



**The Commissioner for  
Public Appointments**

# **Annual Report**

**2013-14**

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## 1 Commissioner's Foreword



My report this year provides the first real opportunity to assess how the new compliance framework for public appointments, which I introduced in April 2012, is bedding in.

After two years the picture is, not surprisingly, uneven across Government Departments. There remain examples of poor recruitment practice and of vacancies taking too long to fill. But overall there is progress and improvement. None of the dire predictions about how Government Departments might misuse their increased discretion has come true. Nor is there evidence that the decision to withdraw independent assessors from the majority of competitions has had a negative effect. In general the picture is of Departments and their Ministers putting increased focus on attracting strong and diverse fields, from which the best candidate can be selected. In turn this is enabling me and my Public Appointments Assessors to focus on the high profile competitions (usually the chairs of public bodies) where the consequences of non-compliance would be more significant; to give greater attention to those Departments where improvement is needed; and to promote good practice in recruitment.

A good example of this approach described later in this report (see chapter 4.1) is the way we have worked with the Trust Development Authority to improve recruitment of chairs of local health trusts. This has resulted in all recent vacancies being filled with good candidates compared with the difficulties in filling these posts which I reported a year ago.

I am particularly encouraged by the progress that has been made in getting women onto public boards. The improvements I reported last year have been sustained and, slightly, bettered. In 2013-14 39.3% of total appointments and reappointments were women (compared with 35.6% in 2012/13); even more encouraging, women constituted 41.1% of new appointments (compared with 39.9%). I and my predecessors know that one should never declare victory in promoting diversity, as the figures can vary from year to year, but these are the best results for women that we have seen; and the encouraging evidence is that improvement is being sustained. The next challenge is to see more of the women who have been appointed to boards progressing to become chairs. At present chair appointments remain predominantly male. When the proportion of women being

appointed to chairing roles moves over 40 per cent, there really will be evidence of sustainable change.

I reported last year a worrying fall in the proportion of people from ethnic minorities gaining board roles. There is better news in this year's figures with 7.7% of board appointments coming from ethnic minorities. But this is just one year's figures and we need to see further growth and sustained improvement. This is where the attention of recruiters needs to focus in the coming year. My own work this year shows that progress can be made as much by small practical steps, as by grand gestures. For example, in attracting candidates from minority communities, it really matters how you get information about the vacancies to those communities; how the role is described; what kind of experience is sought; and whether there are people in similar board positions from those communities who can act as role models. When a search firm is used, the contract should set an expectation that a diverse field will be searched and found.

Similar points were made to me in a seminar I held on the barriers to disabled people joining boards. Public bodies can increase the confidence of disabled people that their application will be welcomed by simple steps: by demonstrating an understanding, for example, that application or interview processes may need to be changed to accommodate people with particular disabilities; or by stating up front a willingness to make reasonable adjustments to ensure that disabled people can participate fully in board meetings and activities.

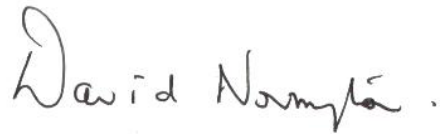
These are the messages we have been giving when my Public Appointments Assessors chair selection panels; in workshops we have held for Departments; and to the Cabinet Office's Centre for Public Appointments, which is in a position to have a major impact through its leadership role in Whitehall. I will continue to make diversity one of my key priorities. The progress that has been made in attracting women board members shows what can be achieved when the Government itself gives a lead. It would be great to see the Government giving the same lead on other forms of diversity in the coming year.

One thing, we know, that puts off potential candidates is when they get the impression from "well placed sources" or media reporting that a favoured candidate has already been lined up for a particular vacancy. This is in fact very rarely the case and, where there is a risk of this, there is invariably one of my Public Appointments Assessors chairing the selection panel, to ensure a fair and open competition, which is what the law requires.

While press reporting focuses on about 1% of high profile appointments it can have a disproportionate influence on attitudes to public appointments. It can create a view that appointment depends on personal favouritism or political preference; which in turn reinforces the impression of an elite perpetuating itself.

It is incumbent on all of us involved in public appointments to get across the message that the system is designed to find the best person after a fair and open process, and that we all want the widest field of applicants. I will continue to do all I can to counter these false impressions, to intervene where I think the rules are being broken, and to get across the message that the vast majority of selection processes are fair and orderly and designed only to find the most suitable candidate from strong and diverse fields. I continue to be impressed by the selfless service which so many members of public bodies give, often for very little, or no, remuneration. They deserve more recognition and thanks than they usually get. I am very grateful to them.

Finally, I want to thank two other groups of people without whom I could not do my job. First, my 14 (now 13) Public Appointments Assessors who chair the most important competitions on my behalf and provide me with regular advice and support. They have grown in effectiveness and professionalism over the year and play an essential part in providing public reassurance about the integrity and fairness of the public appointments system. Secondly, thank you to the staff of the Commission who work tirelessly to support me and my Assessors and to provide advice and challenge to Departments. We have cut the costs of the operation substantially in the last three years but, through their efforts, have, I believe, largely maintained the quality and impact of the work we do. I am very grateful to them.

A handwritten signature in black ink that reads "David Normington". The signature is written in a cursive style with a large initial 'D' and a trailing flourish.

**Sir David Normington**  
Commissioner for Public Appointments

## 2 Overview

### 2.1 *What does the Commissioner do?*

The Commissioner for Public Appointments regulates Ministerial appointments to public bodies and statutory offices that fall within his remit. The Commissioner is independent of the Government and the Civil Service. He is appointed by the Queen under an Order in Council, the latest version of which was approved in June 2014<sup>1</sup>. His remit is to promote economy, efficiency, effectiveness, diversity and equality of opportunity in the procedures for making public appointments, with the object of maintaining the principle of selection on merit after a fair, open and transparent process.

In 2012 the current Commissioner introduced a new compliance framework with a new Code of Practice<sup>2</sup>. The prescription in the previous system was reduced, and a much clearer focus was put on the core principles of fairness, openness and merit. There was a renewed emphasis on getting the best outcome from a strong and diverse field and responsibility for compliance with the core principles and on achieving better outcomes was placed more clearly onto Government Departments themselves.

The aim of these reforms was to achieve a less bureaucratic and more streamlined public appointments system, which has the confidence of the public, attracts strong and diverse fields of candidates, and from which the most suitable candidate for the role is selected.

As a result of these reforms the Commissioner now undertakes his regulatory oversight of public appointments principally through:-

- **Public Appointment Assessors** - appointed by the Commissioner and who chair the selection panels for the most important public appointments. Their responsibility is to ensure compliance with the Code in the most significant appointments and influence departmental practice more widely through challenge and setting an example.
- **A regular cycle of compliance monitoring** - of all public appointments made by Ministers. This provides assurance that Government Departments are observing the Code and can provide information which can be used to challenge practice, support improvement and build capability.
- **Leadership and influence** – shining a light on good and bad practice, being an advocate for change, and promoting public appointments and the principle of selection on merit.

