



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Mr Shaun Gallagher

1. The Committee has been asked to consider an application from Mr Gallagher, Director General for Europe, International & Constitution for Department for Environment, Food and Rural Affairs (Defra), on taking up an appointment with General Medical Council.
2. As Director General at Defra Mr Gallagher was responsible for leading Defra's work on EU Exit, the future relationship with the EU, and wider international trade policy and relations - international work of Defra for environment, agriculture, food policies.
3. Mr Gallagher's last day in post and Crown service is 30 October 2020.

The Committee's role and remit

4. 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.
5. 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.
6. 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.

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

Appointment Details

8. Mr Gallagher sought the Committee's advice on taking up a paid and full-time role, which was advertised and he applied for, as Director, Strategy & Policy at General Medical Council (GMC).

9. Mr Gallagher said the General Medical Council (GMC) is a Statutory regulatory authority for professional regulation on medical professionals in the UK. The website states it works to protect patient safety and support medical education and practice across the UK. It states it does this by working with doctors, employers, educators, patients and other key stakeholders in the UK's healthcare systems. The work GMC does is set out by the Medical Act 1983 and it covers five areas:

- GMC manages the UK medical register
- GMC sets the standards for doctors
- GMC oversees medical education and training
- It maintains and improves standards through revalidation
- GMC investigates and acts on concerns about doctors

The GMC is supported by fees paid by its members, and it became a registered charity in 2001.

10. As Director he said he will be responsible for developing and delivering the GMC's corporate strategy, lead business planning across the GMC, and develop a corporate policy function. The role will involve significant joint working with other healthcare regulators, the medical profession, and the wider health and care system, including the Department of Health and Social Care. He said his contact/ dealings with government will not be with parts of Government where he has worked for the last five years (He has not worked at DHSC since 2014) but with the Department of Health & Social Care. The dealings with DHSC will be on programmes of work that are already in train and where the General Medical Council would be expected by DHSC to be fully involved. As the General Medical Council is a statutory regulator and part of the institutional framework of the NHS and wider healthcare system, its dealings with Government are as part of joint working in the delivery of health and care improvement, and not lobbying for advantage or commercial interest.

11. Mr Gallagher told the Committee he had no contact with GMC during his time in service and had no involvement in policy decisions or development and has not worked for the department that held responsibility for the sector in which GMC operates for over five years. Mr Gallagher's most recent overlap with policy was from his time at the Department of Health and Social Care (2005-2014). Further, there is no relationship between Defra and GMC as such he had no involvement in awarding contracts or funding.

12. Cabinet Office countersigned this application and confirmed the details he provided.

13. Defra also considered this application. It said it had no concerns regarding this appointment and there are no conflicts of interest or perceived conflicts of interest. Defra said it supports Mr Gallagher's position as Strategy & Policy Director at the GMC.

The Committee's consideration

14. The Committee¹ noted that his role is not directly related to his time in office. It particularly noted he had no dealings with the organisation for over five years; and it is aware of no reason it might be perceived this appointment is a reward for decisions or actions taken in office.

15. The Committee also noted as a former Director General he may have general access to policy and information that could be perceived to benefit GMC. However, he has not had access or involvement with any relevant policy in his recent position in Crown service and his proposed work is unrelated to his recent positions. The Committee considered his time at the DHSC will have some overlap with his proposed role with GMC, but noted this was over five years ago. Therefore, the Committee considered the risk he could offer an unfair advantage to GMC through his access to sensitive information is low. However, the Committee would also draw his attention to the ban on using privileged information.

16. The Committee considered whether Mr Gallagher's proposed contact with the Government in his proposed role would be proper. He noted this contact will be in the form of joint working with DHSC in the delivery of health and care improvement where DHSC expects GMC to be involved. The Committee considered the nature of the company was relevant, GMC is a charity focussed on protecting patient safety and supporting medical education and therefore there is limited scope for unfair advantage. In the circumstances it did not consider this proposed contact would be improper. However, the Committee would draw Mr Gallagher's attention to the lobbying ban imposed below, which makes it clear he should not use his contacts in government to the unfair advantage of GMC.

17. Further, the restriction below on providing advice on the terms of a bid or contract relating directly to the work of the UK Government prevents him from providing an unfair advantage to GMC in respect of any future work with the UK Government.

18. Although this application has been made before Mr Gallagher has left office the Committee is prepared to provide advice now. However, the Committee wishes to make clear its recommendation is made on the basis of the information provided. If Mr Gallagher should become aware of any circumstances that would be relevant to his application and this advice, in the gap between receiving this advice and taking up this role, he should revert to the Committee for further advice.

19. The Prime Minister, under the Government's Business Appointment Rules, has accepted the Committee's advice that this appointment with **General Medical Council** should be subject to the following conditions:

- that he should not draw on (disclose or use for the benefit of himself or the organisations to which this advice refers) any privileged information available to him from his time in Crown office;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK Government on behalf of the General Medical Council (including parent companies, clients, subsidiaries and partners). This would not prevent communications with the UK Government that are in the normal course of business for the GMC as a regulator. However, it would prevent him from making use, directly or indirectly, of his government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit of General Medical Council (including parent companies, subsidiaries, partners and clients); and

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; The Rt Hon Lord Pickles; Richard Thomas; M ke Weir; Lord Larry Whitty; Dr Susan Liautaud and John Wood

- for two years from his last day in office he should not advise the General Medical Council or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government.

20. 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.

21. 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."

22. I would be grateful if you would ensure that we are informed as soon as Mr Gallagher's role is live, or if it is announced that he will do so (I enclose a form for this purpose). We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether he had complied with the rules.

23. I should also be grateful if you would ask that Mr Gallagher informs us if he proposes to expand or otherwise change the nature of his role, depending on the circumstances, it may be necessary for him to make a fresh application.

24. Once Mr Gallagher's role is live and/or he has announced this is the case, we will publish this letter on the Committee's website and in the relevant annual report.

Yours sincerely,

Isabella Wynn
Committee Secretariat