to enable the analysis of any living thing, by anyone, anywhere. We offer real-time nanopore-based DNA/RNA sequencing technology: accessible, easy to use and fully scalable for any requirement.*' It creates 'novel', electronics-based DNA/RNA sequencing technology which is fully scalable from pocket to population scale, which is being used in nearly 100 countries, for a range of biological research applications. These include large scale human genomics, cancer research, microbiology, plant science and environmental research.
8. You told the Committee you had been approached by the company to do some time-limited work to source funding to expand quickly during this time, when it is being met with unprecedented demand for its products and it needs to quickly increase capacity. You told the Committee this company is involved in genetic sequencing which you said is of particular interest during the present public health emergency; and that it is the only company that can do decentralised RNA virus sequencing. You said you did not believe it has any UK competitors and this is a uniquely British capability. You added that, as well as developing portable tests to be able to do viral analysis (as distinct from antibody studies) the company will be able to help identify viral mutations which might give warning of a future wave of disease.
9. You said the company has asked you to do this work due to your long career as a Doctor before entering the Government and, given your interest in the area (you are currently writing a book on global pandemics).
10. You said the role would be to raise a significant amount of capital for the company via your personal contacts in Bahrain. You note this work would be time limited and you have agreed terms with the company pursuant to which you will only be paid for this work should you manage to secure the funds on terms acceptable to the company.
11. You told the Committee the individuals you will have contact with are contacts that you have made outside of your roles in the Government. In particular you confirmed you have known the Crown Prince of Bahrain, as a friend for 15 years.
12. You confirmed to the Committee you had no dealings with Oxford Nanopore Technologies in office and you were only recently approached by the company to do this work.

From the Chair

13. The Permanent Secretary for the Department of International Trade was consulted on this application and provided the following information:
- You did not meet with Oxford Nanopore Technologies while in office.
 - Whilst DIT is aware of the company, it has only met with them *after* your departure from the Department.
 - You visited Bahrain twice on official DIT business during your time in office - where you met with the Crown Prince (who you say has also been a personal friend for 15 years).
 - In relation to these two meetings, DIT noted there was no reference to the company in any of the briefings, though there were generic lines including encouraging Foreign Direct Investment (FDI) into the UK.
 - DIT confirmed there was no general DIT policy from your time in office, or ministerial responsibilities, that it considered to be directly relevant to Oxford Nanopore Technologies and/or its competitors (ie in health and life sciences).
 - You have no access to relevant sensitive information that would benefit the company. Though you will have a good understanding of the UK investment landscape, DIT said this is widely understood inside and outside government e.g. stable government, low taxes, good universities etc.
 - DIT said the company does have competitors in the UK, but did not consider your seeking funding as described would advantage this company with a negative impact on UK competitiveness.
 - DIT is supportive of this work which did not conflict with your involvement in policy at DIT. The Permanent Secretary said DIT was supportive as this work would be 'encouraging FDI into the UK and into high value sectors like healthcare is a DIT/HMG policy.'

The Committee's consideration

14. In line with its remit, the Committee¹ has considered the risk of this appointment being perceived as a reward. It noted your confirmation that the discussions about this work happened recently, several months after you left office (in July 2019). None of the information provided by the Department of International Trade suggests any actions you took in office were influenced by the expectation of this work.
15. You had contact with officials in the Gulf as the Secretary of State for International Trade. The Committee carefully considered the potential risks associated with this work if you were seen to be using contacts you gained in your role as a Cabinet Minister to source funding for a private company and it was seen to benefit from your official relationships. You had contact with officials in the Gulf as the Secretary of State for International Trade. However you confirmed the contacts you will be approaching were not gained as a result of your time in office, noting your long

¹ This application for advice was considered by Sir Alex Alan, Johnathan Baume, Richard Thomas, Lord Larry Whitty, Mike Weir, John Wood, Susan Liautaud and Terence Jagger. Baroness Browning was rescued from this application in line with ACOBA's published Code of Practice. This letter contains the Committee's advice, arrived at without her input and signed on her behalf, as Chair of the Committee.

From the Chair

standing friendship with Crown Prince Salman, whom you explain you have had a long standing friendship with for 15 years.

16. DIT has no concerns about potential conflict regarding the meetings you held with the Crown Prince whilst you were Secretary of State. Should he, or those he represents decide to invest in this company, there is little risk of reward given your official dealings with the Crown Prince on behalf of DIT were not specifically related to the life sciences sector, or the company, but with regard to supporting the UK Government's desire to increase trade generally. However, the Committee wanted to make it clear it considered it would be improper, and outwith the spirit of the Rules to approach contacts you made as a result of representing the UK as the Secretary of State for International Trade for the purpose of securing funds on Oxford Nanopore Technologies' behalf.
17. Whilst you will be drawing on personal relationships, and your previous career as a Doctor, Oxford Nanopore Technologies is likely to benefit from your status and profile as former senior Government minister. However, the Committee considered there is no reason to think the company stands to gain an unfair commercial advantage. DIT confirmed you have no access to sensitive information. Further, the Department is supportive of this work to encourage foreign investment into the UK and said this would not in its view afford Oxford Nanopore Technologies an unfair advantage.
18. The Committee wishes to make clear its recommendation is made on the basis of the information provided. In particular, given the urgency of your application in the current public health crisis, it has relied upon the assurances you have given about the nature of the activities carried out by Oxford Nanopore Technologies. In any event, if there is a change in the purpose and nature of your work, you should return to the Committee for further advice.
19. The focus for the Committee in considering this application was to consider any potential for your role to conflict with your time in office and apply appropriate mitigations. under the Rules (as set out in paragraphs 2-5). However, it was relevant to the context of this application that you told the Committee you seek to carry out this work to enable the company to continue to do its work, and to expand, at a time when this work may prove beneficial to the current global public health crisis.
20. 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:
 - that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from Ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the Government on behalf of Oxford Nanopore Technologies Ltd (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit

From the Chair

Oxford Nanopore Technologies Ltd (including parent companies, subsidiaries and partners);

- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office in other Governments and organisations for the purpose of securing funding for Oxford Nanopore Technologies Ltd (including parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK Government.

21. 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.

22. 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."*

23. I should be grateful if you would inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. 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.

24. 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.

The Baroness Browning

Rt Hon Dr Liam Fox MP