



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Shona Dunn CB, former Second Permanent Secretary at the Department of Health and Social Care. Paid appointment with St John Ambulance.

1. Ms Dunn 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 St John Ambulance as the Chief Executive Officer (CEO).
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 her time in office, alongside the information and influence a former Crown servant may offer St John Ambulance. 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.

The Committee's consideration of the risk presented

5. As Second Permanent Secretary in the department of Health and Social Care (DHSC), Ms Dunn has had oversight of, and involvement in, decisions

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.

impacting the health sector. While St John Ambulance holds contracts for the provision of medical services within the NHS, it does not hold any contracts with DHSC directly. Ms Dunn has not met with St John Ambulance whilst in government, nor has she made any decisions specific to the organisation while in office. It is significant that Ms Dunn obtained the role through an advertised post. Therefore the Committee² considered that the risk that this role could reasonably be perceived as a reward for decisions or actions taken whilst in post, is low.

6. Ms Dunn would have had access to a broad range of sensitive information relating to the sector in which St John Ambulance operates. Ms Dunn is subject to a three month waiting period between leaving her role as Second Permanent Secretary and taking up her role to help reduce the likelihood that any information to which she had access will be sufficiently up to date. Further, DHSC is not aware of any sensitive information that could unfairly advantage St John Ambulance, particularly in light of the nature of the organisation. These factors help to reduce the risk associated with Ms Dunn's access to information.
7. Ms Dunn stated that St John Ambulance has an interest in government policy and delivery in its operating sector. She stated that while she is subject to the Rules she would not brief any ministers or officials, though as CEO she might expect to have some contact with government. The Committee considered whether this would be improper, given the lobbying ban which applies to all senior officials on leaving office. The nature of the organisation is relevant as St John Ambulance is a registered charity, whose aims are shared by the government - to ensure those who are sick are cared for. It would not be improper for Ms Dunn to engage with the government where she is invited to do so, or where she is providing information transparently. It would be improper for Ms Dunn to lobby the government or to become involved in the negotiations of specific contracts or funding arrangements with government and its arm's length bodies. To do so would risk undue influence as a result of her time as one of the most senior officials at DHSC.

The Committee's advice

8. The Committee determined that the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear that Ms Dunn cannot make use of her access to privileged information or influence gained from her time in Crown service to the unfair advantage of St John

² This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir. Andrew Cumpsty was absent.

Ambulance.

9. Ms Dunn was still in post at the time of providing this advice. The Committee wishes to make clear its recommendation is made on the basis of the information provided at that time. If Ms Dunn or DHSC should become aware of any circumstances that would be relevant to her application and this advice, in the gap between receiving this advice and taking up this role, she should revert to the Committee for further advice. Further, she and DHSC must consider and appropriately manage any potential conflicts that may arise in the meantime.
10. In the circumstances, the Committee's advice in accordance with the government's Business Appointment Rules is that this work with **St John Ambulance** should be made subject to the following conditions:
 - a waiting period of three months from her last day in Crown service;
 - 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;
 - for two years from her last day in Crown service she can draw on skills and experience gained from her time in office. However she must not, at any time, draw on any privileged information gained in office. Any contact with the government, directly or indirectly, must only be where it could not reasonably be perceived as lobbying; and
 - for two years from her last day in Crown service she must not work or advise on any bids to secure governmental funding or contracts. She may only work on or advise on the subject matter of funding/contracts with the government (or related matters), provided she does not draw on any privileged information or contacts from her time in office.
11. The advice and the conditions under the government's Business Appointment Rules relate to her previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests³. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

12. By '*privileged information*' we mean official information to which a 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.

13. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant '*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*'.

14. Ms Dunn must inform us as soon as her appointment is live or is announced. She must also inform us if she proposes to extend or otherwise change the nature of this work as, depending on the circumstances, it may be necessary for her to make a fresh application.

15. 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,

Shaneez Mithani
Committee Secretariat

Annex- material information

The role

1. St John Ambulance is one of the many subsidiary charities of St John International. It is governed by a parent charity - The Priory of England and the Islands of the Order of St John. It is a volunteer-based registered charity and social enterprise. It aims to promote the relief of sickness, distress and suffering. Helping others at some of the most vulnerable moments in their lives and:
 - supports the provision of first aid and other health-related services in communities, workplaces and to the NHS
 - supplies first aid products
 - provides the auxiliary ambulance service for the NHS - akin to an NHS ambulance reserve
 - provides volunteers for medical aid
2. St John Ambulance holds a contractual relationship with NHS England and a number of individual NHS Trusts.
3. Ms Dunn proposes to take up a role as the CEO. She said that her responsibilities will be:

Leadership of St John

- establish a strong working relationship with the Trustees of both Priory Council and St John Ambulance
- develop and deliver a long term, sustainable strategy with measurable objectives
- develop, motivate and lead a high-performing executive team with the knowledge, skills and energy to deliver the strategy plan
- lead, inspire, empower and motivate dedicated volunteers and staff in the St John Ambulance mission (to serve communities and save lives)

Represent St John internally and externally

- create an inclusive, compassionate, connected and safe working culture and environment
- be a visible leader and ambassador both internally and externally - to create opportunities for revenue and to enhance the profile of the organisation
- provide strategic leadership to support the Priory's contribution to the Order's international activities

Ensure collective leadership of organisational priorities

- ensure financial security, sustainability and compliance
 - regular financial budget reporting on performance against agreed objectives.
 - provide oversight and strategic leadership for organisational change
 - ensure the organisation is equipped to participate and respond to external challenges
 - take overall responsibility for systems, processes and culture that ensures safeguarding and high quality service delivery
 - be ultimately accountable for health and safety, clinical governance and safeguarding
4. Ms Dunn said that St John Ambulance is aware that it is likely that ACOBA will apply some limitations to her role. She noted that the organisation has an interest in government policy and delivery. As CEO, Ms Dunn has stated that her role could include participating in discussions with DHSC on policy; but in recognition of her obligations under the Rules she would not brief ministers or officials over this period.
5. Ms Dunn said that she was offered this role after applying for an advertised position.

Dealings in office

6. Ms Dunn said that her role as Second Permanent Secretary at DHSC involved:
- deputising for Permanent Secretary on all Departmental matters
 - specific responsibility for Departmental strategy and for all corporate services
 - acting as an additional accounting officer on all departmental matters.
 - leading on all non-coronavirus (COVID-19) related work for the department
7. Ms Dunn confirmed that she did not have any contact with St John Ambulance while in office, and did not make any policy, regulatory or commercial decisions specific to the organisation.
8. Ms Dunn also stated that she did not have access to any sensitive information that could unfairly advantage St John Ambulance.

Department Assessment

9. DHSC confirmed that while in office, Ms Dunn:
- did not meet with St John Ambulance;

- did not have access to any privileged information that could grant St John Ambulance with an unfair advantage;
- did not make any policy, regulatory or commercial decisions specific to St John Ambulance;

10. DHSC stated that there is no direct departmental relationship with St John Ambulance. However, DHSC is aware that St John Ambulance has a relationship with several of its arm's length bodies, including NHS England, NHSBT and some individual NHS Trusts.

11. DHSC had no concerns about this appointment. DHSC stated that this role is unlikely to have been offered as a reward, and that the perception of influence for commercial gain in this case is significantly limited. It recommended that the role be approved subject to the standard conditions, including a 3 month waiting period.