

CANVAS

REGULATION EDITION
WINTER 2018

BY Saxton Bampfylde



**THE OTHER END OF
THE TELESCOPE**
BREXIT BEYOND THE UK

WELCOME

Welcome to the Regulation Winter 2018 edition of Canvas, the insights update from Saxton Bampfylde and its global partners in Panorama.

Our aim is to share interesting thoughts and perspectives on topics and issues that are relevant and current in your sector.

We welcome any thoughts, comments, or inputs you would like to share.

We hope you enjoy this edition!

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JONATHAN MORGAN

**Partner and Head of Regulation Practice
Saxton Bampfylde**

✉ jonathan.morgan@saxbam.com

As one of this edition's interviewees comments, regulators are used to managing change, but they also exist to encourage certainty. In the context of Brexit, where the territory is unfamiliar to all, there is precious little of the latter to be found. All too often, these unknowns are viewed only from a UK perspective.

To provide a broader view on some of the potential regulatory impacts of Brexit, we were very pleased to talk to Samantha Barrass, Chief Executive of the Gibraltar Financial Services Commission (GFSC) and Garrett Blaney, Member at the Commission for Regulation of Utilities. Both offer very

interesting viewpoints, differing in outlook at times, but ultimately with the shared goal of delivering the best outcome for consumers with consensus and certainty at its core.

For Samantha, the notion of challenge is clearly identified, but it is something that brings more opportunity than it does concern, both for her organisation and the jurisdiction of Gibraltar as a whole. Garrett considers not only the regulatory impacts faced by Europe and Ireland as Brexit moves forward, but also the very broad reaching consequences of de-carbonisation and digitalisation facing the energy market on a global scale. He shares his thoughts on independent and

fully accountable regulation, and the increased need to demonstrate this. For leaders in regulation, there are challenging times ahead. It is more important than ever that they retain and communicate a clear vision and evolve strategies to engage their teams and the public they serve. To expand further on this, we hear from our Leadership Services partner, Mike McManamon. As a new member to the Saxton Bampfylde team, we also get to know Mike a bit more personally in our *View From The River* feature.

We hope you enjoy this edition of Canvas and look forward to hearing your thoughts over the coming months. **1**



STRENGTH OF THE ROCK

Interview with Samantha Barrass, Chief Executive Officer
of the Gibraltar Financial Services Commission

For Gibraltar, the relationship it has with the UK as an overseas territory is critical to its identity. It is also vitally important to the operational and regulatory approach of its commercial and public organisations. In this interview we talk to **Samantha Barrass** about her achievements as CEO of the Gibraltar Financial Services Commission over the past four years. We look at the regulatory challenges and opportunities for its population of the area and with the prospect of Brexit on the horizon, what preparation is being undertaken to ensure financial services stability in Gibraltar.

As the CEO of Gibraltar Financial Services Commission for over four years, what would you describe as your biggest achievements to date, both internally and externally?

There are key areas I would highlight that I am most proud of. Firstly, the work that we have done with all of our stakeholders in Gibraltar - the staff, our Board, licensees, and the Government - in building a forward-looking consensus on what is needed to continue delivering a strong regulation for tomorrow. That, in my opinion, is a fundamental task for any Chief Executive of a regulator and a key mark of success.

Developing this consensus is an achievement and has involved some holding of nerve, including when it has come to the significant increase in resource within the Commission. We have more than doubled the budget and headcount in the past four years.

We have worked with the Gibraltar Government to implement a number of strategic, legislative reforms to rationalise and modernise the environment under which the Commission is undertaking financial services regulation. Although there has been much debate along the way, there has never been a moment where I have felt this common consensus has been at risk, let alone broken, amongst our stakeholders.

The second area of significance has been in strengthening, deepening and broadening our relationship with international regulators. It has been particularly important as the majority of consumers of the financial services we regulate are outside of Gibraltar, primarily in the UK but also elsewhere in Europe and internationally. Enhanced and strengthened relationships in those jurisdictions have been important in building a greater confidence and collaboration which is necessary to do our role.

Finally, I am very proud of the support, engagement and determination my staff has demonstrated every step of the way. There is an amazing team spirit



"Opportunities are often born out of challenge."

throughout the organisation, which has been crucial in achieving our objectives. This has been important against the backdrop of a significant change programme, a new senior team and new staff coming in to the organisation. It has impacted almost tangibly on our organisational 'personality'.

I would describe this personality as extrovert, un-bureaucratic, imaginative, responsive, agile and accessible to people: it has become a hallmark of our organisation.

