

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

Room G/8, 1 Horse Guards Road, London, SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

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

January 2020

1. You approached the Committee about taking up an appointment as a Trustee and Board Member at The Climate Group.

The Committee's role and 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 an **unpaid**, part-time role with the Climate Group, as a Trustee and Board Member. You state the Climate Group is an International non-profit organisation promoting initiatives to businesses to address dangerous climate change. The website states its mission is accelerating climate action and want to achieve a world of no more than 1.5C of global warming. As a Trustee and Board member you said you will be looking at strategy and governance. You explained you hope to help influence businesses by setting out the advantage of reducing carbon emissions, its popularity with consumers and the need for urgent action.

7. You confirmed you do not expect to have contact with Government in this role; you did not meet with the Climate Group while in office; you hold no sensitive information related to the Climate Group or its competitors and that you were not involved in any specific policy decisions or developments that could have affected the Climate Group.

8. The Department for Work and Pensions (DWP) confirmed the above and further stated as the focus of the Climate Group's business is not core business for DWP, it is unlikely that you would have had dealings with competitors of Climate Change, or gained information in this role that would give Climate Group a competitive advantage.

9. The DWP Permanent Secretary has no concerns about you taking up this appointment and for completeness informed us that he has agreed to act as a referee for you.

10. BEIS was also contacted in regards to this application, as you were Secretary of State for Energy and Climate Change between 2015 and 2016. Although you had this role over 3 years ago, as your appointment with the Climate Group does relate to your former role. BEIS stated it has no concerns here and it cannot think of any companies that you should not advise.

The Committee's consideration

11. When considering your application, the Committee¹ noted this is unrelated to your recent ministerial roles as the Secretary of State for Work and Pensions, and before that the Home Secretary. You confirmed that, as Secretary of State for Work and Pensions you did not meet with the Climate Group and that you were not involved in relevant funding or policy decisions. Whilst you have a clear interest in this area, and was previously the Secretary of State for Energy and Climate Change, this role ended in July 2016 putting significant distance between you taking up this role and your involvement in related policy. As such,

¹ Sir Alex Allan; Jonathan Baume; Baroness Angela Browning; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood. Dr Susan Liautaud was unavailable.

the Committee did not consider it could reasonably be perceived you were offered this unpaid role as a reward for decisions made or actions taken in office.

12. The Committee noted that your former department does not operate in the same field as your prospective employer so the risk that you had access to any privileged information regarding policy or competitors that could unfairly benefit the Climate Group is low. Any perceived risk will be sufficiently mitigated by the conditions attached to all former ministers which prevent the use of privileged information gained in office.

13. The Committee also noted there is a possible risk of you being seen to offer an unfair advantage in relation to access to the contacts you gained while in ministerial office. The lobbying ban imposed below makes clear that it would be inappropriate for you to use your contacts across Government/Whitehall to the unfair advantage of the Climate Group. The Committee would also like to draw your attention to the ban on providing advice on a bid or contract relating directly to the work of the UK Government, including with regard to funding, to mitigate the risk you may offer an unfair influence in the Government's funding decisions in the future.

14. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with the Climate Group be subject to the following conditions:

- that 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 Ministerial office;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of the Climate Group (including parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or Ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit the Climate Group (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise the Climate Group or its partners or clients on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK Government.

15. 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.

16. 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."

17. 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 House of Commons; and 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.

18. 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.

19. 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.

20. Once the 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.

The Baroness Browning

The Rt Hon Amber Rudd