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<sup>1</sup> <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Order-in-Council-for-Privy-Council-2014.pdf>

<sup>2</sup> <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Code-of-Practice-20121.pdf>

## 2.2 *Progress during the year*

This is a good time to take stock of progress. The rest of the report looks in detail at the main outcomes so far and discusses particular issues which the new system is highlighting. This section summarises the main points:

- There is now two years of experience of Public Appointments Assessors chairing competitions for the most high profile roles, usually the chairs of boards. The feedback is that Departments generally appreciate the rigour and professionalism of Assessors and the public reassurance they bring that these high profile roles are being filled through fair and open competitions.
- This is the first full year of reporting since a new compliance monitoring approach has been in place with KPMG. Whilst there are inevitably some specific issues in some Departments (see chapter 4.5), the audit has demonstrated that the regulatory approach is working and that standards are being maintained across the range of Departmental public appointments activity. This is encouraging and provides reassurance that the decision to place responsibility for compliance with the core principles of merit, fairness and openness more firmly on Government Departments has not led to a decline in standards. The reports continue to highlight areas for improvement: these are discussed in chapter 4.5.
- Diversity in public appointments is improving particularly in the appointment of women to public boards. Appointments of women are at their highest level (39.3%) since 2009/10 when the current data series began; of even greater significance is the fact that, for the first time, new appointments of female candidates have broken through the 40% mark (41.1%). There is similarly encouraging news in relation to the number of appointments going to people with disabilities (7.6%) and people from black and minority ethnic backgrounds (7.7%). There is further to go, particularly in relation to black and minority ethnic candidates which need to be the priority for Departments and Ministers in the next year.
- A new Public Appointments Order in Council was approved. This is the second revision of the Order in the space of two years and is evidence of the Cabinet Office keeping its commitment to update regularly the list of bodies (now around 280 national public bodies, as well as a significant number of local and regional bodies) regulated by the Commissioner. However, it remains the Commissioner's view that the presumption should be reversed and that all Ministerial appointments to public bodies and statutory office should be regulated unless a specific exemption is agreed and listed in the Order. In his view this would provide clarity on which appointments the Government had decided to exclude and put the onus on Ministers to explain the exclusion.
- There continues to be a disproportionate attention given to a small number of high profile public appointments issues. These included in the reporting year the decision of the Secretary of State for Education not to reappoint the Chair of OFSTED, and the coverage of the process to appoint a successor. There was also significant coverage of the process to appoint a new Chair of the Environment Agency. Much of the public comment was incorrect but it created the

false impression of a politicised public appointments system. In fact the evidence in this annual report shows that the number of those taking up public appointments who have declared any political activity is at its lowest since records began being collected.

### **2.3 *Looking forward***

Building on this progress the priorities for the future are set out in the Commissioner's Strategic Framework<sup>3</sup> published in August 2013. These are:-

- Improving outcomes in public appointments through the attraction of stronger and more diverse fields of candidates
- Ensuring full and effective implementation of a more streamlined and less bureaucratic public appointments system
- Improving understanding of the Commissioner's role and confidence that the public appointments system is delivering appointments on merit free from patronage
- Building the capability of the secretariat supporting the Commissioner and of Public Appointments Assessors.

The remainder of this report records progress against these objectives.

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<sup>3</sup> <http://publicappointmentscommissioner.independent.gov.uk/the-commissioners-priorities/>



## **3 Improving outcomes in public appointments through the attraction of stronger and more diverse fields of candidates**

### **3.1 *Introduction***

The Commissioner's legal responsibility under the Public Appointments Order in Council is to promote diversity and equality of opportunity in the procedures for making public appointments. Fulfilling this duty is a central element of the Commissioner's work.

The Commissioner fulfils his responsibilities in two main ways. First, he seeks to ensure that diversity is built into his mainstream activities. This includes ensuring that Assessors promote diversity in the chairing of competitions and through KPMG's monitoring of diversity in other competitions. Secondly, he has undertaken a number of other specific activities to promote diversity, including holding workshops to examine barriers to attracting diverse fields, introducing new diversity stock takes with Departments aimed at challenging approaches and sharing good practice, and collaborating with the Cabinet Office Centre for Public Appointments on the Government's own initiatives to promote diversity in public appointments.

Much progress has been made in 2013-14, particularly on the number of public appointments going to women. Whilst this progress is very welcome, as the following analysis shows, there is still much work to be done.

### **3.2 *Promoting diversity in public appointments***

Providing leadership is an important part of the Commissioner's emphasis on increasing diversity in public appointments. When chairing selection panels Public Appointment Assessors (PAAs) appointed by the Commissioner therefore focus on what is being done to attract a strong and diverse field of candidates for a competition. This includes challenging the advertising strategy, ensuring search consultants where used are focussed on generating a diverse field of candidates, and where appropriate, pausing competitions if the field of candidates is not strong and diverse enough.

A new diversity stock take was pioneered in three Government departments during the year (the Ministry of Justice, the Department for the Environment, Food and Rural Affairs, and the NHS Trust Development Authority). These are workshops led by PAAs and are an opportunity for senior responsible officers, core public appointments teams, and NDPB sponsor teams to review their approach to attracting strong and diverse fields of applicants, considering and reviewing the strategic approach across the Department and discussing and sharing good practice from specific competitions. The feedback from these workshops is that Departmental staff find them a useful opportunity to step back and reflect on their approach to increasing diversity on public boards. Just as importantly they have provided a platform from which emerging good practice can be gathered and disseminated.

In November 2013 the Commissioner also held a diversity roundtable, bringing together

people with experience of disability issues and of public appointments to develop a clearer understanding of the barriers experienced by disabled people applying for public appointments, and to formulate ideas for how to widen the number of candidates with disabilities who apply for public appointments. The aim was to develop a small number of immediate actions which could be taken forward as soon as possible. The discussion centred around three themes:- how to build the confidence of potential applicants to apply; how to build the confidence of recruiters so that they understand the needs of disabled candidates and are confident in dealing with reasonable adjustments; and how to develop a talent pool of people with disabilities who are ready to apply for public appointments.

This roundtable was followed up with a workshop in February 2014 with Departmental public appointment leads where some of the ideas generated from the November roundtable were discussed and built upon. The result was a list of hints, tips and ideas to consider, published on the Commissioner's website<sup>4</sup>, to which those making public appointments can refer when planning appointments processes.

The Commissioner hosted a similar format roundtable to discuss how to increase the number of applications for public appointments from candidates from a BME background in March 2014. That workshop focussed on a small number of themes:- how to increase the profile of the race equality agenda in public appointments, how to build the confidence of BME candidates so that they apply for appointments, and how to increase the access to opportunities for those from BME backgrounds. A range of actions was agreed at the roundtable, some of which involved the Commissioner working with others across Government to promote opportunities and encourage good practice, particularly around the giving of feedback to candidates. The Commissioner also committed to collecting better data from Government Departments and to collecting and promoting case studies of roles models that could be used to encourage people from diverse communities to apply for public appointments.