You have touched on a number of challenges and opportunities, but are there any that you would particularly like to highlight?

I firmly believe that necessity is the motherhood of invention. If there is no possibility to achieve something positive from a situation then it is a poor crisis: opportunities are often born out of challenge.

To date, Gibraltar has implemented

all EU requirements and international standards and, more often than not, this has proven beneficial for the jurisdiction. Some of these directives have improved the regulatory framework significantly, particularly in the insurance sector. The activity carried out here has added value towards our future regulation.

The failure of Enterprise Insurance Company in 2016 was a major challenge for us. The company had footprints in the UK and Europe, and was one of the legacy companies which I inherited. This cut chords into the work we needed to do in the insurance sector. Through this however, we developed our working relationships and engagement with other European regulators and bodies such as the European Insurance and Occupational Pensions Authority (EIOPA). Together, work was carried out on passporting platforms and this helped to form working level strategies with regulators across Europe on companies of mutual interest.

Brexit has been an enormous challenge, but one that we are very pro-actively tackling and working closely with the UK Government to move forward.

Gibraltar has a small population but a global corporate reach. How does that affect your role as a regulator?

I believe this makes us think very differently. Gibraltar's population is just over 30,000 and consumers are of utmost importance. This is one of the reasons for us having carried out a significant amount of work in consumer education over the past year.

The organisations that we regulate which operate outside of Gibraltar are also very important to us. For example, our insurance sector underwrites 99 per cent of its business outside of Gibraltar. This means that a central function of our regulation is to think about how we represent consumers in other jurisdictions. This thinking includes considering how much of our supervision budget needs to be spent outside of Gibraltar, what relationships we need to develop with other regulators and ensuring that we have a good understanding of what is important in other jurisdictions when

it comes to consumer protection. We need to be aware of local sensibilities in other parts of the world: this is a central part of our business model.

With interests and responsibilities in many jurisdictions outside Gibraltar, is it very important that your staff is representative of those other geographies?

I take a stratified approach to this particular area and it is at the heart of what our organisation is about. There is a large number of Gibraltarians working for the GFSC, with the senior management team being made of 50 per cent local employees. The excellent education system in Gibraltar provides a great resource base to bring people in and train them.

We do also recruit from outside of Gibraltar, with many staff members joining us from the UK and other parts of the world such as Ireland, New Zealand (other than myself), Poland, Spain and Italy. In my experience Gibraltarians are very outward looking, not particularly insular and ultimately very interested in what is going on in the rest of the world, which provides a great attitude and approach from our staff.

“Our relationship with the UK is fundamental.”

As we look to the future and the path towards Brexit, how is the Financial Services sector in Gibraltar preparing for the EU?

Many financial services organisations that we regulate provide services in the UK. Our relationship with the UK is fundamental, and the UK Government has made it clear to the Gibraltar Government that this will continue after the 2016 referendum. I need to highlight that 96 per cent of the Gibraltar population voted to ‘remain’ in the European Union and as such, this commitment from the UK was vital.

Since 2016, our work has focused on providing a secure foundation for the post-Brexit environment for Gibraltar. We have a lot in common with the Prudential Regulation Authority (PRA) and the Financial Conduct Authority (FCA) and are working closely with them to make footprints in Europe. Personally, I am taking a similar approach to that of Sam Woods and Andrew Bailey to encourage strong forward-looking contingency planning.



More broadly, do you think the overall regulatory landscape in Gibraltar will diverge significantly post-Brexit?

We will be keeping a close eye on the UK, as one of the commitments made so far is to ensure that our regulation will deliver the same regulatory outcomes in terms of consumer and market protection as those delivered by the UK.

In terms of standards, I do not see these diverging drastically for financial services. Most EU standards derive from international agreements which the UK has taken a leading role in developing. Some differences may emerge, but I do not expect to see a massive level of divergence as this would not be consistent with international standards.

From an international and European perspective, does Brexit present new opportunities for collaboration and partnership with Gibraltar?

I do not think any more than before as we are constantly stepping up our engagement with international bodies. An example of this is our relationship with the International Association of Insurance Supervisors (IAIS), an international body we have been putting more investment into in past few years and will continue to do so.

Do you anticipate that Gibraltar will be a more or a less attractive place for people to live and work post-Brexit?

Gibraltar is an amazing and vibrant place to live and work in. My kids and I have had a wonderful time here the past four years, with the standard of living increasing as investment continues in the local environment, schools, tourism and culture.

“Innovation and agility are critical for us; it is a common theme that runs through our organisation.”

