



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment with Illumina, Inc. (Illumina).

The Committee's remit

As you will be aware, it is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

Appointment details

You have been offered an appointment as Consultant and Chair of International Advisory Board with Illumina, which describes itself as a leading developer, manufacturer, and marketer of life science tools and integrated systems for large-scale analysis of genetic variation and function.

Illumina's customers include a broad range of academic, government, pharmaceutical, biotechnology, and other leading institutions around the globe and their products are used for applications in the life sciences, oncology, reproductive health and agriculture spheres.

You told the Committee your primary role would be to assist the firm's engagement with foreign governments and stakeholders as it works (and expands) in other countries outside the UK. You would assist with the potential establishment of a new International Advisory Board, and if/ once established, chair the Board. You would also provide strategic advice; assist with business development, particularly in an international context; and perform other duties, as reasonably requested by the Board.

You described your possible duties as: attending meetings and representing the company with outside stakeholders; providing strategic advice and counsel to the CEO, Chairman and senior leadership team; offering international, contextual and geopolitical advice and analysis; and speaking at private and public events for and on behalf of the company.

The position would be paid and is likely to involve 2-3 days per month. You were approached by the senior management team about the role.

You informed the Committee that Illumina, through its partnership with Genomics England, has existing links with the UK Government/ Department of Health (DH) in the context of the 100,000 Genomics Project. Illumina carries out whole genome sequencing on samples provided by Genomics England and returns data to it. Management of this contract and related negotiations involve occasional interaction between Illumina and senior officials from DH.

You have confirmed that you will not play any role in contract negotiations between Genomics England (or DH) and Illumina.

You noted the role might involve some very limited contact with UK Ministers from time to time, but you were clear with the Committee that you would not lobby Ministers or the UK Government in any way on behalf of Illumina or its partners.

You informed the Committee that to your knowledge you had no direct meetings with Illumina during your time as PM. You had meetings with officials, DH Ministers and civil servants about the 100,000 Genome Project and Genomics England, and received briefings as appropriate at the time.

You explained that as PM you held many meetings with those focused on the provision and administration of healthcare and with Medi-Tech firms. Discussions that took place focused on the broader health policies being pursued by the UK Government, not on the detailed internal policies or strategies of individual companies.

Cabinet Office (CO) confirmed to the Committee it is content that your description of your involvement in meetings about the 100,000 Genome Project, the work of Genomics England and those focused on the provision and administration of healthcare and with Medi-Tech firms is correct. CO is not aware of any meetings or events at which you and representatives of Illumina were present.

DH told the Committee it is not aware of you having any direct involvement that would have given you access to information about Illumina's competitors. It said that all briefings for No.10, were issued via the Secretary of State, and focussed on ensuring the timeline for the 100,000 Genomes Project was met.

We asked DH how the decision to award a contract to Illumina was made and whether you could have influenced the decision in any way. DH explained that bids for the partnership were submitted to Genomics England for evaluation, which negotiated the contract with Illumina. This process was overseen by the Chief Medical Officer and the Director of Finance at DH. George Freeman (Minister in 2013) approved the business case and oversaw the signing of the contract at an event in No.10.

The contract between Genomics England and Illumina is valued at approximately £77M. The duration of this was extended to December 2018, to allow for the completion of the 100,000 Genomes Project.

Neither CO nor DH have any concerns about the propriety of this appointment.

The Committee's consideration

The Committee recognises that where an employer has a large contract with Government, there is the potential for it to appear as though an appointment has been offered as a reward for decisions made or actions taken in office – especially where the individual concerned had significant influence in Government. However, the Committee considered this risk is low in this case and is content that the following factors adequately counter any risks of this appointment being seen as a reward for decisions you made while in office:

- Government informed the Committee that the contract was awarded to Illumina following a competition overseen by the Chief Medical Officer and the Director of Finance at DH.
- DH found no evidence that you had any involvement in the award of the contract.
- You said that you did not have any direct meetings with Illumina, though you did have meetings with officials, DH Ministers and civil servants about the 100,000 Genome Project and Genomics England. You also received briefings on these matters as appropriate at the time. CO confirmed this was the case.
- Neither CO nor DH have any concerns about the propriety of this appointment.

The Committee has considered the risk of this appointment affording Illumina an unfair advantage. Illumina is likely to benefit from your status and profile as former PM. However, the Committee considered there is no reason to think Illumina stand to gain an unfair commercial advantage. The 16 months that have passed since you left office is of relevance to this assessment and, more importantly, DH confirmed it is not aware of you having had any direct involvement that would have given you access to information about Illumina's competitors.

You have said that your role might involve limited contact with UK Ministers. The Committee appreciates that you may need to interact with Ministers at public forums and conferences, where Ministers might be in attendance. The Committee also recognises that there may be occasions where Government might want to engage with Illumina on policy issues and sees no difficulty with you discussing such matters with Government. However, the Committee is clear that given your status and influence as former PM, it would not be appropriate for you, in this role, to instigate engagement with Ministers or officials. For this reason the Committee has recommended an extended lobbying ban, which makes clear that you may not approach Ministers or Government officials in your capacity as an adviser to Illumina and may only brief them at the request of Government.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment 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 as a Minister;
- for two years from your last day of service you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the UK Government; and
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Illumina, Inc. or its partners or subsidiaries or make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business on their behalf. Neither should you contact Ministers or officials to discuss issues relating to genomics unless invited to do so by the UK Government.

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.

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.*"

I should be grateful if you would inform us as soon as you take up employment with this organisation, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. 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. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

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.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

The Rt Hon David Cameron