### **3.3 Working with Government**

During 2013-14 the Commissioner worked closely with Government to support initiatives to promote diversity in public appointments. Ministers have provided strong leadership on trying to improve the number of women getting public appointments and, with new appointments for women at over 40%, this appears to be paying dividends. This leadership has been supported by the hosting of several networking events by the Cabinet Office Centre for Public Appointments which the Commissioner has attended; these have provided useful opportunities to generate interest in applying for public appointments. In addition, the Cabinet Office introduced new guidance for Government Departments in September 2013, with part of the guidance focussed on how to increase the strength and diversity of fields of applicants. The Commissioner worked closely with those producing the guidance and welcomes its emphasis on encouraging applications through CVs and supporting statements (rather than application forms) and on not drawing essential criteria too tightly (for example, not seeking previous board level experience).

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<sup>4</sup> <http://publicappointmentscommissioner.independent.gov.uk/news/increasing-diversity-public-appointments/>

### **3.4 Diversity of those appointed in 2013-14**

The Commissioner published his Annual Survey of Ministerial Appointments and Reappointments 2013-14 in July 2014<sup>5</sup>. These statistics break down the 2,150 appointments and reappointments made in 2013-14 by gender, ethnicity, disability and age.

820 women were appointed or reappointed to public bodies in 2013-14. That is 39.3% of total appointments or reappointments, up from 35.6% in 2012-13. This increase represents the best performance since 2009/10 when the current data series began. It is almost certainly the best performance ever.

It is even more encouraging that 41.1% of new appointments went to women. This improvement (from 39.9% in 2012-13) appears to consolidate the Government's commitment to increasing the number of women on public boards (though the Government's aspiration that 50% of new appointees will be women by 2015 seems beyond reach at this point).

125 appointments and reappointments were made to candidates from black and ethnic minority backgrounds (7.7% of appointments and reappointments where ethnic background was known) in 2013-14. This is an increase compared with 5.5% in 2012-13 and the best outcome since 2009-10.

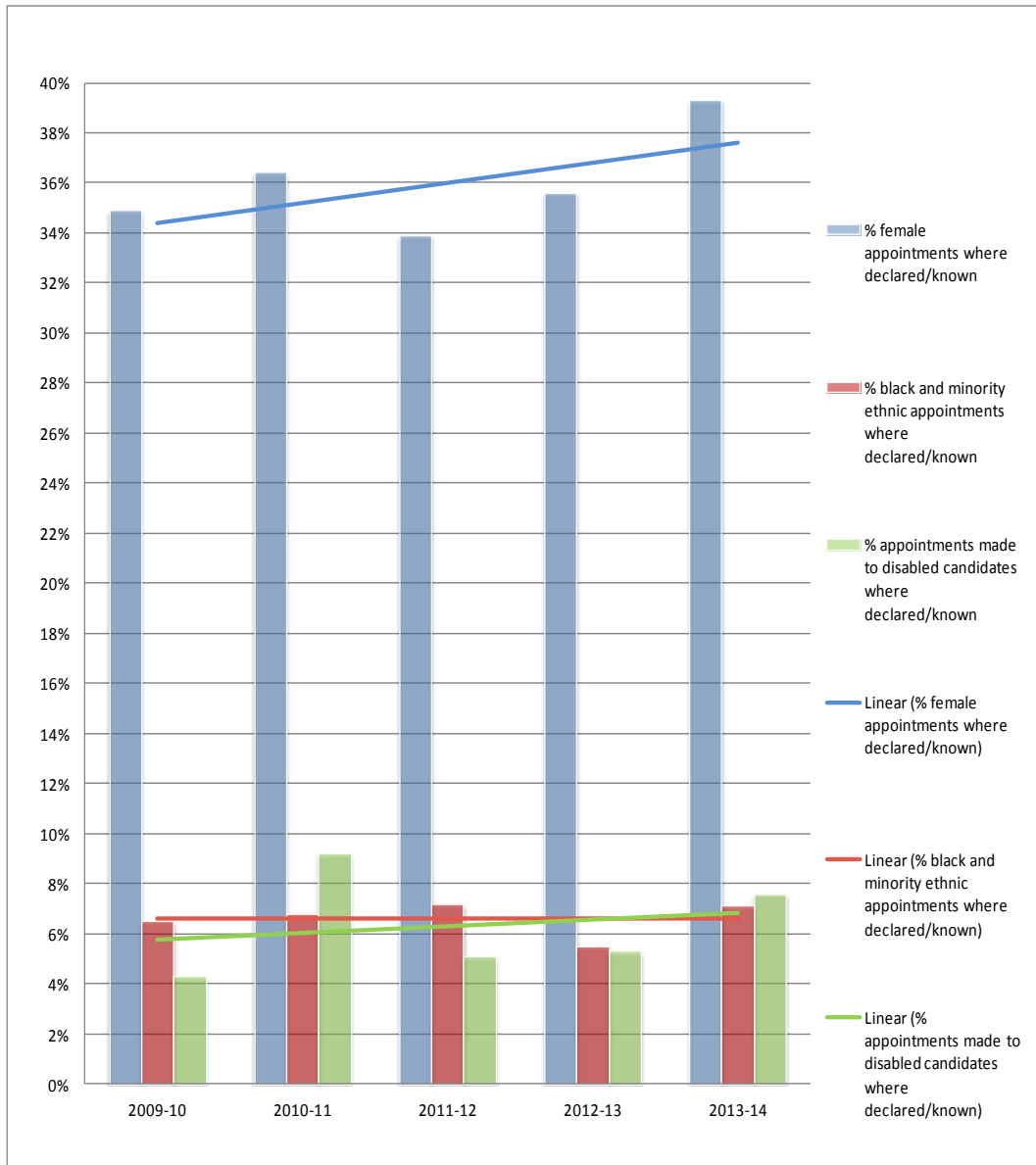
81 appointments and reappointments were made to candidates with disabilities (7.6% of appointments and reappointments where disability status was known) in 2013-14. This was an improvement compared to 5.3% in 2012-13 and is consistent with an upward trend since 2001-02 (when it was 2.9%).

Figure 1 below shows the impact this annual performance has had on year on year trends. Despite the improvement this year, the trend in the number of appointments going to those from black and minority ethnic backgrounds remains flat.

