



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lord Ian Duncan of Springbank

1. The Committee has considered your application to work with the Carbon Connect as a Member of its Advisory Board.

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. Carbon Connect is the independent, cross-party forum that seeks to inform and guide a low carbon transformation underpinned by sustainable energy. Carbon Connect's main activities comprise facilitating discussion between industry, academia and

policymakers on low carbon energy and producing its own research and briefings in this area.

7. You stated that your role would involve providing advice on energy and climate change policies, with a particular focus on:
 - EU policy;
 - Policy of devolved administrations;
 - UN COP gatherings (building upon your participation as a delegate of the European Parliament, which predates your time as a minister).

Further you stated you would chair/facilitate research gatherings, seminars, events. You stated you will not conduct business with Government however may encounter ministers and officials at seminars and events. You stated any potential engagement with ministers at seminars, or policy events, will be restricted to the capacity of host/chair.

8. You informed the Committee you had limited contact with Carbon Connect during your time in office giving a speech on the Government's position on decarbonising domestic heating during a seminar organised by the company (15 October 2019). Though you stated you would have been involved in areas that would be of interest to Carbon Connect, you had no involvement in policy decisions or development during your time in office that would have specifically impacted Carbon Connect. You also stated you did not make any commercial or contractual decisions that would have affected Carbon Connect.
9. The Northern Ireland Office (NIO), Scotland Office (SO) and the Department for Business Energy and Industrial Strategy (BEIS) were contacted about this application. BEIS noted that you made another speech with Carbon Connect in January 2020 outlining the Government policy position on climate change. The departments confirmed the other details you provided and had no further concerns regarding this appointment.

The Committee's consideration

10. The Committee¹ noted BEIS's confirmation that you did not approve any funding for Carbon Connect nor make any policy or decisions that would have specifically impacted the company. Although you gave two speeches whilst in office hosted by the organisation there is nothing to indicate that any decisions were taken in office as a result of these. The Committee therefore considered these factors to mitigate the risk that this appointment would be considered as a reward for any actions taken in office to be mitigated.
11. The Committee also noted that as a former Under Secretary of State at BEIS you would have had general access to policy and information that could be perceived to benefit any organisation, including Carbon Connect. However, none of your former departments consider you have access to information that would risk you offering an unfair advantage to Carbon Connect. The Committee also considered it relevant that it has now been 10 months since you left office. Therefore, the risks associated with your access to sensitive information is low. However, the Committee would also draw your attention to the ban on using privileged information which applies to all former ministers.

¹ 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 Liautaud and John Wood

12. The Committee noted you may come into contact with the Government in this role at seminars and events. You stated this would not involve lobbying or conducting business with the Government, rather your role at such events would be as host and chair. The Committee also noted Carbon Connect's commitment to transparency on its website and its statement that it does not lobby or campaign for any particular organisation. You are prevented from lobbying the Government under the Rules, and as the condition below reflects you must not use your contacts in government to influence policy or secure funding for Carbon Connect. However, limited contact as you described, where it is in line with Government policy and where it could not reasonably be perceived to be lobbying would not be inappropriate.
13. Further, the restriction below on providing advice on the terms of a bid or contract relating directly to the work of the UK Government prevents you from providing an unfair advantage to Carbon Connect as a result of your time in office as a Minister, in respect of any future bid for funding from the UK Government.
14. The Committee considered that as you worked as Parliamentary Under Secretary of State at both the Scottish Office and the Northern Ireland Office, these conditions should be applied to the Scottish Government and Northern Ireland Government too.
15. In accordance with the 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;
 - you are permitted to be in contact with the UK Government to host and present events, as is in keeping with your role and where it is aligned with Government policy. However, you should not become personally involved in lobbying the UK Government on behalf of Carbon Connect (including parent companies, subsidiaries, partners and clients). You must not make use, directly or indirectly, of your Government and/or contacts to influence policy, secure funding/business or otherwise unfairly benefit Carbon Connect (including parent companies, subsidiaries, partners and clients).
 - for two years from your last day in office you should not advise Carbon Connect or its partners or clients on the terms of a bid or contract with, or relating directly to the work of the UK Government, Scottish Government or Northern Ireland Executive or their arm's length bodies.
16. The Committee would also remind you that in addition to this advice, it is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of the House of Lords, are expected to uphold the highest standards of propriety and act in accordance with the various rules and principles which apply, including those in the House of Lords and the 7 Principles of Public Life.
17. 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.
18. 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."

19. I would be grateful if you would ensure that we are informed as soon as you take up your role or Carbon Connect announces it. 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 you had complied with the rules.
20. Once you have taken up your role/it has been announced we will publish this letter on the Committee's website and in the relevant annual report.

The Rt Hon the Lord Duncan of Springbank

The Rt Hon the Lord Pickles