A key issue most people must be aware of in a post-Brexit environment is the border with Spain and how that will continue to work. The practical issue is that a significant number of people who work in Gibraltar live either full or part time in Spain. There are over ten-thousand Spanish workers that come in to Gibraltar every day for work, as well as a great number of goods and services moving through that border. For this reason, it is incredibly important that the border continues to operate efficiently.

Gibraltar has had great success with the gaming and insurance industries, and it is now one of the first to consider the regulation of Distributed Ledger Technology. How important is innovation and agility for the regulator in Gibraltar?

Innovation and agility are critical for us; it is a common theme that runs through our organisation. We cannot be clunky and bureaucratic - in fact some of our biggest successes have been achieved by not taking that approach.

Since 2018 we have been working with the Government of Gibraltar regarding



the regulation of Distributed Ledger Technology (DLT), of which cryptocurrencies are just one mechanism. DLT is considered by many to be the next big disruptive innovation since the internet. Our regime has purposefully not targeted any particular offshoot of it and we have introduced a mandate effectively saying that 'if you wish to use DLT to hold or transfer value belonging to others by way of business, you need to be regulated'. We are the first regime internationally to do this through a high-level outcomes-focused approach and to do so we have worked with some of the foremost experts in this area.

The advice has been that some of the DLT business models currently in play will rise, fall and change significantly. We saw this with the dot-com boom: some of the initial business models did not stand the test of time and this is something we are taking into consideration.

The jury is still out on cryptocurrencies. Mark Carney made a speech in March in which he said that cryptocurrencies are not forming enough of a social use to have mass adoption. He did however refer to DLT as something that was quite different and an area that regulators could look to prove a regulatory framework for. That is what we have done and have received a large number of applications as a result. In the coming months, we will be looking to authorise the first handful of applications.

"Where things have gone wrong, in most cases they originate from a failure in governance."

In the modern financial world, as with many other sectors, governance is increasing in importance. What does this mean for GFSC?

This is probably the single most important factor for any organisation. Looking at organisational failure and where things have gone wrong, in most cases they originate from a failure in governance.

The GFSC's most prominent risk factor is the way we operate, and our own oversight of firms is reliant on the strength of their governance. We always look to see if there is a strong board, able to bring robust independent challenge. If that is the case, then by and large there shouldn't be too much to worry about. **U**

Samantha Barrass BIOGRAPHY

Samantha Barrass became Chief Executive Officer of the Gibraltar Financial Services Commission on 17th February 2014. She was previously an Executive Director at the Solicitors Regulatory Authority (SRA) in the UK.

Prior to the SRA, Samantha's career included 10 years with the Financial Services Authority (FSA) in the UK where she undertook a variety of regulatory roles spanning the delivery of new regulatory approaches and policy at both a domestic and international level, the supervision of markets and exchanges, and was one of the first economists employed by the FSA to develop cost-benefit and other evidential techniques for new regulation.

Samantha began her working career at the Reserve Bank of New Zealand as an economist focusing on monetary policy strategy and economic reform.

POWER IN THE HANDS OF THE MANY

Interview with **Garrett Blaney**, Member at the Commission for Regulation of Utilities



Garrett Blaney has a broad European perspective, as well as deep knowledge of the Irish market. Garrett discusses the need for collaboration and consumer centric approaches to regulation across Europe to address the complexities and complications arising from Brexit, both at home and abroad.



You took on your role as Chair of the Board of Regulators for the Agency for the Co-operation of European Energy Regulators (ACER) in November 2017. What has ACER been able to achieve so far over that time?

The key area of focus for ACER in the past nine to twelve months has been the finalising of a set of network codes which will align the generation, transmission and consumption of energy across the energy markets in Europe. This is finally coming to fruition and will create a much more unified European approach.

In parallel to that we have started thinking about areas that were not addressed specifically in these codes. For example, the facilitation of a large volume of renewables which have entered the system across Europe. We have also been looking very closely at the whole digital agenda and how that might impact the energy sector. These are both areas in which we have collectively started to put high level strategies together.

This is evolving into our 3D approach – decarbonisation at least cost; digitalisation with the consumer in mind; and finally, but very importantly, dynamic regulation.

Within ACER we are trying to seek a European consensus to address problems, rather than a fragmented approach where every country operates separately. We believe that this will help us move forward together. This is fundamental for regulators as we are always thinking about the challenges that are coming up in the future rather than focusing on the challenges that have already passed.

“We are trying to seek a European consensus to address problems, rather than a fragmented approach.”

