



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Samantha Harrison, former Expert Adviser at the Department of Health and Social Care and prior to that, Expert Adviser and Interim Permanent Secretary and Chief Operating Officer at 10 Downing Street. Paid role as a member of the advisory board with HCA Healthcare UK under your independent consultancy.**

1. You 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 your proposal to work with HCA Healthcare UK (HCA Healthcare) under your 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 your time in office, alongside the information and influence a former health adviser within government may offer HCA Healthcare. 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 Rules<sup>1</sup> 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.

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<sup>1</sup> 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 Committee<sup>2</sup> considered this commission to be consistent with the description of your consultancy, which you described as: providing advisory services across the health sector, using your 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 no known relationship between the Cabinet Office or Department for Health and Social Care (DHSC) and HCA Healthcare. It is significant that you did not work on commercial matters or in procurement during your time in office; nor did you meet with or make any decisions specific to the company. Therefore, the risk that this role could reasonably be seen to have been offered as a reward for decisions made or actions taken in office is low.
7. There are risks associated with your access to information from your time in government. The Committee agreed with the Cabinet Office that there are a number of mitigating factors that help reduce the risks associated with your access to information:
  - You left your role as Expert Adviser on Health to the Prime Minister at No.10 more than two years ago;
  - Your role as Interim Permanent Secretary was internally focused and was limited to restructuring No.10, running the Prime Minister's Group and headcount management;
  - Your role as an Expert Adviser at DHSC was for a limited period of 7 weeks and primarily focused on the pandemic effects and response in late 2022, relating in particular to the upcoming winter pressures on the NHS.
  - The Cabinet Office and DHSC said that given the time that has passed since you had access to information in your various roles, any access to information you did have will likely be out of date (over 15 months have passed since you were in government with any access to information);
  - You are prevented from drawing on privileged information and have an ongoing duty of confidentiality - this is particularly relevant given you are currently working with DHSC as a Non-Executive Board Member.

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

8. There are risks associated with your network and potential influence within government. During your time at No.10, and more recently with DHSC, you also met with companies in the health sector and may have developed further contacts within the private sector. It is significant that you were brought into government to advise on health during the pandemic as a result of your experience and skills within the NHS and the private health sector (which you had a career spanning 30 years in).

#### The Committee's advice

9. In the circumstances, the Committee considered the majority of the risk under the Rules can be mitigated by the conditions that apply to your independent consultancy.
10. This includes that some of the conditions below, which prevent you from lobbying the government and being involved in contracts and bids with the government, should not apply specifically to the NHS. You came into government as a result of your experience and skills within healthcare and the Committee did not consider it could reasonably be perceived that you offer unfair access to the NHS as a direct result of your time in office.
11. You are on the Board at DHSC as Lead Non-Executive Director. In line with previous advice, you and DHSC must consider and mitigate any potential conflicts in accordance with the Code of Conduct for Board Members of Public Bodies. The conditions below have also been updated to remind you that you must not make use of privileged insight gained from this role within a government department.
12. In the circumstances, the Committee's advice in accordance with the government's Business Appointment Rules is that this work with **HCA Healthcare UK** should be subject to the following conditions:
  - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in Crown service or in any capacity in which you continue to represent the UK government;
  - for two years from your last day in Crown service, you should not become personally involved in lobbying the UK government and its arm's length bodies on behalf of those you advise under your independent consultancy (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage those you

advise under your independent consultancy (including parent companies, subsidiaries, partners and clients);

- for two years from your last day in Crown service, you should not provide advice to on behalf of those you advise under your 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 your last day in Crown service, you should not become personally involved in lobbying contacts you have developed during your time in office and in other governments and organisations for the purpose of securing business for your independent consultancy (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in Crown service, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you 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.

13. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's 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' Interests<sup>3</sup>. 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.

14. 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.

15. 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*

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<sup>3</sup> 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.

*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’.*

16. You must inform us as soon as your appointment is live or is announced. You must also inform us if you propose 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.

17. 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,

Hamzah Rizvi  
**Committee Secretariat**

## **Annex - Material information**

### The role

1. According to its website, HCA Healthcare UK is the largest private healthcare provider in the world, and one of the leading private healthcare providers in the UK.
2. You wish to join HCA Healthcare as an Advisory Board Member, a paid role. According to its website, the HCA UK Advisory Board is set up to support HCA UK's agenda around quality care and sector-wide collaboration and will provide strategic insights and guidance to the HCA Healthcare leadership team. You said that you will be providing expert support, advice and guidance to the HCA Healthcare CEO, Exec Team and to ensure it is best utilised to support the delivery of the strategic objectives of HCA. You also informed the Committee you have made it clear to HCA Healthcare that you cannot, and are not willing to, work on any government contracts, nor are you willing to lobby on the behalf of the company or its clients.
3. You said you have worked in health care for over 30 years prior to taking up the post as Expert Adviser to the Prime Minister. You said your 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, you led primary care, elective and urgent care services; and a role with Opersoe Health (the UK part of Centene and a managed care company). You said your experience in this field underpinned your appointment as expert adviser to the Prime Minister in April 2021 during the covid response.
4. You are currently Lead Non-Executive Director at the Department for Health and Social Care.

### Dealings in office

5. You confirmed you did not meet with HCA Healthcare, nor did you make any decisions specifically affecting the company.
6. You previously explained to the Committee that you spent the 20 months as an adviser, specifically in health, focussed on advising the Prime Minister on dealing with the effects of the pandemic. You also said your role as Interim Permanent Secretary for No.10 focussed on the agreed plan to restructure No.10 and the day-to-day running of the Prime Minister's Group and headcount management.
7. During your last seven weeks in office, you were posted at DHSC as an

Expert Adviser. You said this role with DHSC was focussed on advising DHSC on the upcoming winter pressure.

### Department Assessment

8. HCA Healthcare has received 2 contracts from NHS trusts within the last 5 years worth around £2 million each. However, there is no relationship between HCA Healthcare and your former departments. The departments confirmed you did not meet with HCA Healthcare whilst in office and had no role in procurement.
9. The departments confirmed that during your various roles in office you would have had significant access to sensitive policy information. Due to your responsibilities, this information is likely to have covered:
  - pandemic effects and response
  - health and social care
  - restructuring No.10, running the Prime Minister's Group and headcount management
10. The Cabinet Office noted you left your 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 HCA Healthcare. You did attend some health industry meetings during this time due to your 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.
11. Your last role was to provide advice on the health sector at DHSC was for 7 weeks in November and December 2022 - this role involved advising on the forthcoming winter pressures on the NHS. The department said given the short length of your time at DHSC, as well as the long period of time since you were in post (15 months), any relevance of this information would have degraded by now.
12. The department also noted you have a longstanding prior career in the health sector, which is likely to be the source of your expertise, reducing the risk HCA Healthcare may be seeking to hire you as a result of your time in government. The departments' view is that your access to information presents a minimal risk, and should be adequately covered by reminding you of your duty of confidentiality.
13. The department said you are currently a lead Non-Executive Director at DHSC. As with previous advice - any potential conflicts would be handled by the department in accordance with the Code of Conduct for Board Members

of Public Bodies. DHSC said it is content for you to accept this appointment subject to the conditions imposed on your independent consultancy.