



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENTS APPLICATION: Samantha Harrison, former Expert Adviser at the Department of Health and Social Care and prior to that, Expert Adviser and Interim Permanent Secretary and Chief Operating Officer at 10 Downing Street. Paid appointment with Xlinks Limited.

1. Ms Harrison 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 her proposal to work with Xlinks Limited (Xlinks) as the Chief Operating Officer (COO).
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 her time in office, alongside the information and influence a former senior Crown servant may offer Xlinks. 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 Rules¹ 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

¹ 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. Xlinks is a renewable energy company. It owns the Morocco-UK Power Project - a new electricity generation facility powered by solar and wind energy combined with a battery storage facility. It aims to bring electricity to the UK from Morocco via 4000 km of sub-sea cables.² Xlinks has applied to the Department for Energy Security and Net Zero (DESNZ) for designation as a Nationally Significant Infrastructure Project (NSIP)³; and for a contract for difference for this project.
6. There is no overlap between Ms Harrison's responsibilities in office and her role with Xlinks, or the energy sector. Ms Harrison did not meet with Xlinks, nor did she make any decisions - policy, regulatory or commercial - specific to Xlinks while in office. Therefore, the Committee⁴ considered the risk that this role could reasonably be seen to have been offered as a reward for decisions in office is low.
7. There are inherent risks associated with Ms Harrison's access to information from her time in government. The Cabinet Office did not consider she had any access to sensitive information that could unfairly advantage Xlinks. It is significant that Ms Harrison has been out of office for 18 months with no access to information during this time.
8. There are risks associated with Ms Harrison's network and potential influence gained from her time in government - given that Xlinks is in the process of applying for NSIP designation and a contract for difference. This process is already in progress and it would be improper for Ms Harrison to be involved in the applications/bids process or discussions with government. Ms Harrison has confirmed that she will not have any contact with government, nor be involved in any commercial/contractual matters with government. It is also relevant that Ms Harrison has significant experience of managing businesses prior to her time in government.

The Committee's advice

9. In the circumstances, the Committee considered that the risks under the Rules can be apparently mitigated by the standard conditions below, which seek to prevent Ms Harrison from granting Xlinks an unfair advantage through her access to privileged information, contacts and influence. In particular, the

² <https://xlinks.co/morocco-uk-power-project/>

³ <https://assets.publishing.service.gov.uk/media/6512e8693d371800146d0bff/xlinks-project-request-from-xlinks-for-s35-direction.pdf>

⁴ This application for advice was considered by Andrew Cumpsty; Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir.

conditions make it clear she must not seek to influence government on behalf of her employer whilst she is subject to the Rules.

10. Additionally, Ms Harrison is on the Board at DHSC as Lead Non-Executive Director. In line with previous advice, she and DHSC must consider and mitigate any potential conflicts in accordance with the Code of Conduct for Board Members of Public Bodies. The conditions below have also been updated to remind her that she must not make use of privileged insight gained from this ongoing role within a government department.
11. In the circumstances, the Committee's advice in accordance with the government's Business Appointment Rules is that this work with **Xlinks Limited** should be subject to the following conditions:
 - she 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 or in any capacity in which she continues to represent the UK government;
 - for two years from her last day in Crown service, she should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of Xlinks (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of her contacts in the government and/or Crown service contacts to influence policy, secure business or otherwise unfairly advantage Xlinks (including parent companies, subsidiaries, partners and clients); and
 - for two years from her last day in Crown service, she should not provide advice to Xlinks (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK government or its arm's length bodies.
12. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's 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' Interests⁵. 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.

⁵ 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.

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. Ms Harrison must inform us as soon as her appointment is live or is announced. She must also inform us if she proposes to extend or otherwise change the nature of this work as, depending on the circumstances, it may be necessary for her to make a fresh application.
16. Once this work has been publicly announced or set 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

Annex - Material information

The role

1. XLinks is a renewable energy company. Its website states: '*Xlinks' vision is to unlock the potential of remote renewable energy generation and enable markets with high energy demand to diversify their energy supply, increase resilience and faster decarbonise their economies to achieve net zero emissions. Through the development of large-scale power infrastructure spanning land and seas, Xlinks aims to transmit reliable but flexible power from resource-rich remote locations, where it can be most economically and sustainably generated at scale.*'
2. XLinks biggest project currently is its 'Morocco-UK Power Project' - an

electricity generation facility powered by renewable energy sources - solar and wind. It will be connected to the UK via 4000 km of sub-sea cables. It is anticipated that this project will generate 11.5 Gigawatts (GW) of zero carbon electricity and will deliver 3.6GW of reliable energy for 19 hours a day. This is enough to power seven million British homes. Once complete, Xlinks considers that it will be capable of supplying 8 percent of Great Britain's electricity. Xlinks seeks a National Significant Infrastructure Project designation and contract for difference from the Department of Energy Security and Net Zero (DESNZ) for the Morocco-UK Power Project.

3. Ms Harrison said that her paid, full-time role as COO will involve responsibility in:
 - Strategic HR
 - Security
 - Culture
 - Technology
 - Digital data
 - Government & stakeholder relations.
4. In relation to government and stakeholder relations, Ms Harrison made it clear to the Committee that she will not have any contact with government and that any contact will be allocated to a different employee, in line with the standard conditions. Ms Harrison said that this role is to build and lead an organisation, which she has had significant experience of doing, prior to entering government.
5. Ms Harrison is and will remain Lead Non-Executive Director at the Department for Health and Social Care (DHSC).

Dealings in office

6. Ms Harrison told the Committee that she did not make any decisions specific to Xlinks, that she had no access to relevant information, and that there is no overlap between her roles in government and the role at Xlinks.
7. Ms Harrison explained to the Committee that her role as Interim Permanent Secretary for No.10 focussed on the agreed plan to restructure No.10 and the day-to-day running of the Prime Minister's Group and headcount management; and her role as an advisor at DHSC was focussed on advising DHSC on what was the upcoming winter pressure, in 2022.

Department Assessment

8. The Cabinet office and DHSC confirmed the details in Ms Harirson's

application.

9. As regards her access to information and influence, the Cabinet Office said the following:
 - a. Ms Harrison may have been exposed to long-term strategic thinking with regards to ensuring its energy security policy, though it noted that energy policy was never her focus in government. It noted that any risk is mitigated by the fact that she left the Cabinet Office 20 months ago.
 - b. There is a risk that Ms Harrison could provide Xlinks with an unfair advantage to Xlinks, for example, through her influence in government, in relation to the application for funding for the UK-Morocco Power Project and NISP designation. It noted in particular, the significant amounts of government money this could provide. It noted the following mitigating factors:
 - i. her roles in office were not energy-focused;
 - ii. she would not have had access to privileged information or decision-making that could have impacted the prospective employer or their competitors;
 - iii. No.10 confirmed that she did not have any involvement with XLinks in office.
10. The Cabinet Office consulted DESNZ about the NSIP designation and contract for difference. The project is currently at the pre-application stage, and DESNZ said that the contract could be valued in the billions; it has the potential to be the biggest electricity generation asset in the UK power supply.
11. The Cabinet Office recommended this application be subject to the standard conditions, plus the following:
 - a. a restriction from contacting officials of the UK government to discuss the contract for difference until the final decision has been taken by the Secretary of State for Energy Security and Net Zero regarding the designation as a Nationally Significant Infrastructure Project, or to negotiate the contract for difference;
 - b. a reminder of the requirement to only contact the government via official channels; and
 - c. a waiting period of 3 months (now elapsed).