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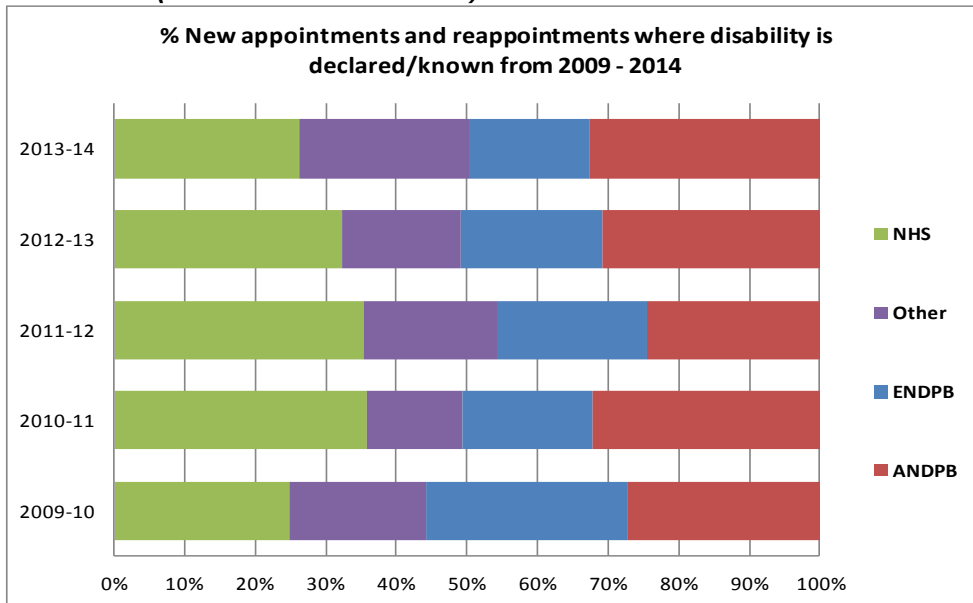
<sup>5</sup> <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2013/06/130624-Final-OCPA-Statistics-2012-13.pdf>

**Figure 1 - Diversity trends in new appointments and reappointments 2009-2014**



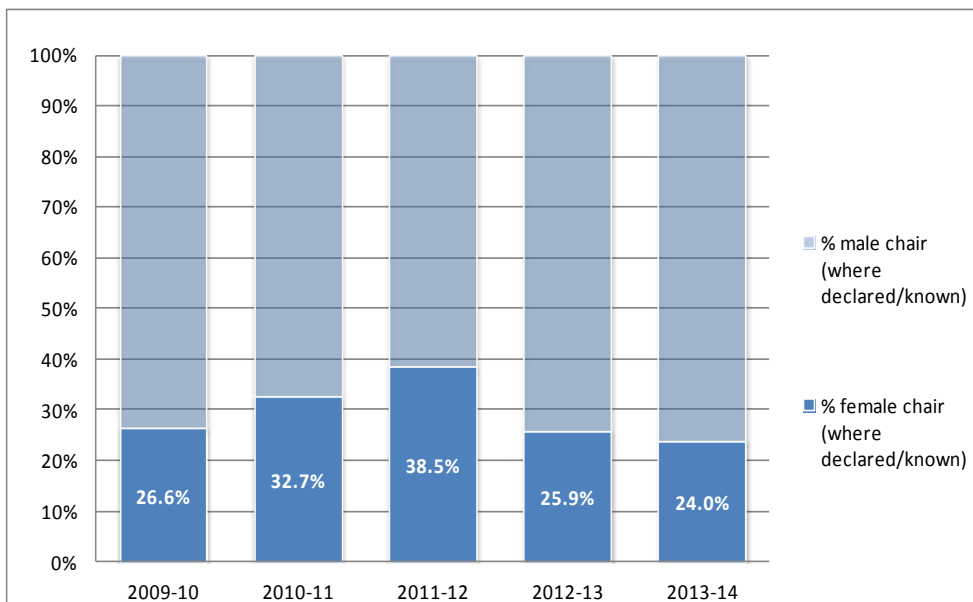
Furthermore, whilst many of the headline figures are very encouraging there is, as always, the need to guard against complacency. The overall number of public appointments has jumped markedly from 1,087 in 2012/13 to 2,150 in 2013-14. This sizeable increase (bucking the year-on-year downtrend in the overall number of appointments since 2006/7) is in large part driven by a considerable number (829) of additional appointments in the justice sector which have only recently come into the Commissioner's remit and are included in the statistics for the first time. Figure 2 below shows that the majority of appointments of candidates from a black and ethnic minority background have taken place in the NHS and "Other" sectors (which includes the additional justice sector appointments), indicating that there is still much to do to achieve and sustain diversity across all sectors.

**Figure 2 - % New appointments and re-appointments, black and minority ethnic candidates (where declared/known) 2009-2014**

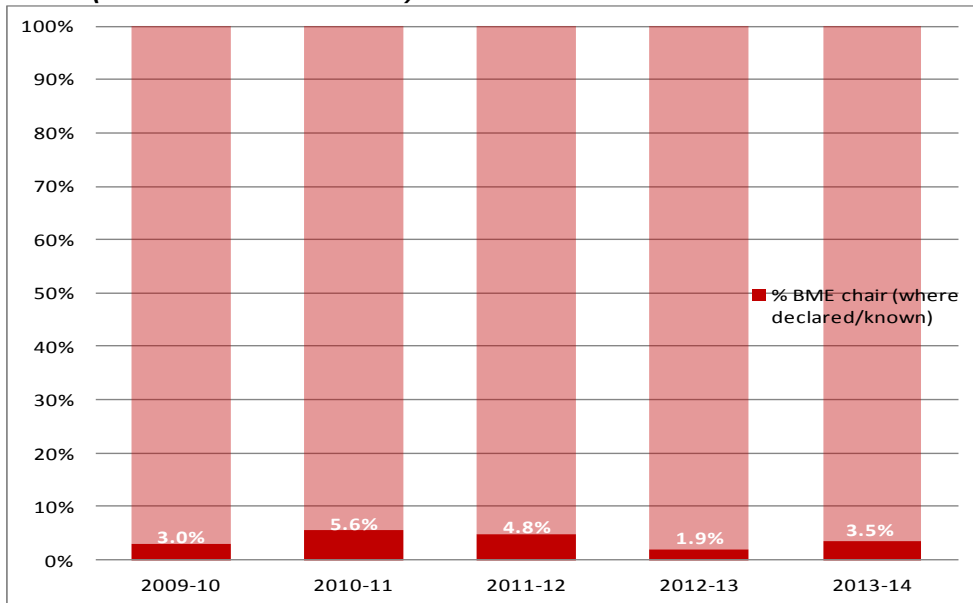


As figures 3 to 5 below show, there is also still a long way to go in terms of achieving diversity in the chairs of public bodies. It is important to see some of those appointed to public boards in the last three years coming through to chair roles in the next two.

