



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Samantha Jones, former Expert Advisor at the Department of Health and Social Care and former Expert Advisor and Interim Permanent Secretary and Chief Operating Officer at 10 Downing Street. Application to establish an independent consultancy.

1. Ms Jones sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on her proposal to establish an independent consultancy.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during Ms Jones' time in office, alongside the information and influence a former Crown servant may offer their consultancy and its clients. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Committee has advised that a number of conditions and a waiting period be imposed to mitigate the potential risks to the government associated with this work under the Rules; this does not imply the Committee has taken a view on the appropriateness of a former Interim Permanent Secretary and Expert Advisor at No.10 setting up such a consultancy in any other respect.
5. The Rules¹ set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

¹ Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

The Committee's consideration of the risk presented

Consultancy

6. Ms Jones describes her consultancy as focused on providing advisory services across the health sector, both public and private (though focus will be within the private health sector) using her experience prior to joining government. She said it is likely to include supporting development of organisational strategies; healthcare transactions; leadership development support; integrated care strategies and operational performance delivery.
7. It would not be improper for Ms Jones to operate a consultancy which draws on generic skills and experience she gained from her time in Crown service. Notably Ms Jones has a long career in healthcare before joining government to advise on matters related to the impact of Covid-19. Given her former roles as Interim Permanent Secretary/COO at No.10, she will have had oversight of a wide range of information and policy that may provide an unfair advantage to a broad range of organisations. There is a risk that Ms Jones' clients, particularly those in the healthcare sector, may be considered to gain from her privileged insight that is unavailable to its competitors.
8. The Committee² took into account there are a number of mitigating factors that help to reduce the risks associated with Ms Jones' access to information and insight that may be seen to offer her future clients an unfair advantage:
 - Ms Jones left her role as Expert Advisor on Health to the Prime Minister at No.10 over 12 months ago
 - Her role as Interim Permanent Secretary was internally focused and was limited to restructuring No.10, running the Prime Ministers Group and headcount management
 - The Cabinet Office and DHSC said that given the time that has passed since she had access to information in her various roles in office, any access to information she did have will likely be out of date (6 months have passed since she was in government with any access to information)
 - She is prevented from drawing on privileged information and has an ongoing duty of confidentiality.
9. Ms Jones will have contacts and influence within the UK government, particularly in No.10 and DHSC. As such, there are real and perceived risks her network gained in office might be used to assist her consultancy or its clients unfairly. Ms Jones is also currently a Non-Executive Director with the Department of Health and Social Care.
10. Since leaving office, Ms Jones has been appointed by government to the role of Non-Executive Director with the Department of Health and Social

² This application for advice was considered by: Jonathan Baume; Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Lord Pickles; Richard Thomas; Lord Larry Whitty and Mike Weir.

Care. The consideration of the risks around any conflict that may arise in future as a result of this role is for the department and Ms Jones to manage.

11. During Ms Jones' time at No.10, and more recently with DHSC, she met with companies in the health sector and as a result may have contacts and influence within private companies as a result of these dealings. It is significant Ms Jones was brought into government to advise on health during the pandemic into the role as a result of her experience and skills within the NHS and the private health sector (which she had a career spanning 30 years in).
12. The Committee considered the risks associated with Ms Jones having contact with the NHS to discuss work are limited. Ms Jones' experience and contacts within the NHS were not gained from her time in government office. In these circumstances, the Committee considered the conditions below which prevent her from: lobbying government and being involved in contracts and bids with the government should not apply to the NHS, where she could not reasonably be perceived as offering unfair access as a direct result of her time in office.
13. This advice provides Ms Jones consent only to set up a consultancy, subject to a number of conditions. It does not give her consent in relation to any possible future clients. She must seek advice in relation to each client, so that risks can be assessed and it will need to be demonstrated by her and the Cabinet Office that the work would be appropriate under the Rules.

