



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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### **BUSINESS APPOINTMENT APPLICATION: Ms Joanna Whittington, former Director General, Energy and Security for Department for Business, Energy & Industrial Strategy. Unpaid appointment with POWERful Women.**

1. Ms Whittington sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Crown Servants (the Rules) on an unpaid role she wishes to take up with POWERful Women.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during Ms Whittington's time in office, alongside the information and influence a former Crown servant may offer POWERful Women. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee has advised that a number of conditions be imposed to mitigate the potential risks to government associated with this appointment under the Rules. The Committee's advice is not an endorsement of this application in any other respect.
4. The Rules<sup>1</sup> set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

#### The Committee's consideration of the risks presented

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<sup>1</sup> Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code

5. When considering this application, the Committee<sup>2</sup> took into account this appointment as Non Executive Director is unpaid.<sup>3</sup> Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of government by considering the real and perceived risks associated with former Crown servants joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions or take action in office to in expectation of rewards, on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.
6. The Department for Energy Security and Net Zero (DESNZ)<sup>4</sup> confirmed that it has historically supported POWERful Women in its mentoring scheme. In 2021, POWERful women was awarded a grant by Ms Whittington's former business unit at BEIS. Though matters relating to energy and security fell within her area of responsibility, the department confirmed she was not involved in policy or commercial decisions specific to POWERful. Specifically she was not personally involved in the awarding of the grant within her team to the organisation. As such, the risk that this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
7. This proposed role has some overlap with Ms Whittington's time in post given its focus on women in the energy sector. Further, she noted there may be times when government chooses to attend events hosted by the organisation. Where contact is instigated by government departments/officials it would not be contrary to the lobbying ban - which is imposed on all former senior officials for 2 years on leaving office.

### The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. As above, the unpaid signature of this role significantly limits the risks subject to standard conditions. These seek to prevent Ms Whittington from drawing on privileged information and using her contacts to the unfair advantage of her new employer, will sufficiently mitigate the risks in this unpaid appointment.

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<sup>2</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; The Rt Hon Lord Pickles; Michael Prescott; Mike Weir; Sarah de Gay; and Dawid Konotey-Ahulu CBE DL. The Baroness Jones of Whitchurch was unavailable.

<sup>3</sup>By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

<sup>4</sup> Following the recent Machinery of Government Changes, Ms Whittington's former role as Director General, Energy and Security now sits with the Department for Energy Security and Net Zero (DESNZ).

9. In accordance with the government's Business Appointment Rules, the Committee advises this appointment with the **POWERful Women** subject to the following conditions:
- Ms Whittington should not draw on (disclose or use for the benefit of herself or the persons or 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 in Crown service, she should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of POWERful Women (including parent companies, subsidiaries, partners and clients); nor should she make use, directly or indirectly, of her contacts in the government to influence policy, secure business/funding or otherwise unfairly advantage POWERful Women (including parent companies, subsidiaries, partners and clients); and
  - for two years from her last day in Crown service, she should not provide advice to POWERful Women 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 or any of its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's previous role in government only; there are separate rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Commissioner for Standards.<sup>5</sup> It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
11. 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.
12. 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*'.
13. Ms Whittington must inform us as soon as she takes up this work or if it is announced that she will do so. Similarly, she must inform us if she proposes to extend or otherwise change her role with the organisation as depending on the circumstances, it might be necessary for her to seek fresh advice.

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<sup>5</sup> All Peers and Members of Parliament are prevented from paid lobbying under the Parliamentary Code of Conduct and the Code of Conduct for Members of the House of Lords.

14. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

Yours sincerely,

Hamzah Rizvi  
**Committee Secretariat**

## Annex - Material Information

### The role

1. POWERful Women's website states that it is '*..a professional initiative, based at the Energy Institute, that seeks to address the continued underrepresentation of women at the top of the UK energy industry and in the leadership pipeline. Our goal is for women to be in at least 40% of middle management and leadership roles in the UK energy sector by 2030.*'
2. Ms Whittington stated she will be a Non Executive Director and her role will be unpaid, part-time. She stated that the functions of the Board and its members will be to
  - oversee the development and implementation of the POWERful Women initiative;
  - ensure that the project adheres to the aims and values of POWERful Women, as described in its strategy;
  - convene and set the terms and reference and timetable for any working groups it sees fit in pursuance of their remit; and
  - exercise general oversight of finance and resources of the initiative.
3. Ms Whittington stated that POWERful Women holds an annual conference which is regularly attended by ministers and members of the Civil Service.
4. Ms Whittington stated she applied for the role through an advertised post.

### Dealings in office

5. Ms Whittington informed the Committee that she met with POWERful Women whilst in post and that the organisation had a contractual relationship with her former department. She stated that in 2021, her business unit at BEIS was involved in awarding a £20k grant to POWERful Women to support its mentoring scheme. She confirmed she did not have direct involvement in this decision.
6. She further stated she did not possess sensitive information specific to POWERful Women.

### Departmental Assessment

7. DESNZ confirmed the details Ms Whittington provided, including:
  - a. It held a departmental contractual relationship with POWERful Women as Ms Whittington described. Her former business unit was responsible for awarding a £20k grant in 2021, though the department confirmed she was not specifically involved in the award or had contact with the organisation in relation to it.
  - b. It has no concerns regarding Ms Whittington's access to sensitive information specific to POWERful Women. It stated '*...as the former Director General responsible for Energy Security in BEIS, it is noted that [Ms Whittington] may have had general access to information that could*

*be seen as useful. The department recognises there are inherent risks, but this is significantly reduced given the nature of the work of POWERful Women’.*

- c. It recommended the standard conditions.