



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

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**BUSINESS APPOINTMENT APPLICATION: Air Chief Marshal Sir Michael Wigston KCB CBE, former Chief of the Air Staff Ministry of Defence. Paid appointment with Earendel Associates Ltd.**

1. Air Chief Marshal Sir Michael sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former Crown servants (the Rules) on taking up an appointment with Earendel Associates Limited (Earendel Associates) as an Associate.
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 Air Chief Marshal Sir Michael's time in office, alongside the information and influence a former Chief of the Air Staff may offer Earendel Associates. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment – it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
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 risk presented

5. The Committee<sup>2</sup> noted that there is no relationship between the Ministry of Defence (MOD) and Earendel Associates. Air Chief Marshal Sir Michael did not meet with

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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.

<sup>2</sup> This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; The Rt Hon Lord Eric Pickles; and Mike Weir.

Earendel Associates whilst in government, nor did he make any decisions specific to the company. The Committee therefore considered the risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.

6. Though Earendel Associates does not specialise in defence, as the former Chief of Air Staff, the Committee noted that Sir Michael would have had significant access to a broad range of classified and sensitive information linked to defence, as well as MOD capabilities, that could provide an unfair advantage to Earendel Associates and its clients. The Committee noted there are a number of mitigating factors that help to reduce the risks associated with Air Chief Marshal Sir Michael's access to information and insight that may be seen to offer Earendel Associates an unfair advantage:
  - This risk is broad and generic in nature as the proposed role does not overlap with his responsibilities in office. The MOD is not aware of any specific information that would be of use to Earendel Associates and the focus of this work.
  - Air Chief Marshal Sir Michael ceased having access to sensitive information from his last day in the role, in June 2023. It has therefore been 6 months since he had access to sensitive information, reducing the likelihood that his knowledge is sufficiently up to date.
  - He is also prevented from drawing on privileged information from his time in office and has an ongoing duty of confidentiality.
7. The Committee considered that there is a significant risk associated with the unknown nature of Earendel Associates' clients and the risk Air Chief Marshal Sir Michael may advise on matters directly related to his responsibilities in service.
8. The Committee also noted that Air Chief Marshal Sir Michael will have amassed a network of contacts in the UK and internationally - within other governments and private companies, particularly in the defence sector. The Committee therefore considered that there is a risk associated with Air Chief Marshal Sir Michael's network and influence that could be used to unfairly advantage Earendel Associates or its clients.

#### The Committee's advice

9. Given Air Chief Marshal Sir Michael's seniority within the MOD the Rules mandate a 3-month waiting period to provide a gap between leaving service and joining an outside appointment. However, this time has now passed.
10. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear Air Chief Marshal Sir Michael cannot make use of his access to privileged information or influence gained from his time in Crown service to the unfair advantage of Earendel Associates and its clients. In particular, alongside the standard conditions, the Committee imposed restrictions on the work to prevent Air Chief Marshal Sir Michael from: advising on policy or operational matters he had specific involvement in or

responsibility for during his time at the MOD; advising Earendel Associates on the UK defence sector; and lobbying contacts he made in other governments and organisations outside of the MOD and UK government.

11. The Committee advises, under the Government's Business Appointment Rules, that Air Chief Marshal Sir Michael's role with **Earendel Associates Ltd** should be subject to the following conditions:

- he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of Earendel Associates (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Earendel Associates (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service, he should not provide advice to Earendel Associates (including parent companies, subsidiaries, partners and 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, the Ministry of Defence or its trading funds;
- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he has developed during his time in office in external organisations (including other governments) for the purpose of securing business for Earendel Associates (including parent companies, subsidiaries and partners);
- for two years from his last day in Crown service, he should not advise Earendel Associates or its clients on any matters relating to the whole of the UK defence sector; and
- for two years from his last day in Crown service, he should not advise Earendel Associates (including parent companies, subsidiaries, partners and clients) on work with regard to any policy or operational matter he had specific involvement or responsibility for as Chief of Air Staff at the Ministry of Defence, or where he had a relationship with the company or organisation during his time at the Ministry of Defence.

12. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of

Lords' Interests.<sup>3</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.

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. Air Chief Marshal Sir Michael must inform us as soon as he takes up employment with this organisation, or if it is announced that he will do so, by emailing the office at the above address.
16. He must also inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
17. 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.

Yours sincerely

Shaneez Mithani  
**Committee Secretariat**

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<sup>3</sup> All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

## **Annex - Material information**

### The role

1. Air Chief Marshal Sir Michael said he has been offered a paid, part-time appointment with Earendel Associates as an Associate.
2. Air Chief Marshal Sir Michael said that his responsibilities in the role would be as follows:
  - a. Contribute to strategic reports, assessments and advice; and
  - b. Provide briefings and seminars - for private sector clients, covering geopolitical challenges with a specific focus on space.
3. He said he would have no contact with the government in this role.

### Dealings in office

4. Air Chief Marshal Sir Michael advised the Committee he did not meet with Earendel Associates whilst in office. He said he did not have involvement in any policy development or decisions that would have been specific to the company, and held no commercial or contractual responsibilities relating to it. He said he did not meet with competitors of the company, nor did he have access to sensitive information regarding these competitors.

### Department Assessment

5. The MOD confirmed the details Air Chief Marshal Sir Michael provided.
6. The MOD said that there was a risk of undue use of privileged knowledge should Air Chief Marshal Sir Michael become involved in advising on specific commercial transactions in areas of capability, for which he had responsibility for requirement-setting in his role as Chief of the Air Staff. MOD recommended Air Chief Marshal Sir Michael should be prevented from working on such cases.
7. MOD said that this, alongside the standard conditions, would make this appointment suitable for Air Chief Marshal Sir Michael.