What are your key priorities as Chair over the next two years?

To move these strategies forward we are committed to proactive engagement with policy makers and parliamentarians. One key area where we are being very proactive is the Clean Energy Package. This is about to enter the Trilogue process where the European Parliament, European Commission and Council agree a new suite of legislation that will set the approach going forward.

This has been set up very much with the consumer interest at heart and deals with areas like distribution, setting out

a framework for changes happening currently in the market. We have been very active in its development, but the challenge then comes in the implementation of the legislation when it is finalised. We expect it to be completed by the end of this year, and then there is a big piece of work for regulators across Europe. Something that has been fundamental throughout is that we share best practice and common knowledge and in some legislative pieces, such as this, we are mandated to take a common approach.

As we look to the future and path towards Brexit, what impact do you believe this will have on the utilities sector in Europe in general, and for Ireland and the UK in particular?

I have quite a European sense of Brexit, as you might expect. When I talk to fellow European regulators it is not something that has been particularly welcomed or seen necessarily as a positive development. We have had a close working relationship with the fellow UK regulators, and they are highly regarded. There is a real sense of loss that they will no longer be with us to the same extent.

One of the challenges that we all face is a better understanding of what it will mean in the short to medium term. I don't think that is unique to the energy sector, but the question of how Brexit will play out and what it will mean is still to be seen.

We have set up networks to help each other as European energy regulators so we can derive a common approach around Brexit, but we are still not clear what the implications are as yet. The Brexit white paper (July 2018) still leaves questions for the energy sector, even at this stage, of what exactly the UK's position will be in the internal European energy market.

As regulators we are used to dealing with change, but we also exist to encourage certainty. Regulatory certainty flows into investor certainty and we always need to keep that in mind. Brexit isn't enabling or engendering the sort of certainty and stability that is preferable in this environment. We have to work with the complications and we will try our best to deliver whatever the ramifications are for Brexit.

Looking more closely at Ireland, the complications are much more significant. We have one single electricity market across the island, between Northern Ireland and Ireland. That was very much bedded into European approach. What happens to that market in the medium to long term is still very much an open question. It has brought significant benefits to consumers and industry across the countries, as well as significant renewables investment. It does pose concerns, but we just aren't fully clear on how it will work out. There is certainly political will between the UK, Ireland and the European Commission who have all recognised the benefits of an all-island approach to the electricity market. We are very keen to see that continue.

However, that is a political aspiration and the challenge for us as regulators is to see what that would mean in practical implementation. For regulators, the legislative framework is fundamental to what we are delivering and how we operate within that construct. Legislative uncertainty is not helpful for regulation, but there needs to be greater clarity at a policy level initially.

From an international perspective, does Brexit present any new opportunities across the utilities markets?

I would love to offer a bright and optimistic response, but I am not sure that the opportunities are clear. As regulators we need to be honest and realistic and from our perspective, at a European level, the downside to Brexit is much bigger. I am not sure we can see many upsides. I may well be wrong, but at the moment our focus is on risk mitigation and creating a good forum of co-operation for post Brexit.

Do you anticipate that Dublin, and Ireland more broadly, will be a more or a less attractive place for people to live and work post-Brexit?

I moved back to Dublin from the UK in 1992. There has been a lot of positive change in that time and it has become a very attractive place to live. The quality of life in Dublin, and in Ireland more generally, is very good. Ireland is the destination of choice for many multi-nationals, but particularly US technology firms, to locate their European headquarters. For example Apple, Google, Facebook, Microsoft and Intel all have European HQs here. We enjoy a very multi-cultural society today. The large influx of new talent and capability has created a very vibrant place to live and work. However, this does present some challenges. There are pressures on rents and housing which is indicator of this growth and we need to do better on that.

“There are so many imponderables about Brexit, it is really very difficult to know exactly how this will play out.”

Whether it will be more attractive post-Brexit is very difficult to know. There have been studies done that show that in a hard Brexit context, Ireland could be badly affected with a real impact on our economy, particularly with all the trade between our two countries. There are so many imponderables about Brexit, it is really very difficult to know exactly how this will play out. As regulators we are also very nervous about forecasting the future. Quite often that goes wrong and we like to see ourselves as people with our feet on the ground. I don't know how the future lies, but all we can do is try and plan for a range of outcomes and aim to ensure that these are the best for the consumers as part of that process.

Technological innovations continue to impact and disrupt the utilities market. Whilst this does bring challenges, do you consider there to be opportunities also for European regulators?

