



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>

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BUSINESS APPOINTMENTS APPLICATION FOR ADVICE: Samantha Harrison (nee 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 work with Healthcare Business Solutions Ltd (paid) under her 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 Healthcare Business Solutions UK Ltd (HBS) 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 Crown servant may offer HBS. 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. The Committee² considered this commission to be consistent with the description of your consultancy which you described as providing advisory

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.

² This application for advice was considered by Andrew Cumpsty; 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.

services across the health sector, both public and private (though focus will be within the private 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 HBS and your previous departments, although the NHS holds contracts with HBS. The Committee noted you had no involvement in any contractual decisions; and you did not meet with HBS whilst in office. 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 your access to information during your 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 your access to information:
 - You left your role as Expert Advisor on Health to the Prime Minister at No.10 almost two years ago;
 - Your 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 you had access to information in your various roles in office, any access to information you did have will likely be out of date (almost 18 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.
8. You will have contacts and influence within the UK government, particularly in No.10 and DHSC. As such, there are real and perceived risks that your network gained in office might be used to assist HBS unfairly.
9. During your time at No.10, and more recently with DHSC, you 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 you were brought into government to advise on health during the pandemic into the role 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

10. In the circumstances, the Committee's advice in accordance with the government's Business Appointment Rules is that this work with HBS should

be made subject to the same conditions attached to your independent consultancy. This includes that the conditions below which prevent you from lobbying the government and being involved in contracts and bids with the government should not apply to the NHS. You came into government as a result of your experience and skills within healthcare. 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. The Committee determined the risks identified in this application can be appropriately mitigated by the fact that over 12 months have already passed since you were in government and the conditions below. These make it clear you cannot make use of any privileged access to information, contacts or influence gained from your time in government service to the unfair advantage of HBS.
12. The Committee noted you are currently a Lead Non-Executive Director at the Department of Health and Social Care (DHSC). DHSC was consulted and is content for you to accept the proposed roles subject to the conditions set out below. Any conflicts will be handled by the department in the usual way and in accordance with the Code of Conduct for Board Members of Public Bodies.
13. In the circumstances, the Committee's advice in accordance with the government's Business Appointment Rules is that this work with **Healthcare Business Solutions UK Ltd** should be made subject to the same conditions attached to your independent consultancy:
 - 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 or 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.

14. The advice and the conditions under the government's Business Appointment Rules relate to your 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.³ 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.

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 your 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 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.

18. Once this work has been publicly announced or set up, we will publish this

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 your 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.

letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours Sincerely,

Jess Barrow
Committee Secretariat

Annex- material information

The role

1. HBS is a UK based healthcare provider that offers services to the NHS, mainly by providing online outpatient services, on-site clinical capacity by insourcing or by international recruitment. It helps healthcare providers reduce waiting times by providing online outpatient services and on-site clinical capacity.
2. You wish to take up a role as a strategic advisor. You said that the purpose of this role is to provide input into the company's strategy and implementation of a virtual outpatient platform. You have made it clear to HBS that you cannot, and are not willing to, work on any government contracts, nor are you willing to lobby on the behalf of HBS.
3. You said that you worked in health care for over 30 years prior to taking up the post as Expert Advisor to the Prime Minister. You said that 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 that your 34 years' experience in this field underpinned your appointment as expert advisor to the Prime Minister in April 2021 during the covid response.
4. You are currently a lead Non-Executive Director at the Department for Health and Social Care.

Dealings in office

5. You confirmed that you did not meet with, nor did you make any decisions specifically affecting the company.
6. You have 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, day-to-day running of the Prime Ministers Group and headcount management. During your last 7 weeks where you were posted at DHSC as an Expert Advisor you were formally recused from anything AI-related, as you were considering future roles in this field. You said this role with DHSC was focussed on advising DHSC on the upcoming winter pressure.

Department Assessment

7. The departments confirmed that you did not meet with HBS in office. The Cabinet Office said that holds a number of contracts with various NHS trusts across the country⁴, but does not hold any with HM Government.
8. As an Expert Health Adviser and Interim Permanent Secretary at No.10 and DHSC, you would have had significant access to sensitive policy information whilst in government. 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 Ministers Group and headcount management.
9. 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 HBS. 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. Your 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.
10. The department said given the length of your time at DHSC, as well as the length of time since you were in post (12 months), any relevance of this information would have degraded by now. The department noted you held senior roles at DHSC and as Interim Permanent Secretary at No.10, and so would have had access to privileged information. Due to your 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 HBS. It also noted this role will utilise the sector experience you developed prior to joining government – you had a longstanding prior career in the health sector, which is likely to be the source of your expertise, and reduces the risk HBS may be seeking to hire you as a result of your time in government. Your access to information presents a minimal risk, and should be adequately covered by reminding you of your duty of confidentiality.

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<https://www.contractsfinder.service.gov.uk/Search/Results?page=1#cec3312c-8403-4d7b-a6ff-79c91eab2828>

11. The department said you are currently a lead Non-Executive Director at DHSC. It said that any conflicts will be handled by the department in the usual way and in accordance with the Code of Conduct for Board Members of Public Bodies. It said it is content for Ms Harrison to accept this appointment subject to the conditions imposed.
12. Given your experience from the sector, the departments had no concerns about the appointment proposed.