

*From the Chair*



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

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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 Desmos Capital Partners.**

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 Desmos Capital Partners (Desmos) as a Senior Advisor.
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 Desmos, 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. Desmos seeks to raise private capital investment for companies that are seeking investment to scale and grow. It services multiple sectors, including sustainability, transport, and healthcare. As a Senior Advisor you said that your role will be to

bring in clients, and advise clients on Desmos' services, for example, providing advice on mergers and acquisitions.

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 Desmos while in office. The Committee<sup>1</sup> 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. As a minister it is likely that you had access to a broad range of sensitive information. The risks associated with your access to information are limited because DHSC is unaware of any information that could grant Desmos or its clients an unfair advantage, and because you have been out of office for seven months – placing a gap between when you last had access to information and taking up this role.
8. There is a limited risk in relation to your access to information as above, and its advisory services do not necessarily overlap with your responsibilities in office. However, as Desmos invests in the healthcare sector, it is possible its clients may have some overlap with your ministerial portfolio, should you be asked to advise Desmos or its clients on these areas. The Committee considered that this risk is limited given that Desmos operates in several sectors, and the healthcare sector is broad – meaning not all of Desmos' advice in this space will overlap with your portfolio.
9. There are risks associated with your influence and network of contacts. For example, should Desmos seek to work with the UK government in the future, or should you be seen to use contacts developed whilst you were in office, for example in the health sector, to bring in new clients for Desmos.

#### The Committee's advice

10. Whilst there is no direct overlap in office, Desmos' unknown clients raises a risk the work could overlap with your responsibilities in office. The Committee has therefore imposed a condition, as is standard in these cases, which prevents you from working on matters you were materially involved in. Desmos has provided written confirmation that it accepts this advice and will appropriately ringfence your role to ensure compliance with the conditions in this letter.
11. The Committee considered that the remaining risks are appropriately mitigated by the conditions below. These make it clear that you cannot make use of your

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<sup>1</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; Michael Prescott; The Baroness Thornton; and Mike Weir.

access to privileged information, contacts or influence gained from your time in ministerial office to the unfair benefit of Desmos or its clients.

12. In accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **Desmos Capital Partners** 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 Desmos Capital Partners (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 Desmos Capital Partners (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office, you should not provide advice to, or on behalf of Desmos Capital Partners (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 ministerial office, you should not advise Desmos Capital Partners or its clients on any work with regard to any policy you had material involvement in/responsibility for as Minister of State for Health and Secondary Care, or where you had a relationship with the relevant client during your time as Minister of State for Health and Secondary Care; and
- for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you developed during your time in office and in other governments and organisations for the purpose of securing business for Desmos Capital Partners (including parent companies, subsidiaries and partners).

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.<sup>2</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 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.

**Isabel Doverty**  
Interim Chair  
ACOPA

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<sup>2</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. 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. Desmos Capital Partners is a corporate finance firm that advises on raising capital, equity placements, debt advisory, mergers and acquisitions, corporate finance and strategy, advisory and real estate investment banking. It services a range of sectors.
2. You said that your paid, part-time role as a Senior Advisor will involve referring clients who may engage Desmos for capital raising, and advising clients on, for example, mergers and acquisitions. You said that this role will not have any involvement with government.
3. Desmos confirmed in writing that your role will be appropriately managed to ensure the Committee's advice is complied with.

### 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 Desmos in either of your ministerial roles
  - you did not have any contact with Desmos
  - Desmos has no relationship with DHSC
  - you did not have access to sensitive information through any of your ministerial roles that could grant Desmos 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 and healthcare between your most recent ministerial role and the sectors in which Desmos operates, no major decisions were taken in these spaces while you were in office, and you had no access to sensitive information that could grant an unfair advantage. It recommended applying the standard conditions.