Future commissions

14. Ms Jones must seek advice from the Committee for each commission she wishes to accept. Whether the conditions set out below can sufficiently mitigate the risks presented by any future commission she proposes to take up will depend on the specific details of each piece of work. Any failure to seek advice before accepting work would be a breach of the Rules and treated as such - including reporting breaches to the government.
15. The risks under the Rules will be most significant where Ms Jones seeks to provide advice on matters where she had insight or access to sensitive information in office - these applications will need close scrutiny. The Committee will want to carefully consider the suitability of this work, and may advise that the conditions do apply to NHS or impose further conditions/a waiting period if there are particular risks that warrant such advice. Where conditions and a suitable waiting period cannot appropriately mitigate the risks, the Committee may advise the work is unsuitable³ to take up within the two years the Rules apply. The Committee will consider such risks on a case by case basis.
16. All potential clients must be notified of this advice, and when seeking work/new clients, Ms Jones must adhere to the conditions below. Under the government's Business Appointment Rules, the Committee advises that this **independent**

³ Should an applicant subsequently take up or announce this work, ACOBA will publish relevant information.

consultancy should be subject to the following conditions:

- she should not draw on (disclose or use for the benefit of herself or the persons or organisations to which this advice refers) any privileged information available to her from her time in Crown service or in any capacity in which she continues to represent the UK Government;
- for two years from her last day in Crown service, she should not become personally involved in lobbying the UK government and its arm's length bodies on behalf of those she advises under her independent consultancy (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage those she advises under her independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from her last day in Crown service, she should not provide advice to on behalf of those she advises under her independent consultancy (including parent companies, subsidiaries, partners and clients) 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 or any of its arm's length bodies;
- for two years from her last day in Crown service, she should not become personally involved in lobbying contacts she has developed during her time in office and in other governments and organisations for the purpose of securing business for her independent consultancy (including parent companies, subsidiaries, partners and clients); and
- for two years from her last day in Crown service, before accepting any commissions for her independent consultancy and or/before extending or otherwise changing the nature of her commissions, she should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

17. The advice and the conditions under the government's Business Appointment Rules relate to Ms Jones' previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an individual's responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

18. 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.

19. 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*'.
20. You must inform us as soon as Ms Jones' company is live or is announced. You must also inform us if Ms Jones proposes to extend or otherwise change the nature of his consultancy as, depending on the circumstances, it may be necessary for him to make a fresh application.
21. Once Ms Jones' consultancy has been publicly announced or set up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours Sincerely,

Isabella Wynn
Committee Secretariat

Annex - Material information

The role

1. Ms Jones said she proposes to provide advisory services across the health sector, both public and private (though focus will be within the private health

sector) utilising her experience prior to joining Government. She said it is likely to include supporting development of organisational strategies; healthcare transactions; leadership development support; integrated care strategies and operational performance delivery.

2. Ms Harrison said she has worked in health care for over 30 years prior to taking up the post as Expert Advisor to the Prime Minister. She said her career has spanned both the public and private sector as a nurse, a hospital Chief Executive and as a national director in NHS England. In the private sector, she led primary care, elective and urgent care services; and a role with Operose Health (the UK part of Centene and a managed care company). She said her 34 years' experience in this field underpinned her appointment as expert advisor to the Prime Minister in April 2021 during the covid response.
3. Ms Jones previously said that in her role as interim Perm Sec for No 10, she was focussed on the agreed plan to restructure No 10 - the day-to-day running of the Prime Minister's Group and headcount management.

Department Assessment

4. The Cabinet Office provided its views on this application, confirming the details she provided.
5. As an Expert Health Adviser and Interim Permanent Secretary at No.10 and DHSC, Ms Jones would have had significant access to sensitive policy information whilst in government. Due to her responsibilities, this information is likely to have covered:
 - pandemic effects and response
 - health and social care
 - restructuring No.10, running the Prime Ministers Group and headcount management
6. The Cabinet Office confirmed Ms Jones left her No.10 post in July 2022. This role was primarily internally-focused, and is unlikely to have provided access to sensitive information that could be used to benefit these three companies. The applicant did attend some health industry meetings during this time due to her expertise in the sector and to respond to operational issues. However, as there were separate Health Advisers within the department, these issues were largely reactive.
7. The Cabinet Office said Ms Jones' last role was to provide advice on the health sector at DHSC for 7 weeks from Nov-Dec 2022 - this role involved advising on the forthcoming winter pressures on the NHS. *'Given the length of this tenure, as well as the length of time since the applicant was in post (6 months), it is likely that any relevance of this information would have degraded by now'*.
8. The department noted Ms Jones has spent her career working in the healthcare sector, the majority was in operational management and it is this expertise, acquired before she worked in government, which will support her

consultancy work. It recommended the consultancy be subject to the standard conditions.