

From the Chair



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 APPOINTMENT APPLICATION: The Rt Hon Andrew Stephenson CBE, former Minister of State for Health and Secondary Care at the Department for Health and Social Care. Paid appointment with Tarleton Communications.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up a paid appointment with Tarleton Communications (Tarleton) as Public Affairs Lead.
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 Tarleton, as a former minister. 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. Tarleton is a public relations consultancy that offers services in PR and media relations, public affairs, strategy development and specialist content creation. It

services clients largely in the science sector: life sciences, medtech, bio-tech, science parks and engineering. As public affairs lead, you said that your role would be to advise companies on the offerings above, as well as be involved in Tarleton's client events - for example roundtables, webinar briefings, on different current affairs topics.

6. As a former Minister of State for Health and Secondary Care at the Department for Health and Social Care (DHSC), you did not meet with, nor make any policy, regulatory or commercial decisions specific to Tarleton while in office. The Committee¹ considered that the risk that this role could reasonably be seen as a reward for your decisions made and actions taken in office is low.
7. Tarleton operates in the life sciences sector, which overlaps with your most recent ministerial portfolio. Whilst it is likely that you had access to a broad range of sensitive information in this sphere, the risks associated with your access to information are limited because DHSC said that you did not have access to any information that could grant Tarleton or its clients an unfair advantage, and because you have been out of office for over six months - placing a gap between when you last had access to information and taking up this role.
8. As Tarleton's clients are unknown, there is a risk you may be asked to advise on matters that overlap with your ministerial portfolio, or where you had a formal relationship with the client as a minister. This risk is limited given that Tarleton operates in several science-based sectors, and that life sciences has a broad remit, some of which did not fall under your purview at DHSC, and rather with the Department for Science, Innovation and Technology, and Department for Business and Trade.
9. Tarleton provides services in public affairs. There is a risk that this could include lobbying the UK government on behalf of its clients. This raises a reasonable concern that you may be seen to offer Tarleton and its clients unfair access to and influence within government. This is limited by the fact that you said your role will not involve any contact with government.

The Committee's advice

10. The Committee considered that the risks set out above are appropriately mitigated by the conditions below. These make it clear that you cannot make use of your access to privileged information, contacts or influence gained from your time in ministerial office to the unfair benefit of Tarleton or its clients.

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

11. To address the additional unknown risk that Tarleton's clients may overlap with your responsibilities in office, the Committee has imposed an additional condition as standard in such cases. This prevents you from working on matters you were materially involved in. It is significant that Tarleton has provided written confirmation that it accepts this advice and will ensure compliance with the conditions in this letter.
12. In accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **Tarleton Communications** 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 Tarleton Communications (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Tarleton Communications (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not provide advice to on behalf of Tarleton Communications (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 Tarleton Communications or its clients on any work with regard to any policy you had material involvement in as Minister of State for Health and Secondary Care, or as Government Whip (Lord Commission for HM Treasury) in the House of Commons, or where you had a relationship with the relevant client during your time as Minister of State for Health and Secondary Care, or as Government Whip (Lord Commission for HM Treasury) in the House of Commons.
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(s), 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. Tarleton Communications is a public relations firm that services companies operating primarily in life sciences, medical technology, bio tech, science parks, and engineering. It offers the following services:
 - Reputation management - press and media engagement, investor relations, campaigns and PR, personal and corporate strategy development, specialist long form content digital engagement.
 - Relationships - public affairs engagement and monitoring, parliamentary engagement, sector connectivity (relationship management with investors, trade associations, consultants, clinicians etc and US market access)
 - Insights - Market intelligence, sector briefings, investor briefings, market access guides, and more.
 - Client events - webinars on the governments industrial strategy publication, the NHS 10-year plan, party conference events (to help clients understand the strategies of the major political parties following party conference season), NHS insight events. Some of its major clients are:
 - VentriJect
 - Sheffield Olympic Legacy Park
 - Tecman
 - Nevragenics
 - Birmingham Research Park
 - AWRC Sheffield Hallam University
 - Nevragenics
 - Human Data Sciences
 - CryoLogyx
 - University of Birmingham Enterprise
 - MHA Baker Tilly
2. You said that your paid, part-time role as a Consultant would involve the following:
 - To help deliver strategic advice, public relations and public affairs services across the life sciences, engineering and technology sectors.
 - Hosting round table discussions for clients, including involvement in the events detailed above.
 - No contact with government.
3. Tarleton provided written confirmation to the Committee stating that:
 - it accepts ACOBA's advice
 - it will ensure that your role is appropriately ring fenced to adhere to the conditions set out in this advice

- should any conflicts arise, the relevant matter will be handled by someone other than your, to ensure continued compliance with the advice.

Dealings in office

4. Of your time in office, you said the following:
 - you did not make any policy, commercial or regulatory decisions specific to Tarleton in either of your ministerial roles
 - you did not have any contact with Tarleton
 - Tarleton has no relationship with DHSC
 - you did not have access to sensitive information through any of your ministerial roles that could grant Tarleton or its clients an unfair advantage

Departmental assessment

5. DHSC confirmed the details in your application, adding that whilst there is overlap with regard to life sciences between your most recent ministerial role and Tarleton's specialism, no major decisions were taken in the life sciences space while you were in office, and you had no access to sensitive information in this space that could grant an unfair advantage.
6. It recommended the standard conditions, including ensuring the conditions which prevent lobbying the UK government and working on bids and contracts with the government to include the NHS. The conditions as set out in the advice letter above at paragraph 11 apply to the UK government and its arm's length bodies, which include the NHS.