



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>

August 2023

BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Samantha Jones, former Expert Adviser at the Department of Health and Social Care and former Expert Adviser and Interim Permanent Secretary and Chief Operating Officer at 10 Downing Street. Application to work with National Association of Primary Care (paid) under her 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 work with National Association of Primary Care (NAPC) under her 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 NAPC. 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 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

5. The Committee² considered this commission to be consistent with the description of Ms Jones' consultancy which she described as 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. This includes: supporting development of organisational strategies; healthcare transactions; leadership development support; integrated care strategies and operational performance delivery.
6. There is a contractual relationship between NAPC and the Department of Health and Social Care (DHSC), where Ms Jones was an adviser for 7 weeks. The Committee noted Ms Jones had no involvement in any contractual decisions and did not meet with the company. Therefore, there is no evidence this role could reasonably be perceived as a reward for decisions or actions taken whilst in post.
7. There are risks associated with her access to information during her time in government. The Committee agrees with the Cabinet Office that there are a number of mitigating factors that help reduce the risks associated with her access to information:
 - Ms Jones left her role as Expert Adviser 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.
8. Ms Jones will have contacts and influence within the UK government, particularly in No.10 and DHSC. Ms Jones is also currently a Non-Executive Director with the Department of Health and Social Care. As such, there are real and perceived risks her network gained in office might be used to assist NAPC unfairly.
9. Since leaving office, Ms Jones has been appointed by government to the role of Non-Executive Director with the Department of Health and Social 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.

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.

10. 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).

The Committee's advice

11. In the circumstances, the Committee's advice in accordance with the government's Business Appointment Rules is that this work with NACP should be made subject to the same conditions attached to Ms Jones's independent consultancy. This includes that the conditions below which prevent her from lobbying the government and being involved in contracts and bids with the government should not apply to the NHS. Ms Jones came into government as a result of her experience and skills within healthcare. The Committee did not consider it could reasonably be perceived that she offers unfair access to the NHS as a direct result of her time in office.

12. The Committee determined the risks identified in this application can be appropriately mitigated by the 6 months that have already passed since Ms Jones was in government and the conditions below. These make it clear she cannot make use of any privileged access to information, contacts or influence gained from her time in government service to the unfair advantage of NACP.

13. In the circumstances, the Committee's advice in accordance with the government's Business Appointment Rules is that this work with NACP should be made subject to the same conditions attached to Ms Jones's independent consultancy:

- 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.

14. The advice and the conditions under the government's Business Appointment Rules relate to her 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.

15. 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.

16. 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*'.

17. You must inform us as soon as Ms Jones' appointment is live or is announced. 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. You must also inform us if Ms Jones proposes to extend or otherwise change the nature of this work as, depending on the circumstances, it may be necessary for you to make a fresh application.

18. Once this work 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. NAPC is a private health service provider, specialising in at-home care, and technology solutions to healthcare. It works with local government and the NHS, holding multiple contracts with UK Councils. It will be regulated by the Care Quality Commission.
2. Ms Jones said she has worked in health care for over 30 years prior to taking up the post as Expert Adviser 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 Opersoe 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.

Dealings in office

3. Ms Jones confirmed she did not meet with NAPC nor did she make any decisions specifically affecting the company.
4. Ms Jones has previously explained to the Committee she spent the 20 months as an advisor specifically in health, focussed on advising the Prime Minister on dealing with the effects of the pandemic. She also said her role as Interim Permanent Secretary for No.10 focussed on the agreed plan to restructure No 10, day-to-day running of the Prime Ministers Group and headcount management. During her last 7 weeks where she was posted at DHSC as an Expert Adviser she was formally recused from anything AI-related, as she was considering future roles in this field. She said this role with DHSC was focussed on advising DHSC on the upcoming winter pressure.

Department Assessment

5. Cabinet Office said in April-Oct 2020, NAPC held two contracts with DHSC to provide an Covid-19 Adult social Care Recruitment Platform. It confirmed Ms Jones was not involved in these contracts.
6. The Cabinet Office stated as an Expert Health Adviser and Interim Permanent Secretary, Ms Jones would have had significant access to sensitive policy information whilst in government. The Cabinet Office noted Ms Jones's role at

No.10 was primarily internally-focused, and is unlikely to have provided access to sensitive information that could be used to benefit an AI technology company. From July 2022 Ms Jones's role in No.10 was significantly limited to working on chairing a disciplinary process, leaving the department in September 2022. The department noted AI did not form part of Ms Jones's responsibilities at No.10.

7. 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
8. Cabinet Office noted 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 NAPC. Ms Jones 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. 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.
9. The department said given the length of her time at DHSC, as well as the length of time since Ms Jones was in post (6 months), any relevance of this information would have degraded by now. The department noted Ms Jones held senior roles at DHSC and as Interim Permanent Secretary at No.10, and so would have had access to privileged information. Due to her narrow focus on the pandemic response and the operation of No.10's Prime Minister's Group, this information is likely to have minimal direct application or advantage to NAPC. It also noted this role will utilise the sector experience she developed prior to joining government - she had a longstanding prior career in the health sector, which is likely to be the source of her expertise, and reduces the risk NAPC may be seeking to hire Ms Jones as a result of her time in government. Her access to information presents a minimal risk, and should be adequately covered by reminding her of her duty of confidentiality.
10. Given her experience from the sector the departments had no concerns about the appointment as proposed by Ms Jones.