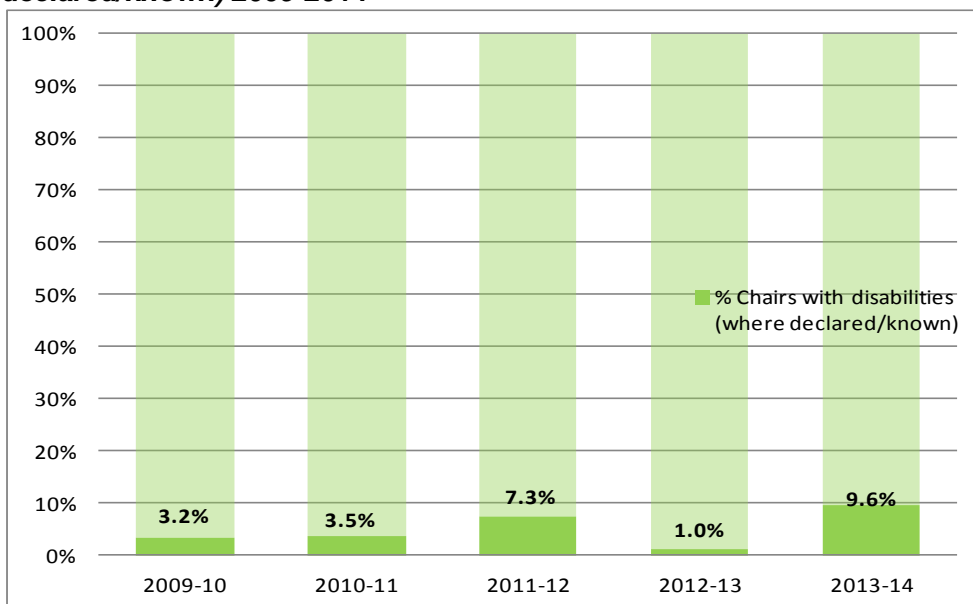
**Figure 3 - % New appointments and reappointments, female Chairs (where declared/known) 2009-2014**



**Figure 4 - % New appointments and reappointments, black and minority ethnic chairs (where declared/known) 2009-2014**



**Figure 5 - % New appointments and reappointments, disabled chairs (where declared/known) 2009-2014**



The largest number of appointees and reappointees in 2013-14 continue to be aged between 56 and 65 (41.5% of appointments and reappointments where age was known). Only 1.6% of those appointees or reappointees where age was known were aged 35 and under. This obviously reflects the fact that traditionally the majority of public appointees are in the later stages of their careers. However, achieving diversity in its broadest sense means that public appointees should come from a wide range of backgrounds and experiences, particularly since many of the bodies concerned affect the lives of younger people just as much as older. Those responsible for public appointment competitions should consider whether essential criteria for roles unnecessarily preclude younger applicants who may well have useful experience and insight to offer - not least

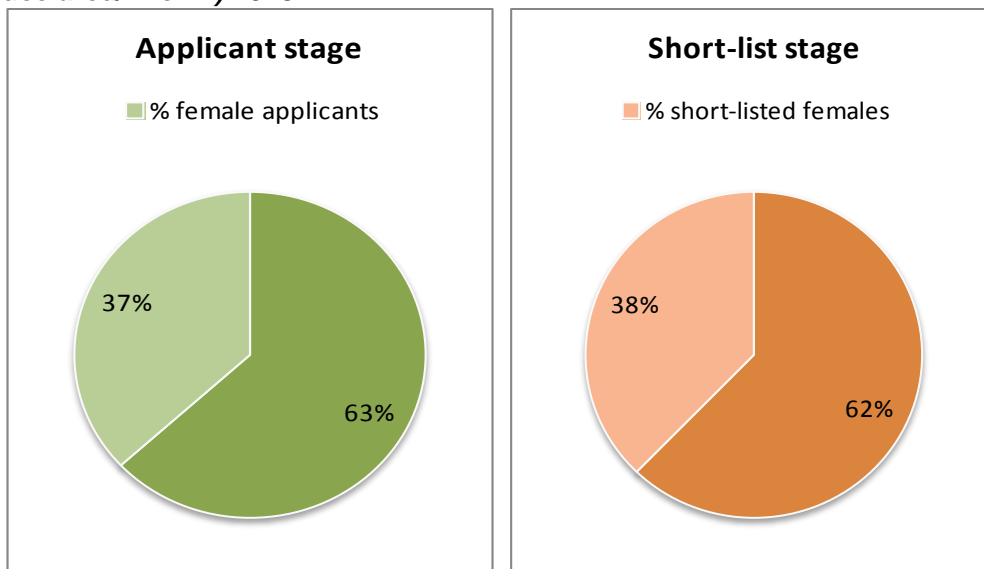
representing the views of the users of the services for which many public boards are responsible.

### 3.5 *Diversity of applicants in new appointment competitions*

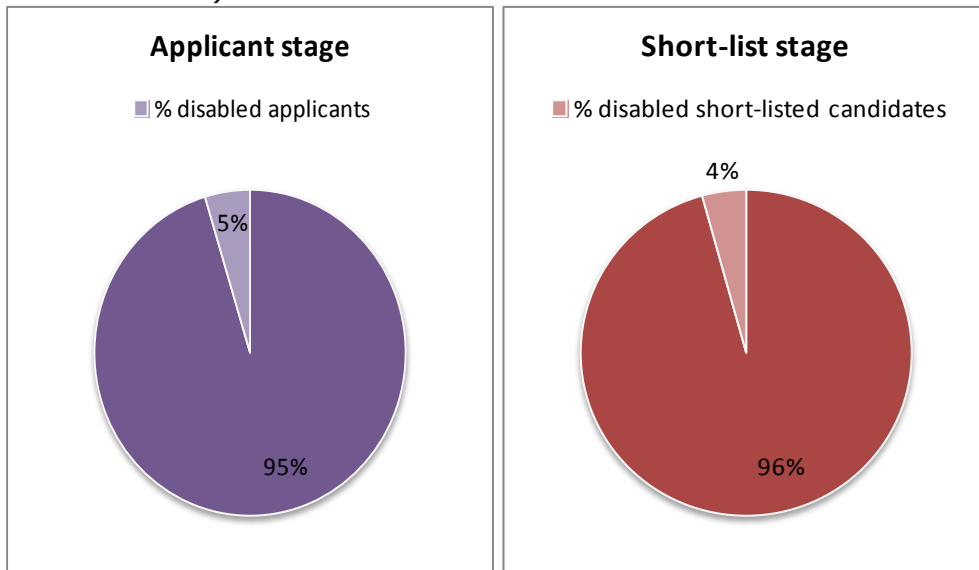
In 2013-14 the Commissioner has, for the first time asked Departments to provide competition-specific statistics looking at the diversity of applicant fields for new appointments compared with the diversity of those short listed. Whilst this data is only available for 453 of the 1,123 (40%) new appointments in 2013-14, it still provides a useful insight into the diversity of those applying for and successfully getting, public appointments.

Of most interest is the comparison between the number of women, candidates from a black and minority ethnic background, and candidates with a disability who apply for a public appointment and the number of candidates from those groups who are shortlisted for interview. As figures 6 and 7 below show, the proportion of female candidates and the proportion of candidates with disabilities remains broadly the same between the application stage and interview stage. However, as figures 8 below shows, the same cannot be said for candidates from a black and minority ethnic background, where the proportion at interview stage is considerably less. This is obviously only a sample of the overall number of new appointments made in the year but, on the face of it, it is a matter of concern and it will be a priority in the coming year to explore this further.