The digitalisation agenda is a key area that we are spending a lot of time thinking about now. Until this point the European Commission's Digital Single Market strategy hasn't been very influential in the energy market in the way it was in telecoms and other sectors. We are starting to think about the challenges including cyber security and consumer protection more generally but also the technological opportunities that could arise. This is particularly apparent in a decarbonisation context.

We have large volumes of renewables at a local level, for example people being able to produce as well as consume energy. We are also looking at seismic shifts in the transport sector with developments like electric vehicles. As the take up of electric vehicles increases, we need to be thinking about this far more, as there is the potential for challenges on network demand. If it happens at peaks that will cause real problems. However, we are looking at how digitalisation can help us solve some of those problems and introduce more competition and more opportunity for consumers to participate in the wholesale market.

We see opportunities but we need to tread carefully and be aware of the potential disruption. If the disruption is a consumer favourable then it is welcomed, but where it adds complexity for consumers that is a challenge. We need to think about all of our customers, not just the tech savvy ones, and make sure that the role of regulators is to ensure that the consumer stays at the heart of energy's interests.

As part of this, there is more emphasis on our staff increasing their own levels of technology knowledge, but also cross-sectoral knowledge is becoming more important. We have started to engage at a European level with fellow telecoms regulators, data commissioners, consumer organisations and ombudsmen. We have started an initiative where we talk together, look at bundled products and identify where there is an overlap between sectors. In order to regulate

“Resilience is something we put a premium on and something we have to maintain in the system.”



well, we will need to be absolutely more collaborative in the approach we take.

You are also Commissioner at the Commission for Regulation of Utilities (CRU) in Ireland. In 2017 the organisation changed its name to reflect the integration of water regulation responsibilities. What would you describe as the success and challenges that have resulted from an integrated regulatory model?

We are very busy as an organisation and the name change, and the inclusion of water within our regulatory remit has just magnified that. Water has been a challenge in Ireland. There has been a lack of legacy investment in the water infrastructure and the processes around its maintenance and distribution. Moving forward we have two key objectives – one to ensure we get efficient investment, and the other is to ensure that we drive operational efficiencies.

We are, however, at an interesting point in Ireland as we have recorded the driest period since 1976. It is also the same year we had very high snowfalls in March. This has brought significant challenges and highlighted the necessity for proper investment in the water infrastructure and the need to drive efficiencies. This may be a one-off event or something more serious in terms of climate change, but it does show that we need to improve resilience in the system. Energy and water are fundamental services and we need to have them for society. Resilience is something we put a premium on and something we have to maintain in the system.

There is still a large piece of work that needs to be done in the water context, so we need to be careful talking about success when so much challenge is ahead of us. There are synergies between network regulation in water and gas and we have been able to use those well internally in terms of sharing staff knowledge and people can really see value there. We have made some progress but there is a lot more that needs to be done.

When presented with the challenge of introducing new regulatory systems, such as the water billing structure in Ireland, what would you highlight as the key elements required to aid successful delivery?

We don't have water billing for domestic use in Ireland and this has been a significant political issue for a while. It also presented a real challenge for the regulator, and we had to work together with government to support and help our respective roles, ensuring independence but also ensuring alignment where possible.

It is not the job of a regulator to frustrate government policy and it is also very important that the considerable technical know-how that sits within regulatory bodies can input to policy development through strong and open communication. This was reaffirmed as we went through a difficult time with water. It was vital that we ensured that the regulatory model came out intact with its independence clearly shown.

To ensure this we commissioned an independent review by the Organisation for Economic Co-operation and Development (OECD). The report highlighted that the OECD was very favourably disposed to how we're organised and how we managed the various tasks we were set. It also encouraged us to increase the levels of engagement with parliamentarians and policy makers as we move forward. I think having that external validation and putting the model under external scrutiny is a good thing, as it means we avoid any self-congratulatory analysis or require government analysis. We found it a very helpful process and consider that this helps to keep our regulatory system healthy. 

GARRETT BLANEY BIOGRAPHY

Garrett Blaney has been a member of the Commission at the Regulation of Utilities since February 2010, and Chairperson from February 2014 to February 2017. Garrett's lead responsibilities relate to electricity networks (interconnection, wind connections), wholesale (SEM/I-SEM), generation (conventional, renewable, licensing), security of supply and internal operations. He also leads international relations. In 2017, Garrett was elected the Chair of the ACER Board of Regulators and also the President of CEER. Prior to this Garrett had over 20 years of experience working in the energy industry. He was previously Strategic Development Director for Viridian Power and Energy and Commercial Director for Huntstown Power, Ireland's first independent power producer.

