

Department for Environment Food and Rural Affairs
Ofwat

29 April 2026

Paid appointment with Berkeley Research Group (UK) Limited: Application under the Business Appointment Rules from David Black, former Chief Executive at Ofwat.

Thank you for submitting an application for advice under the Business Appointment Rules (the Rules) to the Civil Service Commission (the Commission) on behalf of **Mr David Black**, formerly Chief Executive of Ofwat. The application is for a paid, full-time role as **Managing Director** in the Economics, Disputes and Investigations practice at **Berkeley Research Group (UK) Limited (BRG)**. Further detail on the content of the application is in the Annex. The Commission's advice is required as Mr Black is a former Crown servant at SCS Pay Band 3. His last day of service was 29 August 2025.

The purpose of the Rules is to protect the integrity of the government. They aim to avoid any reasonable concerns that: a civil servant may be influenced in their official duties by the risk of reward; a civil servant may improperly exploit access to information; and an organisation may gain an improper influence through the employment of a civil servant.

The Commission's advice¹ is that the appointment should be made subject to the following conditions:

1. Privileged information – Mr Black 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 the civil service.
2. Lobbying – For two years from his last day in the civil service, until 29 August 2027, Mr Black should not become personally involved in lobbying the UK Government or its arm's length bodies on behalf of BRG (including parent companies, subsidiaries, partners and clients). He should also not use, directly or indirectly, his contacts in the government and/or civil service to influence policy, secure business/funding or otherwise unfairly advantage BRG (including parent companies, subsidiaries, partners and clients).

¹ See [Advice under the Business Appointment Rules](#) for details applying to all advice issued by the Civil Service Commission.

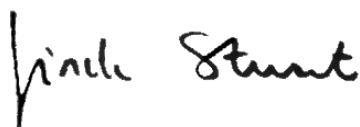
3. Bids and contracts – For two years from his last day in the civil service, until 29 August 2027, Mr Black should not provide advice to BRG on a bid or contract relating to the UK government or its arm's length bodies.
4. Initiating engagement with government – For two years from his last day in the civil service, until 29 August 2027, Mr Black should not initiate engagement on behalf of BRG (including parent companies, subsidiaries, partners and clients) with the UK government or its arm's length bodies.
5. Limitation to the role – For two years from his last day in the civil service, until 29 August 2027, Mr Black should not provide advice to BRG or its clients on any matter that was under consideration by Ofwat and not yet determined and in the public domain, or matters otherwise not yet in the public domain that he had specific involvement in or responsibility for in developing or determining, during his time as Chief Executive.

BRG and Mr Black confirmed their understanding of, and adherence to the conditions that apply to Mr Black's role.

The Rules set out that civil servants must abide by the Commission's advice. It is Mr Black's personal responsibility to manage the propriety of any appointment and to understand any other rules and regulations he may be subject to in parallel with the Commission's advice.

Mr Black must seek advice if he proposes to extend or otherwise change his role with the organisation. Once this appointment has been publicly announced or taken up, the letter will be published on the Civil Service Commission's website.

Yours sincerely,

A handwritten signature in black ink that reads "Gisela Stuart". The signature is written in a cursive, flowing style.

Gisela Stuart
First Civil Service Commissioner

Annex A: The application

Applicant assessment

1. According to its website, Berkeley Research Group (BRG) is a global strategic advisory and expert consulting firm that provides independent advice, data analytics, and regulatory support. The firm serves a wide range of sectors including energy, water, healthcare, and regulated utilities.
2. As Managing Director, Mr Black stated he will provide expert advisory and consultancy services to regulated utilities in the UK, Europe, and Asia Pacific. This involves providing economic and regulatory advice to regulators and regulated companies in energy, water and transport on matters such as the design of regulation, price controls, and business case assessments.
3. Mr Black stated that any work within the English and Welsh water sector will be confined to work where internal knowledge is now public, superseded by reform, or rendered irrelevant by time. For example:
 - Providing economic analysis of future regulatory frameworks and the design of incentives for upcoming cycles. For example, he may advise stakeholders on integrated investment planning for water resources and environmental protection, assessing how alternative options might affect productivity, resilience, and carbon goals.
 - Providing strategic advice on the methodological design of future price reviews (specifically the 2029 Price Review and beyond) and on how hypothetical, future regulatory regimes might impact business valuations and different customer groups over the long term.
 - Providing risk analysis and strategy advice only for projects that had progressed beyond their next gated approval stage as of 29 August 2025.
4. Mr Black said he will not work on matters relating to the existing regulatory framework. He will make use of current publicly available data such as Water Resources Management Plan 2024 (WRMP24)², and Water Industry National Environment Programme (WINEP)³ for the 2024 Price Review⁴ as a hypothetical reference point for developing future strategies.