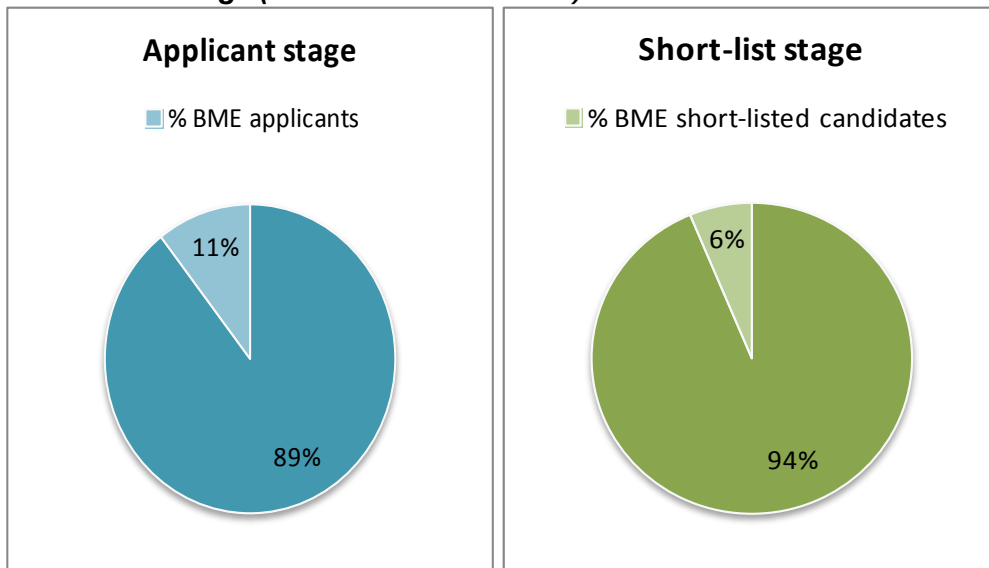
**Figure 6 - % female candidates at applicant and shortlist stage (where declared/known) 2013-14**



**Figure 7 - % Candidates with disabilities at applicant and shortlist stage (where declared/known) 2013-14**



**Figure 8 - % Candidates from black and minority ethnic backgrounds at applicant and shortlist stage (where declared/known) 2013-14**





## **4 Ensuring full and effective implementation of a more streamlined and less bureaucratic public appointments system**

### ***4.1 Chairing the most significant public appointments***

One of the most direct levers at the Commissioner's disposal to influence appointments practice is the allocation of Public Appointments Assessors (PAAs) to chair selection panels for competitions for the chairs of all public bodies and a small number of equivalent statutory office holders. This was designed to focus detailed oversight on the most significant public appointments and replace the previous requirement that independent assessors should sit on all selection panels. When chairing selection panels PAAs have a responsibility to ensure the process is compliant with the Code of Practice but they are also in the chair to challenge poor practice, promote good practice and push Departments and search consultants (where used) to generate stronger and more diverse fields of candidates for competitions.

PAAs chaired 69 competitions to completion in 2013-14, including 18 competitions carried over from 2012-13. A further 17 competitions were begun in 2013-14 but had not concluded by the end of the reporting year. A breakdown of the completed competitions and the candidates eventually appointed can be seen at Annex C.

In all but two of the completed competitions the selection panel was able to recommend at least one appointable candidate to the appointing Minister. As was also the case in 2012-13, both failed competitions were in the NHS sector. Structural changes in that sector, and the public concerns surrounding governance of some NHS trusts, means it continues to be more difficult to attract strong and diverse fields of candidates for NHS Trust chair roles.

The Commissioner and his office have worked proactively with the NHS Trust Development Authority (TDA) to improve success rates. These agreed actions included moving to application by CV and supporting statement rather than application forms, a greater emphasis on tapping into local networks when searching for candidates, using search consultants where appropriate, and, where possible, flexing the remuneration package on offer. The signs are that these actions are beginning to bear fruit and there have been successful outcomes in all competitions so far since these changes were implemented.

In addition to the two failed appointment processes, appointments were not made in three other competitions. In two competitions this was because the Ministers concerned had decided to exercise their discretion not to appoint a candidate put forward by the selection panel. In one competition the preferred candidate withdrew following a pre-appointment scrutiny hearing with the relevant Parliamentary Select Committee.

## **4.2 Other public appointments**

The 64 successfully completed competitions in which PAAs were involved represents 5.7% of the total new public appointments made in 2012-13. Monitoring compliance (discussed below) on other non-chair competitions therefore takes on greater significance.

The total number of public appointments made in 2013-14 (2,150) is a considerable increase compared to last year (1,087) and bucks the trend in the year-on-year decline in the number of public appointments since 2006-07. The major cause for this is that the statistics for the first time include 654 appointments and reappointments made to Independent Monitoring Boards which have only recently come into the Commissioner's remit; plus 175 appointments made to legal aid adjudicator and panel roles filled under special arrangements agreed with the Commissioner as part of the transition from the Legal Aid Commission to the Legal Aid Agency. This influx of new appointments into the Commissioner's remit inevitably skews statistics for 2013-14 somewhat and makes direct comparison with previous years more difficult.

### **Reappointments**

Of the 2,150 regulated public appointments in 2013-14, 1,027 (48%) were reappointments; last year 44% of total public appointments were reappointments. It has been the Prime Minister's stated intention that in future reappointments should be more closely scrutinised to ensure they are justified both by the needs of the body concerned and the performance of the individual candidate. The Commissioner has supported this approach. It is important that boards have the right balance of fresh perspectives as well as experience and bringing in new talent can improve Board performance and be an opportunity to improve diversity. It is essential that the decision whether to reappoint is taken on the best assessment of the Board's effectiveness in its widest sense. There is anecdotal evidence of individuals with essential experience being removed from a Board simply because of the Government's presumption against automatic reappointment. That was never the intention and it is important that decisions on reappointments are taken on a case by case basis, based on proper evidence.

### **Multiple appointments**

In 2013-14, 103 (4.8%) appointees and reappointees declared that they held other appointments. This was a reduction from 2012-13 when 13.4% of all appointees and reappointees held multiple appointments. This is an important trend suggesting that appointments are being spread over a wider range of individuals.

### **Declared political activity**

The politicisation of public appointments continues to be an issue which attracts significant media and public attention. It is largely a myth but arises from controversy surrounding high profile cases like the decision of the previous Secretary of State for Education not to reappoint the Chair of Ofsted (a decision which he was perfectly entitled to make and did not breach any principles of public appointments).

Since the Office of Commissioner for Public Appointments was created in 1995 it has

always been possible for Ministers to appoint people with political backgrounds to the boards of public bodies. The public appointments system – as initially proposed by Lord Nolan in 1995 – requires that there is a test of merit for people who want to sit on public boards, but there is no bar on people who have declared political activity being appointed to boards. This means that if a candidate can demonstrate to an independent selection panel that they have the skills, experience and qualities necessary for the role, and, if in the nature of the job, political activity is no bar to doing that job well, it is possible for their name to go forward to the Minister as one of those that can be appointed. The Minister is offered a choice of candidates marked ‘above the line’ by the panel and in that sense there is a political element to the decision as to who is eventually appointed.