A LEADER FOR ALL SEASONS

BUILDING LEADERSHIP IN REGULATION

By **Mike McManamon**, a Partner in the Leadership Services Practice at Saxton Bampfylde



When we consider the qualities of a good or even a great leader within regulation, we have to think first about two key areas: what is a leader's ultimate purpose and what can get in the way of achieving it.

Leaders need to be clear on their purpose, seek to understand the pressures and drivers affecting those they represent and serve. They must remain resilient to criticism, yet open minded to alternatives. They have to aim to strike the tricky balance of remaining firm and resolute, while also knowing when to flex their position. Leaders do not need to be charismatic champions, but they must at least be clear, rational and convincing communicators.

We have considered some of the key areas that impact those either already in or coming into leadership roles in this sector. We consider these to be where the greatest emphasis of skills, knowledge and development are required to ensure successful leadership.

EXTERNAL PRESSURES

Ensuring autonomous authority in a supervisory capacity, often on behalf of government directly or indirectly, is the cornerstone of regulation. Yet external pressures can create tension between these twin goals. The role of the media can be challenging and unforgiving, so knowing how to engage and work with the media can often go a long way to influence public perception. A visible leader is one who can manage both their own and the organisation's reputation, and who has the resilience to manage the challenges this creates.

TECHNOLOGY AND INNOVATION

The emergence of new technologies and the need to embrace them is unavoidable. AI and machine learning will make data capture, interpretation and prediction faster, more reliable and increasingly intuitive. Leaders need to be constantly learning and listening to their teams and through their external networks to spot the opportunities and pitfalls new developments have to offer.

CHANGING WORK FORCE

Change is inevitable and leaders need to be tuned in to ensure the organisational culture is moving forward. Failure to do so risks staff losses to organisations with better cultural reputations or salaries. If leaders are disinclined to praise and celebrate success, staff will not feel motivated and ultimately undervalued.

LEADERSHIP QUALITIES

Our experience tells us that some qualities are likely to be key differentiators for leaders in the regulation sector. For instance, political acuity – the ability to understand between and within group political dynamics, and the degree to which the leader is perceived to be have integrity. It is important to look for these in a leader.

TRANSITIONING LEADERS

Leaders in this sector are often extremely smart problem solvers. Those who have risen through the organisational ranks will have done so often due to their exceptional technical competence. The challenge is then how to transition from technician to a leader. Furthermore, new leaders are no longer required to

be operational in their focus, but instead required to work through others to achieve a higher purpose. This can be a challenge for many as they progress into the leadership role.

TRANSFORMATIONAL LEADERS

Some of the best leaders we see within the sector are those who balance their passion for what they do with a concern for those who they work with. They create positive and engaged cultures with committed followers, freely expressing thoughts and concerns. Additionally, they embrace diversity of thought and are receptive of challenge whilst prepared to accept if they get it wrong. This is a key point, which should be nurtured and encouraged in a leader.

KNOWING ONESELF

From the thousands of leaders we have profiled, we know that it is very rare to have the full complementary set of skills and qualities. A good leader will know this about themselves, as well as the limitations of their immediate team and how they might need to complement each other. This heightened level of awareness and acceptance is an important first step. The second is to ensure their followers are clear on their roles and responsibilities, where they fit into the bigger picture and that they have the support and backing of their leader.

THE UNDERBELLY OF LEADERSHIP

Like most people, leaders are subject to fears and anxieties and perceived threats. For some leaders this can manifest itself in a range of ways and this needs to be managed to prevent a negative bearing on them, their team and the organisation at large.

At Saxton Bampfylde we work closely with our client organisations, whether it's to select the next leader with the right behaviours and motivations; coaching leaders to make the transition in to their role; or supporting leadership teams and boards to deliver optimally. If you are interested to hear more about how we could work in partnership with you in these areas please do get in touch.

CONTACT

Mike McManamon
mike.mcmanamon@saxbam.com
+44 (0)20 7227 0804

PUBLICATION OVERVIEW

THE MAGIC OF MINISTRY

A FIRST TIMER'S GUIDE TO THE PUBLIC SECTOR NON-EXECUTIVE ROLE



The expectations placed upon non-executive directors (NEDs) in the UK's public sector have risen exponentially in recent years. Boards are under ever increasing scrutiny and even non-executives face heightened levels of public accountability, particularly when compared with their private sector counterparts. The decision to take on a non-executive director role is therefore one that shouldn't be approached lightly.