² A Water Resources Management Plan (WRMP24) is a statutory document published by each water company that outlines how it will provide a secure and sustainable water supply for the next 25 to 50 years.

³ Department for Food, Environment and Rural Affairs, 'PR24 Water Industry National Environment Programme', <https://environment.data.gov.uk/dataset/39b11ea0-3cfa-4cbb-b3a1-b5950019f169>.

⁴ The 2024 Price Review (PR24) is the periodic process conducted by Ofwat to set the service standards, investment requirements, and price limits for water and sewerage companies in England and Wales for the five-year period from April 2025 to March 2030.

5. Mr Black said he has extensive prior consultancy experience advising regulated companies, investors, and regulators across the water, energy, and telecommunications sectors from before his position at Ofwat.
6. As Chief Executive of Ofwat, Mr Black was responsible for overall leadership of Ofwat, as well as reporting to the Board and as accounting officer. He also chaired the UK Regulators' Alliance for Progressing Infrastructure Development (RAPID), a partnership between regulators (Ofwat, Environment Agency, and Drinking Water Inspectorate) focused on new, large-scale water infrastructure projects.
7. Mr Black was involved in the sign-off of large contracts, which provided him with visibility of contract values and consultancy fee rates. However, he does not consider this to be privileged or sensitive information given he did not generally access detailed consultancy rates as part of his routine sign-off process. Furthermore, he highlighted that Ofwat maintains a policy of high commercial transparency, publicly disclosing the values of large consultancy contracts. He said that framework agreement fee rates are shared internally, reducing the importance of his seniority in relation to this information. Consequently, he maintains that his role did not grant him access to specific, non-public commercial data that would confer an unfair advantage.
8. Mr Black stated that material he was privy to relating to the 2024 Price Review (PR24) enforcement, and RAPID projects has been published. Since his departure from Ofwat, RAPID has published a range of decisions on these projects. He added that:
 - RAPID utilises a clear gated process for defined projects, and all gated decisions made during his tenure at Ofwat have since been published and replaced by later determinations.
 - The framework agreements for consulting support to Ofwat have expired or been reviewed.
 - Structural reform of water regulation is underway following the Government's White Paper, which is expected to materially change the regulatory framework, therefore will diminish the value of his experience under the previous framework.
 - The five-year cyclical nature of the water industry and the specific timing of departure from the civil service, which coincided with the conclusion of PR24 and the subsequent appeals process reduces the risk of him possessing sensitive information on the matter.
9. Mr Black added that as these appeals are now complete (subject to any further legal action), and with the Independent Water Commission's recommendations set to introduce fundamental shifts to the PR29

methodology, any privileged information regarding past cycles is now superseded.

10. Mr Black stated that his role will not require him to have any contact or dealings with government. He said he may, however, come into contact with government or Ofwat through advisory work undertaken or potential interactions at events and conferences.

Correspondence with BRG

11. BRG confirmed its understanding of, and adherence to, the Commission's advice and the conditions imposed on Mr Black's appointment.

Departmental assessment

12. The Department for Environment, Food and Rural Affairs (Defra) noted that as Chief Executive of Ofwat, Mr Black had significant influence over the regulation of the English and Welsh water sectors. However, they stated that he was not involved in any contract awards to BRG during his tenure. Further, Ofwat noted Mr Black's long career in consultancy prior to his Chief Executive role, including in the water sector. Given these factors, Defra and Ofwat agreed with one another that the risk of the appointment being perceived as a reward for actions taken in post is low.
13. Defra confirmed that while Mr Black had oversight of high value contracts, he did not generally access charge out rates. Any such information he did possess is likely outdated, as framework agreements have since expired or been reviewed by the Crown Commercial Service.
14. Defra identified a high risk relating to Mr Black's knowledge of Ofwat's economic regulation, noting that his seniority granted him privileged insight into the 2024 Price Review process, enforcement strategies, and internal ways of working. Further, he was involved in major project developments through his role as chair of RAPID. The government has also announced significant reforms to create a new integrated water regulator, but this is not expected to be implemented until mid-2027⁵. Consequently, the department considers his knowledge of the current legislative framework to be sensitive, creating a risk that his insights could offer an unfair advantage to BRG.
15. Defra and Ofwat identified a significant perception risk associated with this appointment, noting the acute public and political scrutiny of the water sector.

⁵ Department for Environment, Food and Rural Affairs, 'A new vision for water: white paper', <https://www.gov.uk/government/publications/a-new-vision-for-water-white-paper>

The departments expressed concern that any immediate involvement in advising the water sector could trigger “revolving door” accusations, potentially damaging the reputation of Ofwat, the Government, and the applicant.

16. To mitigate the risks associated with this appointment, in addition to standard conditions, the departments recommended a ban on Mr Black advising BRG or its clients on the economic regulation of the English or Welsh water sectors, as well as preventing the use of his professional network to provide an unfair advantage to his new employer.