However, the evidence is that the vast majority of those people taking up public appointments have not undertaken any political activity. Only 107 appointees and reappointees (5.0%) declared political activity in 2013-14, compared with 9.0% in 2012-13. It was not possible to collect political activity data for the 829 additional appointments in the justice sector. However, even when those additional appointments are excluded, the proportion of those public appointees declaring political activity is 8.1%. This is still the lowest figure in the last decade and, although comparable data does not exist, is almost certainly the lowest figure since the office of Commissioner was established.<sup>6</sup>

As for the high profile cases, the evidence is that the public reporting rarely matches the facts, but it can do damage to public expectations of the public appointments system. Invariably, behind the headlines, there is a well ordered process of selection, overseen by a Public Appointments Assessor to ensure it complies with the requirements of the Code of Practice. This was, for example, the case in the subsequent selection of a new Chair of OFSTED, following the decision to replace the previous Chair, referred to above. But, inevitably, this attracted much less public attention than the original decision.

### **4.3 Exemptions from the Code of Practice**

The Commissioner may agree, in exceptional circumstances, exemptions to the requirements of the Code of Practice where he believes that is justified in the public interest. Usually such approval is given on the grounds of practicality or urgent operational need: for example, allowing a Chair to continue in post to see a public body through to closure, or where a Board member has unexpectedly stepped down and needs to be replaced immediately pending a full fair and open competition. The Commissioner granted 41 specific exemptions under the Code of Practice in 2013-14. A full list of these exemptions and the circumstances in which they were given can be found at Annex D.

The Commissioner has also agreed to a number of class exemptions, where appointments or reappointments can be made to certain public bodies without following the exact requirements of the Code of Practice and without his specific agreement. These class exemptions (some of which were agreed prior to 2013-14) are listed below:-

- Flexibilities allowing the NHS Trust Development Authority to manage appointments pragmatically throughout the **transition of NHS trusts to Foundation Trust status**. These flexibilities allow the appointment of candidates

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<sup>6</sup> The previous lowest being 8.4% in 2009-10 and the highest being 20.7% in 2001-02

to local health trust boards who have already been appointed to another local health trust through an open competition, or who have been on a reserve list for no more than 24 months. The NHS TDA has additionally been granted authority to reappoint members originally appointed under these flexibilities and is required to report back to the Commissioner on the use of these flexibilities every quarter.

- A dispensation meaning that all current members of **Independent Monitoring Boards** in the prisons sector (including members of Military Corrective Training Centre Independent Monitoring Boards) can serve for a maximum term of 15 years (as opposed to the standard Code maximum of 10 years). This dispensation has been agreed by the Commissioner in recognition of the fact that these are unpaid roles where accumulated experience is important and it can be difficult to attract replacements.
- Agreement that appointments of chairs of **Advisory Committees on Justices of the Peace, National and Regional Prison, and Escort Custody Services** should be exempt from the Code to allow longstanding arrangements for making those appointments (where the chairs are chosen by the members) to continue.
- In order to manage the close down and winding up of **probation trusts** as part of reforms in that sector, vacancies on probation trust boards can be filled by either board members from neighbouring trusts or by previous board members who have retired in the previous twelve months, and that chairs and board members whose ten-year terms ended on 31 March 2014 could continue to serve until the probation trust board they are serving on is closed (expected summer 2014). The National Offender Management Service is required to report back to the Commissioner on the use of these flexibilities every quarter.
- Agreement that various **legal aid adjudicator and panel roles** can be filled by current panel members without fair and open competition as part of the transition from the Legal Services Commission to the Legal Aid Agency. The Commissioner has also agreed that competitions to appoint chairs of those panels do not need to be chaired by a Public Appointment Assessor. These arrangements were agreed so that the experience of existing legal aid adjudicator panels could be retained in the new legal aid arrangements. It was also agreed that requiring a PAA to chair the appointments of panel chairs would be a disproportionate regulatory input given the size and scope of these panels.

All these are examples of how the Commissioner seeks to be pragmatic in upholding the Code's principles. In each case different arrangements are discussed and agreed according to the operational need and applying common sense and proportionality. However, several of these arrangements are transitional only until the organisational changes are complete, when the full principles applying to other competitions will apply to them.

#### **4.4 Complaints**

If there is evidence that an appointments process may not have complied with the Code of Practice, the Commissioner may investigate. This will normally only be done when the complaint has first been considered by the responsible Department.

The complaint investigation usually involves an examination of the documentation supporting an individual process carried out by a Case Officer. The Commissioner will consider all the evidence produced as a result of the investigation and will then reach a decision. The Commissioner does not have the power to award compensation or to require a process to be re-run, or an individual to be appointed to, or removed from, a public appointment. However, he can make recommendations for change and improvement which Departments usually accept and implement.

There were 11 complaints to Departments in 2013-14 (in 2012-13 there were 16) under the Code of Practice. Five complaints were dealt with by the Commissioner in 2013-14 (six in 2012-13). After investigation the Commissioner concluded that there had been a breach of the Code of Practice in two cases. The first involved the Cabinet Office where a candidate pack had advertised that the Guaranteed Interview Scheme would apply for disabled applicants who met minimum selection criteria but the selection panel did not sift applications on this basis. In the second case involving the Department for the Environment, Food and Rural Affairs the Commissioner upheld a complaint that a requirement that candidates needed to have significant experience at board or senior operational level within the last 12 months was unduly restrictive. In the remaining cases no actual breaches were found.

#### **4.5 Monitoring compliance with the Code of Practice**

The Commissioner has a legal duty, under the terms of the Order in Council 2014, to audit public appointments and policies used by appointing Departments to verify that the principles of merit, fairness and openness are followed. Monitoring compliance has additional significance under the new Code of Practice as Public Appointment Assessors are now involved directly in only a minority of appointment competitions.

The data collection and much of the analysis for this compliance monitoring work has been contracted out, most recently (since April 2013) to KPMG through a combined contract which also covers compliance monitoring of Civil Service recruitment for the Civil Service Commission. This reflects the increasing convergence between these regulatory regimes as well as a need to increase the efficiency of the audit contract. As well as fulfilling the Commissioner's legal duty, the compliance monitoring work enables the Commissioner to pick up systemic developments in public appointments practice and to note, identify and spread good practice and mitigate risks of future non-compliance.

There are four risk ratings to assess Departments:

<b>GREEN</b>	Indicators suggest minor or no compliance risk to the organisation and minor or no concerns with the capability to achieve successful appointments
<b>AMBER/GREEN</b>	Indicators suggest moderate compliance risk to the organisation and/or moderate concerns with capability to achieve successful appointments
<b>AMBER/RED</b>	Indicators suggest significant compliance risk to the organisation and/or significant concerns with capability to achieve successful appointments
<b>RED</b>	Indicators suggest major compliance risks to the organisation or actual breach of the principles and/or major concerns with capability to achieve successful appointments

On the basis of a range of quantitative and qualitative data supplied by Departments, all 19 Government Departments that make public appointments received an indicative risk rating, from which we determined a programme of follow-up visits. A full review was undertaken for those six Departments that were provisionally assessed as red or amber/red<sup>7</sup>, and then a final risk rating was determined, based on the original appointments data for 2012-13 and in most cases more recent data relating to appointments made in 2013-14.