Over the first half of this year, we have been fortunate enough to have the opportunity to speak to 30 non-executives and chairs from 25 different regulatory and public sector organisations, ranging from departments to agencies and non-departmental public bodies.

'The Magic of Ministry: a first-timer's guide to the public sector non-executive role' is the product of these conversations. In this piece we have aimed to establish an understanding of what draws senior individuals to take on non-executive roles with public sector organisations and the challenges they face. The piece is intended to inform and advise those considering a similar move so that they can enter into the process with their eyes open and fully aware of the huge benefits a public sector role can give. To ensure a balanced perspective, we also explored the things that chairs prioritise when looking to recruit a new NED to their board, and their experience of on-boarding those new to the sector.

The full report can be downloaded from our website, at www.saxbam.com/publications.

We hope you find it thought provoking and would welcome your feedback and any additional insights you can share on this topic.

KEY APPOINTMENTS

Saxton Bampfylde and its partners around the world through Panorama advise many regulation organisations and regulation roles. We are delighted to share with you a selection of some of the appointments that we have been privileged to work on recently.



EDMOND ROSE
Airport Coordination
CEO

The Airport Coordination Ltd (ACL) Board announced the appointment of Edmond Rose as the company's new CEO. Edmond, a former Board member of ACL, brings 20 years' aviation industry experience to the role, including expertise in airline regulatory affairs for Virgin Atlantic and British Airways. A former British diplomat for 11 years with postings in India and China, Edmond more recently served on Virgin Atlantic's leadership team as Commercial Director, responsible for network and schedule planning. He has led studies on how to maximise airport efficiency and on slot allocation methods.



MARY STARKS & EUAN MCVICAR
Ofgem
Executive Director, Consumers and Markets
& General Counsel

Ofgem has appointed Mary Starks as Executive Director of the Consumers and Markets directorate and Euan McVicar as General Counsel, leading Ofgem's legal team. Mary was Director of Competition and Chief Economist at the Financial Conduct Authority. She has over two decades' experience working for regulatory organisations across public policy environment. Euan McVicar was previously General Counsel and Company Secretary at the Green Investment Bank (GIB). He later took on the role of Head of Transaction Structuring within Macquarie Capital after an acquisition with GIB in 2017. Prior to this Euan was a Partner in the law firm Pinsent Masons.



ANDREA SUTCLIFFE CBE
Nursing and Midwifery Council
Chief Executive

Andrea Sutcliffe CBE has been appointed Chief Executive and Registrar at the Nursing and Midwifery Council (NMC). Andrea joins from the Care Quality Commission (CQC) where she has been Chief Inspector of Adult Social Care since 2013. Andrea joined the CQC from the Social Care Institute for Excellence where she was Chief Executive. She was Chief Executive of the Appointments Commission and Executive Director at the National Institute for Health and Clinical Excellence. In 2016, in recognition of her 30 years work in social care, Andrea received an Honorary Award of Doctor of Science from the University of Leeds. She was awarded a CBE for services to adult social care in the 2018 New Year's Honours List.



PHILIP GRAF
Nursing and Midwifery Council
Chair

Philip Graf has been appointed Chair of the Nursing and Midwifery Council (NMC). As Chair of the Education Development Trust, former Chair of the Gambling Commission, former Deputy Chair of OFCOM and with a twenty year career in the media industry, Philip brings a wealth of experience and expertise, together with a passionate commitment to public protection. Philip will lead the NMC's governing Council, setting strategy, overseeing governance and, in partnership with the Chief Executive, engaging with Governments and stakeholders across the UK.



ADRIENNE MEIKLE
Commerce Commission, NZ
Chief Executive

The Commerce Commission in New Zealand has appointed Adrienne Meikle as Chief Executive. Adrienne was previously Deputy Chief Executive, Corporate, Governance and Information group at the Ministry of Business, Innovation and Employment (MBIE). Adrienne held the positions of Acting Deputy Chief Executive, Market Services and General Manager of Resolution Services at MBIE. Before joining MBIE Adrienne held the roles of Acting Deputy Secretary, Tourism, Events and Consumer Affairs, Director of Legal in the former Ministry of Economic Development, Chief Legal Advisor in the former New Zealand Food Safety Authority, and Parliamentary Counsel and Private Secretary in the Attorney General's office. Adrienne has also lectured in Legislation at the Victoria University of Wellington law school.



