



Thank you for your email of 19 December 2012 in which you requested the following information regarding DECC's Non-Executive Directors:

1. *What are the names of the Department's Non-Executive Directors and on what date were they appointed?*
2. *How much have the Department's Non-Executive Directors claimed in allowances and expenses since they were appointed?*
3. *How many meetings did the Non-Executive Directors attend in their Department in 2011 and 2012? How many meetings did they attend in other Governmental Departments in 2011 and 2012?*
4. *How many meetings have the Department's Non-Executive Directors held with the other Non-Executive Directors? How many times have the Department's Non-Executive Directors met with Lord Browne, the Government's Lead Non-Executive Director?*
5. *Have your Department's Non-Executive Directors been assigned any other responsibilities beyond those in their job description? For example, have they been assigned to undertake policy reviews?*
6. *How many times have the Non-Executive Directors met with the Department's Permanent Secretary in 2011 and 2012? How many times has Lord Browne, the Lead Non-Executive Director, met with the Department's Permanent Secretary?*
7. *What role did the Non-Executive Directors play in the appraisal of the Department's Permanent Secretary in 2011 and 2012?*
8. *On how many occasions in 2011 and 2012 did the Secretary of State meet the Department's Non-Executive Directors?*
9. *If a new Secretary of State was appointed to your Department in 2011 or 2012, on what date were they appointed and on what date did the new Secretary of State first meet the Department's Non-Executive Directors?*
10. *Have the Department's Non-Executive Directors made a submission for inclusion in any of the Departmental annual reports produced since their appointment? Are these submissions available online?*

DECC Response

I can confirm that the Department of Energy and Climate Change holds some of the information you requested and a response to each element of your request is set out below. Please note that some of the information you have requested is exempt as it



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falls under the following exemptions laid down in the Freedom of Information Act 2000:-

- Section 21 of the Freedom of Information Act (FOIA), which relates to information available to the public by other means. In this respect, we have provided web links to the information you seek.
- Section 22 of the FOIA, which exempts information that is intended for publication at a future date. This exemption is subject to a public interest test. Having considered the public interest, the Department's decision is therefore to withhold. Our reasons are set out below.

Q1) What are the names of the Department's Non-Executive Directors and on what date were they appointed?

The names and appointment dates of DECC's Non-Executive Directors are published in DECC's Annual Report and Accounts 2011-12. A copy is available on the DECC website at:

<https://www.gov.uk/government/publications/annual-report-and-accounts-2011-to-2012--2>

Since publication of DECC's Annual Report, Terry Morgan was appointed as a Non-Executive Director at DECC on 1 July 2012.

Q2) How much have the Department's Non-Executive Directors claimed in allowances and expenses since they were appointed?

Details of fees claimed by DECC's Non-Executive Directors in 2010-11 and 2011-12 are published in DECC's Annual Report and Accounts 2010-11, page 21:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48141/2212-decc-annual-report-20102011.pdf

and DECC's Annual Report and Accounts 2011-12, page 192:

<https://www.gov.uk/government/publications/annual-report-and-accounts-2011-to-2012--2>

We will be publishing details of fees paid to DECC's Non-Executive Directors in the current financial year in the DECC Annual Report and Accounts 2012-13 therefore section 22 of the FOIA exempts this information, This is because the information is intended for publication at a future date.

We have considered the public interest in the early release of this information. There is a public interest in releasing this information as this leads to greater transparency in government. However, the best use of public resources would be applied in pulling this information together, ensuring the information is accurate and published in a consistent and comprehensive format, rather than issuing it in a piecemeal fashion. This information is still being checked prior to publication. Please be assured that the Department is committed to publishing this information.



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Having considered the public interest, the Department's decision is therefore to withhold this information until it is scheduled for publication.

On expenses, DECC's Non-Executive Directors are entitled to claim reasonable expenses (including travel and subsistence) incurred in respect of their appointments. Our records show the total amounts claimed by each of our Non-Executive Directors since the start of their appointments is as follows:

Non-Executive	Expenses claimed to date
Rob Whiteman	£345.77
Paul Walsh	£0
Terry Morgan	£61.35
Claire Thomas	£0

Q3) How many meetings did the Non-Executive Directors attend in their Department in 2011 and 2012? How many meetings did they attend in other Governmental Departments in 2011 and 2012?

