



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

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1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the Government's Business Appointments Rules for former ministers (the Rules) on an appointment you want to take up through your independent consultancy to work with FTI Consulting. The material information taken into consideration by the Committee is set out in the Annex.
2. The purpose of the Rules is to protect the integrity of the government. As Minister of State for Energy and Clean Growth at the Department for Business Energy and Industrial Strategy (BEIS), you were responsible for matters affecting the energy and industrial strategy and are now seeking to work with a consultancy which advises business on matters that relate to this area.
3. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions you made during your time in office, alongside the information and influence you may offer FTI Consulting, based on the information provided by you and your former department.
4. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to the government associated with this appointment under the Rules; this does not imply the Committee has taken a view on the appropriateness of this appointment for a former minister in any other respect.
5. 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 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**

6. FTI Consulting Ltd (FTI), is an independent global business advisory firm which states it aims to help organisations manage change, mitigate risk and resolve disputes. It operates in a variety of areas including finance, legal, operations,

politics and regulation, reputation and transactional. You and BEIS confirmed you had no official dealings with FTI and BEIS has no relationship with the company.

7. As a former Minister of State at BEIS, the Committee noted you will have knowledge of policy, in particular around Energy and Clean Growth given your previous ministerial portfolios. The Committee recognised this information could be perceived to offer an unfair advantage to FTI and its clients operating in this area, though it recognised the risks here are broad, and would likely be seen to be advantageous to any business operating in that area. The unknown nature of FTI's clients does nevertheless pose a risk that needs to be mitigated.

8. The Committee noted you have now been out of office for 21 months (14 months since your COP26 role) which would significantly reduce the advantage of any information you might have had access to.

### **The Committee's advice**

9. The Committee<sup>1</sup> considered this role to be in keeping with the terms of your consultancy which was described as offering climate, energy and sustainability consulting services from the UK to global clients.

10. Your role is to advise FTI, and the Committee's main concern here is that should FTI ask you to advise on topics that relate to matters you had responsibility for in office, or where the client had official dealings or a commercial relationship with you or BEIS when you were in ministerial post.

11. The conditions applied to your independent consultancy which help to mitigate the general risks associated with your time in office in respect of offering an unfair advantage to FTI in relation to:

- access to government in respect of lobbying and/or working on government bids and contracts; and
- access to privileged information from your time in ministerial office

12. However, the Committee considered it would be appropriate to impose an additional condition to prevent you from advising FTI's clients where it involves working on matters you had involvement with in office.

13. In accordance with the government's Business Appointment Rules, the Committee advises this role with **FTI Consulting** be subject to the same conditions as your independent consultancy:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in office;

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. The Rt Hon Lord Pickles and Dr Susan Liautaud were absent.

- for two years from your last day in ministerial office, you should not become personally involved in lobbying the government on behalf of those you advise under your independent consultancy (including clients, parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit those you advise under your independent consultancy (including clients, parent companies, subsidiaries and partners);
- for two years from your last day in ministerial office, you should not provide advice to any company or organisation on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the government; and
- for two years from your last day in ministerial office, before accepting any commissions for your independent consultancy and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

**In addition, the Committee has imposed the following condition on your work with FTI:**

- for two years from your last day in ministerial office, you should not advise FTI or its clients on work with regard to any policy you had specific involvement or responsibility for as Minister of State for Energy and Clean Growth, or where you had a relationship with the relevant client during your time as Minister of State for Energy and Clean Growth.

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 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.*"<sup>1</sup> a

16. We should be grateful if you would ensure that we are informed as soon as you take up this position, or if it is announced that you will do so. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced, and this could lead to a false assumption being made about whether you have complied with the Rules.

17. You must also inform the Committee if you propose to extend or otherwise change the nature of this work as, depending on the circumstances, it may be necessary for you to make a fresh application.

18. Once this commission has been publicly announced or is live 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

The Rt Hon Claire O'Neill

## **Annex**

### The application

1. You were Minister of State for Energy and Clean Growth between June 2017 and July 2019. You also served as President of COP 26 from September 2019 to February 2020.

2. FTI Consulting (FTI) is an independent global business advisory firm "*dedicated to helping organizations manage change, mitigate risk and resolve disputes*". It operates in a variety of areas including financial, legal, operational, political and regulatory, reputational and transactional

3. You said you are looking to provide advisory services to FTI. This is a commission to offer consulting advice under your independent consultancy ClaireON Ltd which offers climate, energy and sustainability consulting services from the UK to global clients.

### Dealing in office

4. You stated you did not have any contact with FTI whilst in office; nor did you make decisions that affected the company or have access to any privileged information relevant to the company. You stated there was not a relationship between your former department, the Department for Business Energy and Industrial Strategy (BEIS) and FTI.

### Department assessment

5. BEIS confirmed the details you provided stating it had no relationship with FTI and that you had not made any decisions relevant to the company whilst in office. It was content that standard conditions be imposed, with no further recommendations.