**MAGGIE CUNNINGHAM,
ANGELINA FUSCO & SOPHIE
MORGAN**
Ofcom

Ofcom has appointed 3 new Content Board members. The Content Board is responsible for advising on a wide range of content issues, including the regulation of television, radio and video-on-demand quality and standards. Maggie Cunningham (*left*), an executive and leadership coach with Perform2Succeed, was appointed Chairman of MG Alba, the Gaelic-language channel. Angelina Fusco (*centre*) is an independent media and journalism training consultant, having been a journalist for more than 40 years. Sophie Morgan (*right*) is a television presenter, campaigner, artist and entrepreneur. She is lead presenter of live Paralympic sport on Channel 4, and has presented events including the 2016 Rio Paralympics and the 2017 Winter Paralympics.

VIEW FROM THE RIVER

TEAM INSIGHT

Take a closer glimpse into the Saxton Bampfylde team with our regular View from the River feature.

Mike McManamon is a new face working with our Regulation practice, having joined Saxton Bampfylde in 2018.



MIKE McMANAMON

PAST, PRESENT AND FUTURE

Before joining Saxton Bampfylde I worked at the BBC, assisting in the transformational change which took place when the organisation moved much of its operations to Salford, near Manchester.

Latterly I worked for another executive search firm where I established and led on a partnership with central government, overseeing the leadership assessment of all senior civil servants. I joined Saxton Bampfylde in early 2018 to support with developing our Leadership Services. We have a brilliant team of behavioural scientists,

occupational psychologists and support staff, and a growing network of external experts and consultants who are important to our success. I am excited about the genuine approach to collaborative working and delivering outstanding quality services for clients that exists here.

RAINY DAY DREAMS IN A CITY OR PLACE OF YOUR CHOICE

A trip to Barcelona earlier this year was spent enrolled on a crash course in Spanish whilst also seeing the Picasso museum and trying out local delights in cafés including Cap y Pota which I really recommend checking out.

YOUR TRUE PASSION

Watching my favourite football team and playing five-a-side football every Thursday with the same group of friends for the past 10 years is what gets me most animated. Like a lot of people, I love good food but I'm often most excited about finding interesting and cheap eats off the beaten track.

WHO - DEAD OR ALIVE - DO YOU VIEW AS A PARTICULARLY INSPIRING LEADER, AND WHY?

Jürgen Klopp is the leader I would like to meet most. Whilst suspending my loyalties I think he epitomises many of the best qualities

in a leader. He is someone who has vision and belief in himself and the club, which he has instilled in players and fans alike. He has the good grace to accept when he has got it wrong and that's why I think he makes a great leader rather than just a good one.

SUM UP YOUR SECTOR IN THREE WORDS

Disruption, Resilience, Tolerance

GET IN TOUCH WITH MIKE

✉ mike.mcmanamon@saxbam.com

Saxton Bampfylde

9 Savoy Street
London WC2E 7EG
+44 (0)20 7227 0800

46 Melville Street
Edinburgh EH3 7HF
+44 (0)131 603 5700

www.saxbam.com

SAXTON BAMPFYLDE MISSION STATEMENT

We exist to change the world by changing leaders in interesting and important organisations. At the same time we aim to create an environment wherein all members of our community can grow to their fullest extent emotionally, intellectually and spiritually.

Saxton Bampfylde is an employee-owned business

GLOBAL REGULATION TEAM KEY CONTACTS

UK

Jonathan Morgan, Partner, Head of Regulation Practice
jonathan.morgan@saxbam.com

Alex Richmond, Partner, Regulation Practice
alex.richmond@saxbam.com

GERMANY

Anja Schelte, Partner, Delta
anja.schelte@delta-maco.de

Hans-Matthias Ruppert, Partner, Delta
matthias.ruppert@delta-maco.de

DENMARK & SWEDEN

Anne Jeremiassen, Partner, Mogaard & Partners
aj@mogaardpartners.com

AUSTRALIA

Richard Besley, Partner, Cordiner King
richard.besley@cordinerking.com.au

Sarah Magnell, Partner, Cordiner King
sarah.magnell@cordinerking.com.au

NEW ZEALAND

Stephen Leavy, Partner, Hobson Leavy
leavy@hobsonleavy.com

NORTH AMERICA

Patrick Kenniff, Partner, Kenniff & Racine
pkenniff@kenniff Racine.com

Allison Rzen, Partner, PFM Executive Search
allison@pfmsearch.com

Shaun Carpenter, Partner, PFM Executive Search
shaun@pfmsearch.com

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Panorama, a global partnership of 21
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firms around the world.
www.panoramasearch.com

