



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

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12 November 2018

Dear Dr Wright,

You sought the Committee's advice about accepting a commission, under the terms of your independent consultancy, with Complete Strategy - a newly established strategic and management consultancy with a focus on the energy and utility sector.

The Committee has now considered your application.

Commission details

You informed the Committee that the commission is for one day of work, and will comprise a written background briefing on generic trends affecting the regulation of retail consumer services across a number of sectors. These sectors include energy, water, telecoms and financial services. The trends include digitalisation, community initiatives, principle based regulation etc. This will be followed by a meeting with Complete Strategy.

The work will support a project that Complete Strategy is undertaking for a licensed electricity and gas supplier (not one of the smallest new entrants/ challengers) which is reviewing its consumer facing strategy. The identity of the end client is subject to a confidentiality agreement between Complete Strategy and the end client. You confirmed you would not meet or engage with the end client directly as a part of this mandate. You stated that Complete Strategy has already won the mandate and the company is not aware of your potential involvement.

You informed the Committee you had no official contact with Complete Strategy and Ofgem has confirmed it has no contractual dealings with the firm.

You explained you have been excluded from detailed involvement within Ofgem since April and left the Gas and Electricity Markets Authority (GEMA) in June. You said you would have met with the parent company of Complete Strategy's client at some point in the year before that, but not in relation to their consumer facing businesses. You would not have met them in that context for at least four years.

In relation to what privileged information you may have been party to after leaving GEMA in June (for example, though informal interaction with colleagues), you explained you were specifically recused from sensitive work and limited your work-related interactions with Ofgem staff to the Chief Executive. Your focus was on Ofgem's organisational strategy rather than external regulatory matters. As a result, you said it has been four months since you had

access to privileged information. You stated that, following recent publications on future retail markets and the price cap, you are no longer in possession of privileged information that could be used to provide an unfair competitive advantage to Complete Strategy's client. Ofgem confirmed that any significant privileged information that you may have had access to is now in the public domain.

You also noted that you are covered by the Utilities Act, which you said prohibits disclosure of confidential information.

#### The Committee's consideration

The Committee<sup>1</sup> agrees that this commission is consistent with the terms of your independent consultancy, which you described as '*advisory work in relation to the energy industry*'.

The Committee noted the scope of your commission is narrowly defined and is limited to one day of work.

When considering your application the Committee took into account that the end client is not aware of your involvement; you had no official contact with Complete Strategy; and Ofgem has no contractual dealings with the firm. It concluded that the risk you are being rewarded for decisions or actions taken in office by either the consultancy or the end client is low.

Turning to the risk of unfair advantage, the primary risk relates to the privileged information you had access to in office. As with the analysis of the risk of reward, as the end client does not know you are engaged in this work, and the mandate has already been secured, this limits the risk Complete Strategy may have won the contract due to your involvement. You noted, and Ofgem confirmed, that following recent publications on future retail markets and the price cap, you are no longer in possession of privileged information that could be used to provide an unfair competitive advantage to Complete Strategy's client.

Under the Government's Business Appointment Rules, the commission with Complete Strategy should be subject to the following additional conditions, alongside those that apply to your independent consultancy (see below):

- you should not meet or engage directly with the end client.
- should the commission with Complete Strategy change in any way from the terms described, you should consult the Committee for further advice.

The conditions that apply to this commission and which were imposed on your consultancy are as follows:

- 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 Crown office;
- for two years from your last day in Crown 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 Ofgem or any matter involving regulatory engagement with Ofgem;
- for two years from your last day in Crown service you should not become personally involved in lobbying the UK Government on behalf of those you advise under your

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<sup>1</sup> This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Lord Michael German; Dr Susan Liautaud; Baroness Helen Liddell and John Wood. Terence Jagger and Richard Thomas were unavailable.

independent consultancy or their subsidiaries, partners or clients. Nor should you make use, directly or indirectly, of your Government and/or Crown Service contacts to influence policy or secure business or funding on their behalf; and

- for two years from your last day in Crown service, before accepting any commissions and or/before extending or otherwise changing the nature of any commission, 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, including whether additional conditions should be imposed.

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 "*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 let me know when you take up this commission, or if it is announced that you are to do so. This will enable the Committee to publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours sincerely,

Nicola Richardson  
Committee Secretariat