Q4) How many meetings have the Department's Non-Executive Directors held with the other Non-Executive Directors? How many times have the Department's Non-Executive Directors met with Lord Browne, the Government's Lead Non-Executive Director?

Q6) How many times have the Non-Executive Directors met with the Department's Permanent Secretary in 2011 and 2012? How many times has Lord Browne, the Lead Non-Executive Director, met with the Department's Permanent Secretary?

Q8) On how many occasions in 2011 and 2012 did the Secretary of State meet the Department's Non-Executive Directors?

We are unable to provide the information you requested in questions 3, 4, 6 and 8 regarding details of DECC Non-Executive Directors' meetings as to do so would exceed the cost limit in section 12 of the FOIA.

The Department does not keep a central record of every meeting DECC's Non-Executive Directors attend. In order to provide you with a full and accurate response to this question we would need to conduct a thorough search of diaries for two full calendar years and we regard that to do so would exceed the cost limit.

Section 12 of the FOIA makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for central government is set at £600. This represents the estimated cost of



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one person spending 3.5 working days in determining whether the department holds the information, locating, retrieving and extracting the information.

We estimate that it will take us in excess of 3.5 working days to determine appropriate material and locate, retrieve and extract the information in reference to your request for details of Non-Executive Directors' meetings in DECC and with other Government Departments in 2011 and 2012 and meetings with Lord Browne, the Permanent Secretary and Secretary of State. Therefore, your request for information regarding these 4 questions will not be processed further.

Information regarding the number of Board meetings attended by DECC's Non-Executive Directors is publically available on page 68 of DECC's Annual Report and Accounts 2011-12:

<https://www.gov.uk/government/publications/annual-report-and-accounts-2011-to-2012--2>

Q5) Have your Department's Non-Executive Directors been assigned any other responsibilities beyond those in their job description? For example, have they been assigned to undertake policy reviews?

The specific responsibilities of each of DECC's Non-Executive Directors is publically available in the DECC Annual Report and Accounts 2011-12, page 2:

<https://www.gov.uk/government/publications/annual-report-and-accounts-2011-to-2012--2>

In addition, during 2011-12 Paul Walsh and Rob Whiteman assisted with a programme of "deep dives" into the Department's top risks in order to provide assurance to the Board on the way that the risks are being managed.

In March 2012, Claire Thomas agreed to take on the role of Board level champion for the DECC Development Programme, set up to implement changes in response to the Capability Review

Q7) What role did the Non-Executive Directors play in the appraisal of the Department's Permanent Secretary in 2011 and 2012?

DECC Non-Executives, like other Non-Executive Directors are invited to contribute to the appraisal of Permanent Secretaries. The Corporate Governance Code sets out the role and responsibilities of Non-Executives duties with regards to Permanent Secretaries:

http://www.hm-treasury.gov.uk/d/corporate_governance_good_practice_july2011.pdf



The code states that:

- Non-Executives should play a role in the recruitment, appraisal and suitable succession planning of senior executives, as appropriate within the principles set out by the Civil Service Commission.
- If the NEBMs believe the permanent secretary is a barrier to effective delivery, in extremis, they can recommend that the Prime Minister, lead minister and Head of the Home Civil Service, should remove him or her from post.
- NEBMs should provide advice, support and informal ongoing feedback to the department's permanent secretary and other civil service board members.

Q9) If a new Secretary of State was appointed to your Department in 2011 or 2012, on what date were they appointed and on what date did the new Secretary of State first meet the Department's Non-Executive Directors?

Edward Davey was appointed Secretary of State for Energy and Climate Change on 3 February 2012. The Secretary of State's first meetings with the DECC Non-Executive Directors are as follows:

- Paul Walsh – 29 February 2012
- Claire Thomas – 17 April 2012
- Rob Whiteman – 17 April 2012
- Terry Morgan – 17 May 2012

Q10) Have the Department's Non-Executive Directors made a submission for inclusion in any of the Departmental annual reports produced since their appointment? Are these submissions available online?

DECC's Lead Non-Executive Director is required to contribute a report to the Department's Annual Report. A copy of Paul Walsh's first report as the Department's Lead Non-Executive is available on page v of the DECC Annual Report and Accounts 2011-12 which is available on the DECC website at : <https://www.gov.uk/government/publications/annual-report-and-accounts-2011-to-2012--2>

The Lead NED's report was in part informed by a Board discussion on Board effectiveness and development which DECC's other Non-Executive Directors contributed to.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: FOI@decc.gov.uk



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Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF