



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

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1. You asked for the Committee's advice about taking up an appointment with Alta Performance.

### The Committee's remit

2. It is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

3. The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

4. When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

5. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

### Appointment details

6. You wish to take up a part time paid appointment as Non-Executive Chair with Alta Performance. You informed the Committee that Alta Performance is a health and fitness business. The website states Alta Performance was founded in 2019 to optimise health and

fitness using technology. It states it connects health, fitness & sport using technology and develops mobile apps and software solutions that make information available across the health, fitness & sport industries. It is referred to as ‘.. *uber for personal trainers*’.

7. You stated the role of the Chairman will be to provide leadership to the board of directors on an ad hoc basis. The Chairman’s involvement will be increased at certain times, such as during the closing stages of acquisitions. The role will primarily be advisory and is a non-executive position on the board. An energetic executive management team is in place to control the day to day running of the company. The Chairman will be compensated with an equity position in the company and bonus payments relating to company performance. You do not expect your role to involve contact with government.

8. The Welsh Government were contacted regarding this appointment, and confirmed the details above, adding:

- There does not appear to be any obvious concerns Welsh Government has with you in this role;
- Alta Performance are a relatively new company who formed after you left office, so it can confirm that you had no involvement in or influence over relevant policy matters you raise and did not have a relationship or official contact with them;
- Although you had overarching responsibility for the devolved policy responsibilities of the Welsh Government whilst in office, you did not have direct responsibility for the relevant sector or the organisations.
- The Welsh Government have provided Alta Performance with access to Business Wales advisory support, but stated this was after your time in office.
- On the basis of this information, the department has no concerns about you taking up the proposed appointment.

#### The Committee’s consideration

9. The Committee<sup>1</sup> noted this is a new company that was set up once you had left office. As such you had no official dealing with Alta Performance and therefore the Committee considered the risk this appointment could be seen as a reward for decisions taken in office is low.

10. 10. The Committee noted you held the most senior position in the Welsh Government as First Minister. As such, the Committee considered there is a risk you may confer an unfair advantage to Alta Performance due to your access to general sensitive information gained as First Minister. Whilst you had overarching responsibility for all devolved policy, the Welsh Government told the Committee you had no direct responsibility for the sector in which Alta Performance operates in. Further, the Committee noted the department’s comments that it has no concerns about you taking up this role and the passage of time since your last day in office (20 months). These mitigating factors and the condition below which prevents the use of privileged information gained in Ministerial office will sufficiently mitigate the remaining risk.

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

11. Further, given your seniority and influence as the former First Minister, it could be perceived there is a risk of unfair advantage in relation to your contacts gained whilst in post. The Committee noted that Alta Performance has a relationship with the Welsh Government and if Alta Performance were to seek funding from the government there is a real risk your contacts and influence could provide unfair advantage if were to bid for further funding from the government. Therefore, the Committee would draw our attention to the below which makes it clear that the use of your contacts across the Welsh Government to the unfair advantage of Alta Performance would be inappropriate.

12. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Alta Performance** be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisation to which this advice refers) any privileged information available to you from Ministerial office.
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the Welsh Government on behalf of Alta Performance (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Ministerial office to influence policy, secure business/funding or otherwise unfairly advantage Alta Performance (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in Ministerial office you should not advise Alta Performance (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid or contract relating directly to the work of the Welsh Government.

13. 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.

14. 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."

15. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the National Assembly for Wales.

16. I should be grateful if you would inform us as soon as you take up this role, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

17. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

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

The Rt Hon Lord Pickles

Mr Carwyn Jones AM