

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 Polaris Partners Ltd.

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 Polaris Partners Ltd (Polaris Partners) as Managing Partner.
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 as a former minister to Polaris Partners. 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. Polaris Partners is a public affairs consultancy that offers services in political and public policy risk, corporate advisory and policy response, strategic and crisis communications, global trade policy and political and regulatory monitoring. As Managing Director, you stated you will be involved in bringing in and advising clients.
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 Polaris Partners while in office. The Committee¹ considered the risk that this role could reasonably be seen as a reward for your decisions made and actions taken in office is low.
7. It is likely that you had access to a broad range of sensitive information that may provide any company an unfair advantage, including Polaris Partners. The DHSC confirmed that it was not concerned about any specific information to which you had access that could offer an unfair advantage to the company. It is significant that this is a general risk and you have been out of office for over eight months – putting a gap between you last having had access to information and taking up this role.
8. The risk regarding your access to information is greatest should you advise Polaris Partners or its clients in relation to matters you had specific responsibility for. Further, the company's clients and the precise pieces of work you will be asked to undertake are unknown, which raises the risk of giving such advice.
9. As with any former minister, there are risks associated with your contacts and influence within government and the potential for Polaris Partners to gain unfair access or influence as a result. The Committee considered it significant that both you and Polaris Partners confirmed that your role will exclude any dealings with government.
10. There are also risks associated with your network of contacts in external organisations gained while in ministerial office. As Managing Director, your role involves bringing in clients. There is a risk of unfair advantage to Polaris Partners should you draw specifically on private sector contacts that you only gained as a result of your role in office for this purpose.

The Committee's advice

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

11. The Committee determined that the risks identified in this application 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 your time in ministerial office to the unfair advantage of Polaris Partners. Additionally, to mitigate the risk associated with unknown clients, the Committee has imposed a restriction to prevent you from advising on work specifically overlapping with your recent ministerial role.
12. Polaris Partners confirmed its adherence with the Committee's advice and, in particular, that you would not be involved in any lobbying of the UK government.
13. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with **Polaris Partners Ltd** 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 its arm's length bodies, on behalf of Polaris Partners Ltd (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 Polaris Partners Ltd (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office you should not undertake any work with Polaris Partners Ltd (including parent companies, subsidiaries, partners and clients) that involves providing advice 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 its arm's length bodies;
 - for two years from your last day in ministerial office, you should not advise Polaris Partners and/ 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 in these roles; and
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you have developed during your time in office in other governments and organisations for the purpose of securing

business for Polaris Partners Ltd (including parent companies, subsidiaries and partners).

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.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.
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 Ministerial Code or otherwise.
16. The Business Appointment Rules explain that the restriction on lobbying means that you *'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 you take up employment with this organisation, or if it is announced that you will do so. You must 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.
18. 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. According to its website, it is a public affairs consultancy. It states its services involve:
 - Utilising experience and insights into Westminster, Whitehall and other public bodies to help small to medium enterprises (SMEs):
 - navigate policy changes;
 - anticipate risks.
 - It mainly provides advice on:
 - Political and public policy risk;
 - Political and regulatory monitoring;
 - Strategic and crisis communications;
 - Global trade policy;
 - Corporate advisory and policy response.
2. You stated the business has no clients at the moment, but has been set up to deliver the types of services listed above.
3. In your paid, part-time role as Managing Partner, you stated that it is a client-facing role where you will be involved in bringing in clients and the exact nature of the role will then develop depending on who the clients are.
4. You confirmed your role will not involve contact and/or dealings with government.
5. You stated that you were submitted by the co-founders of Polaris Partners on Companies House as an employee of the company without your involvement or knowledge of doing so. You also noted the company remained inactive and you awaited advice from ACOBA prior to formally taking up or announcing the role.

Correspondence with Polaris Partners

6. Polaris Partners confirmed in writing its understanding of, and agreement to, comply with the Committee's advice. It stated that your role with the company will be focused on navigating existing government policy, working with clients on general communications/messaging and advising on the general machinery of government and how it works. It confirmed your role will not involve lobbying.
7. Polaris Partners stated that to ensure compliance with this advice:

- at the outset of all new client discussions, terms will be made clear both internally and with the client – including the conditions set out in this advice.
- where there is any lobbying taking place by Polaris, this will be undertaken by other members of Polaris Partners and you will be restricted from involvement.

Dealings in office

8. Of your time in office, you stated that Polaris Partners has no relationship with DHSC, and:
 - you did not make any policy, commercial or regulatory decisions specific to Polaris Partners in either of your most recent ministerial roles;
 - you did not have any contact with Polaris Partners;
 - you did not have access to sensitive information through any of your ministerial roles that could grant Polaris Partners or its clients an unfair advantage.

Departmental assessment

9. DHSC confirmed the details in your application, noting that:
 - you did not meet with, nor were you involved in decisions specific to Polaris Partners during your time in office; and
 - the department does not consider you to possess sensitive information specific to the company that may provide an unfair advantage.
10. DHSC noted its concern relating to unknown clients of Polaris Partners and recommended the standard conditions applied, along with a limitation to the role – specifically in advising Polaris Partners on matters that materially overlap with your time in office. It also recommended making it clear that the conditions apply to the NHS, which sits at arm's length from DHSC/government.