



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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Dear Mr Crouch,

You sought the Committee's advice on taking up a commission under your independent consultancy. The Committee has now considered your application.

Commission details

You informed the committee of a commission with Energy Systems Catapult (ESC) working on the Energy Data Taskforce (the Taskforce). You said this will involve working no more than a few days a month; and the Taskforce will need to report within 6 months of launch.

ESC is one of a number of centres set up by the UK government to support innovation in industry sectors under the umbrella of Innovate UK. It is a public-private funded, non-profit organisation that directly supports innovators across the energy sector – from power, heat, transport and industry to energy infrastructure.

The Government and Ofgem launched the Taskforce to produce a report that identifies how to move from the current data landscape to one where competition and innovation are enabled by more open, richer data. The terms of reference are on gov.uk and set out that the Taskforce is to be run by ESC, and Chaired by Laura Sandys (of Challenging Ideas).

You informed the Committee that you had some contact with ESC staff while at Ofgem by way of attending stakeholder meetings, though ESC is not a regulated business and you were not aware Ofgem had any contractual relationship with them. You noted that as the Taskforce has only recently been set up, you had no engagement with the Taskforce while at Ofgem.

The Committee is also aware you had some contact with Challenging Ideas (of which Laura Sandys is Chair) whilst at Ofgem as part of a short-term project carried out by Challenging Ideas which was funded in part (around 10%) by Ofgem. Since leaving office you have also carried out work for Challenging Ideas, which the Committee advised on.

Your former department (Ofgem) was contacted regarding this work and confirmed it has no concerns this role would cause any conflict.

The Committee's consideration

The Committee¹ is satisfied that the role is consistent with the terms of your consultancy which you describe as advising on issues relating to developments in the energy sector such as (infrastructure, new technology, digitalisation, including heat and transport) and in utility regulation.

Your previous engagement with both Challenging Ideas and ESC was not in relation to contractual decisions or decisions about policy or regulation. Therefore, such contact does not raise any particular concerns in respect of the risk of reward under the Government's Business Appointment Rules.

The Committee notes the Taskforce is not a commercial entity, and has been set up by Government to report on specific matters. Therefore, the Committee determined there would be nothing improper or untoward should you have contact with Ofgem, or the Government more widely, in accordance with the terms of reference (as set by the Government).

The Committee previously imposed a condition on your independent consultancy which prevents you from working on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of Ofgem. Having identified that contact with Ofgem inline with the Taskforce's terms of reference, would not be improper, the Committee considered it would be appropriate to waive the condition for this specific piece of work.

Under the Government's Business Appointment Rules, the committee's advice is that this commission with Energy Systems Catapult (ESC), working on the Energy Data Taskforce should be subject to the conditions below:

- 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 become involved in or advise on matters relating to any enforcement cases opened by, or pending in, Ofgem during the time that you were responsible for enforcement at Ofgem;
- for six months from your last day in Crown service, you should not become involved in or advise on matters relating to "RIIO-2" and Ofgem's retail price cap;

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Browning; Terence Jagger; Dr Susan Liataud; Baroness Helen Liddell and John Wood. Richard Thomas was unavailable. Lord Michael German recused himself from this application in line with ACOBA's published Code of Practice.

- for two years from your last day in service, you should not become personally involved in lobbying the UK government on behalf of ESC or its partner organisations. This is not intended to prevent you from advising the Taskforce in line with its terms of reference, which include reporting to Ofgem and Government. However, it would prevent you from making use directly or indirectly of your contacts in Government or Crown service to influence policy or secure funding on its behalf;
- 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.

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 could 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

Tiffany Amusu
Committee Secretariat

