



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS**  
**APPOINTMENTS** G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ  
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September 2020

1. You approached the Committee about taking up an appointment as a Non-Executive Director for Pinwheel.

The Committee's role and remit

2. It is the Committee's role to advise on the 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. 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.

3. 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.

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

Appointment Details

5. You sought the Committee's advice on taking up a paid part-time appointment at Pinwheel as Non-Executive Director. You told the Committee Pinwheel is a UK start up seeking to provide traceable "green" sources of electricity in the retail market, in a simple easily accessible and measured way. As a Non Executive Director you said you will be attending monthly board meetings. You said you will be advising on strategy and policy. You said you hope to bring your pre politics business experience to bear. You were in venture capital before you became an MP so you said you had a good understanding of how to

grow companies and manage their expansion. You said you will be working with an experienced team from the energy and retail sector and your role will be to review their plans for success within the market and keeping an eye on financial requirements and stability. You further told the Committee this role will not involve contact with government.

6. You stated that you had no contact with Pinwheel whilst in office; that the DWP have no relationship with Pinwheel; that you were not involved in policy developments or decisions that would have affected Pinwheel; and that you did not have access to any sensitive information about its competitors.

7. The DWP voiced no concerns as to your appointment; it had no record of any commercial involvement with Pinwheel, nor any record of you meeting the organisation during your time as Secretary of State. The Department noted it was highly unlikely you would have made policy decisions or that you had access to information that would have had a material consequence for Pinwheel or its competitors.

### The Committee's Consideration

8. When considering this application, the Committee took into account this appointment has no direct connection with your most recent ministerial roles as Secretary of State for the DWP. It particularly noted that you had no dealings with Pinwheel whilst in office, and it is aware of no reason it might be perceived this appointment is a reward for decisions or actions taken or made in office.

9. The Committee assessed it is unlikely you are aware of any specific information that might unfairly assist Pinwheel given your role and responsibilities whilst in office were unrelated and the time that has lapsed (over 12 months) since you left ministerial office. The Committee noted you were Secretary of State for Energy and Climate Change, though as this was a position you last held in July 2016, it judged the passage of time significantly reduces any unfair advantage you may offer from information held from your role. Further, the condition below prevents you from drawing from any privileged information from your time in office.

10. As with any such appointment, as a former Secretary of State, there is a risk it could be perceived that your contacts across Government/ Whitehall might assist Pinwheel unfairly. The Committee would draw your attention to the conditions below to make it clear that any use of your contacts gained in Government/Whitehall to Pinwheel's benefit would be inappropriate.

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

- You should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister;
- for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government on behalf of Pinwheel (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 Pinwheel (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in office you should not advise Pinwheel 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.

12. 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 Ministerial Code/ Civil Service Code or otherwise.

13. 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.*"

14. 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.

15. 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.

16. 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 Rt Hon Lord Pickles

The Rt Hon Amber Rudd