



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/08 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://acoba.independent.gov.uk>

March 2020

BUSINESS APPOINTMENTS APPLICATION: Ms Karen Wheeler

1. The Committee has been asked to consider an application from Ms Karen Wheeler, who sought advice from the Committee on taking up an appointment as a Managing Director at Radioactive Waste Management Limited.
2. Ms Wheeler was the former Director General of Border Delivery Group for HM Revenue and Customs (HMRC) from July 2017 to July 2019. She was responsible for leading preparations for Border in readiness for Brexit.
3. Ms Wheeler's last day in Crown Service was 30 June 2019.

Application details

4. Ms Wheeler intends to take up an appointment as a Managing Director at Radioactive Waste Management Limited (RWM). The role is paid and full-time. The role will be to lead and drive RWM, ensuring it meets strategy and objectives, lives within its budget and complies with all regulatory and compliance requirements. Ms Wheeler will report to the CEO of Nuclear Decommissioning Authority (the NDA).

Ms Wheeler states her specific responsibilities will include:

- recruiting new members of the executive team and organising the RWM to deliver its goals;
- bidding for funding from NDA and BEIS and accounting for spend;
- ensuring RWM organises and resources a fit for purpose programme to deliver a Geological Disposal Facility, as set out in BEIS' Statement National Policy Statement;
- managing key relationships with stakeholders including sponsor departments, regulators, leading influencers and others;
- ensuring RWM lives according to agreed values and culture, and comply with critical standards, regulatory, audit and public accounting; and
- producing an annual report and accounts.

5. RWM is a wholly owned subsidiary of Nuclear Decommissioning Authority (NDA), which is an Executive Non-Departmental Public Body of the Department for Business, Energy and Industrial Strategy (BEIS). RWM is the Government's designated delivery body for its programme of geological disposal and is responsible for implementing a safe, sustainable, publicly acceptable geological disposal programme. Its mission is to deliver a geological disposal facility and provide radioactive waste management solutions. It engages with the Government and communities to inform its work.

6. Ms Wheeler informed the Committee this appointment will involve limited contact with the Government as RWM is a publicly funded organisation of BEIS and the NDA. However she confirmed the post will have no involvement with her previous department, HMRC, outside the organisations dealing with HMRC for staff tax purposes. Ms Wheeler further states this has no overlap with her former role in HMRC.

7. Ms Wheeler informed the Committee the only contact she had with RWM was unrelated to her role at HMRC and related to her appointment as a Non-Executive Director for RWM, since September 2018. This appointment was approved by Jon Thompson as Permanent Secretary of HMRC and the Cabinet Office and it was considered there was no conflict of interest.

8. Ms Wheeler said she had no official dealings, contractual or otherwise with RWM, nor any involvement in any decisions/ policy decisions which might have affected RWM.

9. HMRC advised it has no propriety concerns regarding this appointment. The Department confirmed Ms Wheeler had no involvement in awarding any contracts or funding to RWM nor has knowledge of contracts or information on impending government policy. HMRC has no objections to this appointment.

The Committee's Consideration

10. The Committee¹ noted Ms Wheeler had some contact with RWM by way of her Non-Executive Director Role. However, this was not in her capacity as a government official at HMRC and the Government considered there was no conflict with her role in office. HMRC have confirmed she had no involvement in any decisions regarding policy and was not involved in awarding contracts to RWM. Further, Ms Wheeler applied for an advertised role. The Committee considered the risk this appointment could be seen as a reward for decisions made in office is low.

11. The Committee considered the risk associated with her time in office, such as access to sensitive information and contacts gained. The Committee considered it was relevant that this role is unrelated to Ms Wheelers time in office with regard to the area of policy. There are inherent risks which arise where individuals move out of the Government, for example Ms Wheeler will no doubt have developed contacts in government. However, the risk that she has access to sensitive information or contacts that would unfairly advantage RWM is low as its work is unrelated to her time in office. As such, the Committee considered this appointment raised no issues of impropriety and considered it would not be improper for her to have contact with the NDA and BEIS to carry out duties aligned to the role of Managing Director of RWM.

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Richard Thomas; Dr Susan Liataud; John Wood; Terence Jagger and Mike Weir.

12. The Committee would remind Ms Wheeler she must not make of any privileged information she has had access to; nor should she use her contacts in government to unfairly benefit RWM in anyway, though the risks here are low given RWM has been set up at arms length from the Government to deliver its policy, which is unrelated to Ms Wheeler's.

13. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Prime Minister has accepted the Committee's advice that this appointment be subject to the following conditions:

- that she should not draw on (disclose or use for the benefit of herself or the organisations to which this advice refers) any privileged information available to her from her time in Crown service;
- for two years from her last day of service she should not become personally involved in lobbying the UK Government on behalf of Radioactive Waste Management. This would not prevent Ms Wheeler from dealing with the UK Government in line with her duties as Managing Director of the Radioactive Waste Management. However it would prevent her from using her contacts in Government/Whitehall, to unfairly advantage Radioactive Waste Management.

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."

16. I should be grateful if you would ensure that we are informed as soon as Ms Wheeler takes up this position, or if it is announced that she will do so (I enclose a form for this purpose). 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 she had complied with the Rules.

17. I should also be grateful if you would ask that Ms Wheeler informs us if she proposes to extend or otherwise change the nature of her role as, depending on the circumstances, it may be necessary for her to make a fresh application.

18. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

Yours sincerely

Isabella Wynn
Committee Secretariat