



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>

October 2024

BUSINESS APPOINTMENT APPLICATION: Will Quince, former Minister of State for Health and Secondary Care at the Department for Health. Paid appointment with Thompson, Smith and Puxon

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on returning to Thompson, Smith and Puxon as a Solicitor.
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 you may offer Thompson, Smith and Puxon. The material information taken into consideration by the Committee is set out in the annex below.
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 Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, 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 risks presented

5. Thompson, Smith and Puxon is a law firm based in Essex, offering services to individuals and businesses in clinical negligence and personal injury, residential and commercial property, agriculture, charities, dispute resolution,

corporate and commercial, wills, estates and probates, and more. As a solicitor you said that your role will be to advise clients on residential and commercial property law matters. You previously worked at the firm as a solicitor from 2013 - 2015, in the same area.

6. You did not make any policy, regulatory or commercial decisions relevant to Thompson, Smith and Puxon while in office, nor did you have any contact with the firm. Therefore, the Committee¹ considered the risk that this role could reasonably be seen as a reward for decisions made in office is low.
7. Whilst there is no direct overlap with your responsibilities in office, as a former minister you will have had access to a broad range of information that might be relevant to a range of companies. There is a limited risk that you could have privileged insight which could be seen to impact Thompson, Smith and Puxon's services in clinical negligence and commercial law. There are several factors that help to mitigate this risk:
 - a. You will not be advising clients on any areas that overlap with your ministerial portfolio, nor on health matters more generally
 - b. The Department for Health and Social Care (DHSC) is not aware of any specific information that would offer an unfair advantage to the firm or its clients.
 - c. You have been out of office for 11 months, which puts a significant gap between your access to information and your proposed role.
 - d. You are prevented from drawing on sensitive information by a number of formal restraints, as well as the Rules. These include: the Solicitors Regulation Authority's Code of Conduct, legal professional privilege and client confidentiality, and the rules and principles which apply to all former ministers.
 - e. You have a professional and legal obligation not to work on matters where a conflict is present.
8. As a solicitor you will be advising clients whose identity is unknown. The Committee considered that this could raise a risk under the Rules, should you be asked to advise clients with whom you had a relationship in office, or on matters which overlap with your ministerial portfolio.
9. There are inherent risks associated with your influence and network of contacts gained in government, which could unfairly assist any commercial business. The Committee noted that Thompson, Smith and Puxon has no known interest in government and you will not have any contact with government in this role. The Committee also considered it significant that you

¹ This application for advice was considered by Sarah de Gay; Isabel Doverly; Hedley Finn OBE; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Eric Pickles; Michael Prescott; The Baroness Thornton; and Mike Weir. Andrew Cumpsty was unavailable.

held a long career in the commercial sector prior to entering government, and you are rejoining a company and role you had prior to joining government in 2022.

The Committee's advice

10. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of privileged information, contacts or influence gained from his time in Crown service to the unfair advantage of Thompson, Smith and Puxon and/or its clients.
11. In addition, a further restriction limiting your role with Thompson, Smith and Puxon has been imposed. This helps to mitigate the limited risk of overlap with your responsibilities in office given the clients are unknown.
12. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Thompson, Smith and Puxon** 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 ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of Thompson, Smith and Puxon (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage Thompson, Smith and Puxon (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not provide advice to on or behalf of Thompson, Smith and Puxon (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; and
 - for two years from your last day in ministerial office, you should not advise Thompson, Smith and Puxon or its clients on any work with regard to any policy, regulatory or operational work which you had a material role in developing or determining as Minister of State for Health and Secondary Care, or where you had a relationship with the company or organisation

during your time in this role.

13. 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.² 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 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 you take up employment with this organisation, or if it is announced that you will do so. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
17. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

² 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.

Annex - material information

The role

1. Thompson, Smith and Puxon is a law firm (partnership) with offices in Colchester and Clacton. It provides services to individuals and businesses in:
 - a. PI and clinical negligence,
 - b. Dispute resolution
 - c. Employment law
 - d. Family and divorce
 - e. Residential and commercial property
 - f. Wills, estates and probates
 - g. Agriculture
 - h. Healthcare
 - i. Charities

It has no known relationship with government.

2. In your paid, full time role as a solicitor, you said that you will advise clients on commercial and residential property. You said that this may intersect with company and commercial law, and will stay within the scope of the firm's business sector services. You said that you will not have any contact with government in this role.
3. You said that you have previously worked for Thompson, Smith and Puxon as a solicitor, in the same area, from July 2013 to May 2015.

Dealings in office

4. You said that you did not have any contact with Thompson, Smith and Puxon in office, you did not make any policy, regulatory or commercial decisions specific to it, and you did not have access to any information that could confer an unfair advantage on the firm or its clients.

Departmental recommendation

5. The Department for Health and Social Care (DHSC) was consulted on this application. It confirmed the details you provided and added the following:
 - a. During your time as a minister your portfolio did not cover clinical negligence.
 - b. You did have Commons Shadow responsibilities for the New Hospital Programme.
 - c. You would not have made any regulatory or policy decisions on either

topic but you may have been aware of general developments in the department on both.

d. It noted that while Thompson, Smith and Puxon offers services in clinical negligence, your practice will be focused on property law.

6. DHSC recommended the standard conditions.