The Commission’s analysis

17. *Risk of reward.* While Mr Black made decisions affecting the water regulation sector, Defra confirmed that he was not involved in any specific contract awards or regulatory decisions that were specific to BRG. Mr Black had a significant long career consulting and advising in the water, energy, and telecommunications sectors prior to his role at Ofwat. The risk of reward is therefore limited.

18. *Access to information.* At Ofwat, Mr Black was privy to a range of information including the price review process, enforcement and development of major projects. Further, there is a significant overlap between Mr Black’s role in the civil service and the proposed appointment. The Commission determined that the risks involved are partly mitigated by the following factors:

- Eight months have passed since Mr Black left the civil service, reducing the currency of some of the information he may retain.
- Significant information relating to PR24 has been published.⁶
- Gated decisions on RAPID projects from his tenure have largely been superseded, framework agreements for consulting have expired or been reviewed, and ongoing structural reform of water regulation will materially change the regulatory framework, therefore diminishing the value of his past experience.
- His role is involved in focusing on the methodological design of future price reviews, specifically PR29 and beyond, protected by the five-year cycle and his departure coinciding with the conclusion of PR24 appeals. He is excluded from advising on official 2024 Price Review outcomes. He has confirmed he will not provide advice on projects that had not progressed to their next gated approval stage at the point of his last date in the civil service, ensuring a chronological separation from internal deliberations he oversaw at Ofwat.

⁶ Ofwat, 2024 price review’,
<https://www.ofwat.gov.uk/regulated-companies/price-review/2024-price-review/>

- Mr Black confirmed he will abide by the specific restriction preventing him from advising BRG or its clients on any matter which was under consideration by Ofwat, or matters not yet in the public domain which he had specific involvement in or responsibility for in developing or determining, during his time as Chief Executive.

19. *Limitation to the role.* BRG is a consultancy providing advisory services across the regulated water sector for various clients. While Defra acknowledged that government publication of significant reforms (including a new water regulator) partially mitigates the risk concerning Mr Black's access to information, a residual risk remains regarding his involvement in current frameworks and strategies under consideration by Ofwat. The Commission considered the perception risk noted by Defra but deemed the recommendation for a blanket ban on Mr Black advising on the economic regulation of the English and Welsh water sectors to be too broad. This was based on the fact that he was not involved in decisions specific to BRG, most matters he was privy to are now public, and the ban would restrict him on matters in which he had no involvement. Such a restriction would be disproportionate and prevent Mr Black from returning to his profession as an economic consultant - a career he established long before his public service - where no specific conflict of interest with BRG has been identified.

20. Specific work related to the English and Welsh water sectors identified by Mr Black further demonstrates a 'clean break' from his civil service tenure. Mr Black's role description outlines workstreams where any specific risks of overlap with his previous role are sufficiently mitigated by the context of his advisory work. For example, his work on regulatory frameworks, methodological design for price reviews (PR29 and beyond), and valuation advice is strictly future-facing and explicitly excludes matters relating to the existing regulatory framework or the specific impacts of PR24. He has stated he will not advise on projects that had not progressed to their next gated approval stage as of 29 August 2025.

21. Given the government's announcement of significant reforms to create a new integrated water regulator (not expected until mid-2027), there is still a risk related to Mr Black advising on matters he was directly involved in that are not yet determined and in the public domain. To mitigate this risk and address the perception of an unfair advantage, the Commission recommended a specific limitation: Mr Black should not provide advice to BRG or its clients on any matter that was under consideration by Ofwat, or matters not yet in the public domain that he had specific involvement in or responsibility for in developing or determining, during his time as Chief Executive.

22. *Improper influence.* Given Mr Black's seniority at Ofwat and his involvement in regulating the English and Welsh water sectors, which significantly overlaps with the work of BRG, there is a perceived risk that his professional network could offer an unfair advantage. This is partly mitigated by the standard two-year lobbying ban and the condition preventing him from providing advice on government bids or contracts. The bids and contracts ban prevents Mr Black from advising during the competitive phase of a project, such as bid drafting or setting fees. Its purpose is to separate the pursuit of government business from the resulting technical work, which he is permitted to undertake once a contract is formally awarded within the context of the other conditions imposed.
23. *Initiating engagement with government.* Mr Black stated that while his role does not involve contact with government, it may still occur. As an assurance, given the significant overlap with Mr Black's role in post, the Commission has imposed a restriction on him initiating engagement with government on behalf of BRG. The ban on initiating engagement with government is not intended to prevent attendance at events and conferences. The Commission noted that government may wish to contact Mr Black in his role as Managing Director and any contact initiated by government would be entirely in keeping with the lobbying ban. However, it remains Mr Black's personal responsibility to manage the propriety of his interactions at such events and strictly abide by the lobbying and engagement restrictions imposed to mitigate any risk of improper influence.