Two Departments (11%) were assessed as 'green', with a further 11 (58%) assessed as 'green/amber'. This provides some assurance that most public appointments activity is being conducted in line with the Code of Practice.

There were, however, 4 Departments (21%) assessed as having significant risks ('amber/red'). Only one Department, the Department for the Environment, Food and Rural Affairs was 'red' rated. The most serious issue in that Department was the lack of auditable material to support the decisions made on appointments; there was also an instance where a candidate's conflicts of interest had not been dealt with in the most appropriate way.

The final risk ratings for 2012-13 were as follows:-

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<sup>7</sup> With the exception of the NHS Trust Development Authority where a decision was taken to defer an audit visit as a result of ongoing discussions with the Commissioner on how to improve appointment competition outcomes.

DEPARTMENT	FINAL RISK RATING	VISITED?
Department for Business, Innovation and Skills	AMBER / GREEN	
Cabinet Office	AMBER / RED	Yes
Home Office	AMBER / RED	Yes
Department of Health	AMBER / GREEN	
Scotland Office	AMBER / GREEN	
Welsh Government	AMBER / GREEN	
Department for Work and Pensions	AMBER / GREEN	
Department for Communities and Local Government	AMBER / GREEN	
Department for Environment, Food and Rural Affairs	RED	Yes
Ministry of Justice	AMBER / GREEN	
Department for Education	GREEN	
Ministry of Defence	AMBER / RED	Yes
NHS Trust Development Authority (NHS TDA)	AMBER / RED	
Department of Culture, Media and Sport	GREEN	
Department of Energy and Climate Change	AMBER / GREEN	
Northern Ireland Office	AMBER / RED	Yes
Department for Transport	AMBER / GREEN	
Foreign and Commonwealth Office	AMBER / GREEN	
HM Treasury	AMBER / GREEN	

A number of general findings can be drawn from the 2013-14 compliance round:-

- Recommendation of candidates - there continues to be some evidence that selection panel chairs are recommending candidates to Ministers rather than providing a list of appointable and non appointable candidates; there also continues to be some evidence that officials are providing merit list rankings to Ministers when the Minister has not specifically asked for this.
- Documentation - issues were identified with the quality and availability of documentation at all organisations visited, including documentation having been misplaced and destroyed or being insufficient to support the decisions made over the course of the campaign.

- Workforce / forward planning – in some instances requests for exemptions from the Code of Practice would not have been necessary had sufficient forward planning been completed. All departments are required to report to the Cabinet Office current and planned appointments in the next 12 – 18 months. Therefore this information is readily available but is not being used sufficiently to drive appointment planning.
- Diversity - the degree to which Chair panel reports provide diversity statistics varies and there is, in some instances, limited work being done during the public appointment planning to consider diversity requirements and strategies. Diversity of the panel is often considered with regard to gender but not ethnicity.

The Commissioner and his audit contractor will be looking carefully for signs of improvement in these areas in 2014-15.

#### **4.6 Breaches of the Code of Practice in 2013-14**

There was only one identified breach of the Code of Practice in 2013-14. This took place in the Ministry of Justice where an interim chair was appointed without fair and open competition or the prior approval of the Commissioner. The Department recognised the breach in its annual compliance statement and has amended its procedures to ensure further breaches of this nature do not occur.

#### **4.7 Other regulatory issues**

##### ***New Cabinet Office guidance***

In September 2013 the Minister for the Cabinet Office wrote to his Cabinet colleagues reminding them of the role they should play in public appointment processes. At the same time new guidance was issued by the Cabinet Office setting out when and how Ministers should be involved in the appointments process. The Commissioner was given the opportunity to input into this guidance. His input reflected his view that, as Ministerial appointments, it is crucial that Ministers are properly engaged throughout the process. Nevertheless, it remains the case that the selection panel has overall responsibility for assessing candidates at each stage on the basis of merit. The Minister cannot insist on candidates being included or removed from long or shortlists and may only make their final selection from those judged appointable by the selection panel.

##### ***Independent panel members***

Some Departments continue to struggle with the Code's requirement that every panel should include an independent member, independent of the appointing Department and the body to which the appointment is being made. PAAs and the Commissioner's secretariat continue to remind Departments that external panel members should be chosen for their ability to bring a perspective to the candidate assessment process that is different from the other panel members (particularly if most of those panel members are civil servants). That was the spirit of the proposal for external members in the original Nolan recommendations in the 1990s. The Commissioner has been reluctant to issue further guidance on this point because in his view the requirement is clear and provides flexibility to augment appointment panels according to circumstances. However, the



evidence of continuing misunderstanding on this issue means that he will be considering whether further guidance might now be useful.

## **5 Improving understanding of the Commissioner's role and confidence that the public appointments system is delivering appointments on merit free from patronage**

### **5.1 *Communication with the public***

The Commissioner's principal aim when communicating is to reassure people about the integrity of the public appointments system and to encourage more people to apply.

The main way he does this is through his website which provides information about the Commissioner's role and how he regulates appointments. The website also provides comment on, or clarification about, the regulatory system when public appointment issues have been receiving significant attention in the media. In the wake, for example, of the controversy about the Chair of OFSTED, referred to elsewhere in this report, a short factual piece was published on the website outlining how Ministers are involved in the appointments process, how the political activity of candidates is handled, and some statistics on declared political activity over the past ten years<sup>8</sup>.

In March 2014 the Commissioner also launched a twitter feed @publicapptscomm which has been used to promote the Commissioner's role and public appointments more generally. The success of this initiative is being monitored with a view to greater utilisation of social media channels in the future.

### **5.2 *Communication with Parliament***

The current Commissioner, David Normington, appeared before the Public Administration Select Committee (PASC) on 12 February 2014. The session<sup>9</sup> covered a range of issues, including those related to his role as First Civil Service Commissioner. Most of the discussion on public appointments was about the perception that many appointments were made on political grounds. The Commissioner emphasised that the number of those declaring any political activity was very low as a proportion of overall public appointments; the figures for political activity in 2013-14 (see chapter 4.2) reinforce this point.

The Commissioner also submitted written evidence to PASC's inquiry into the accountability of public bodies and, at the request of the Committee, submitted further evidence about which bodies fell within the Commissioner's remit. It was in this evidence that the Commissioner reiterated his belief that there should be a presumption that all public appointments are regulated unless specifically excluded (this evidence was submitted after it came to light that the appointment of the Chair of the Public Works Loan Board was an unregulated appointment and after it had been discovered that he had

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<sup>8</sup> <http://publicappointmentscommissioner.independent.gov.uk/news/news-public-appointments-political-activity-14-march-2014/>

<sup>9</sup> <http://www.parliamentlive.tv/Main/Player.aspx?meetingId=14888>

been a bankrupt).

### **5.3 *The Royal Charter on the self-regulation of the press***

Following the Leveson Inquiry into the culture, practice and ethics of the press (which reported on 29 November 2012), a Royal Charter on the self regulation of the press was granted by the Privy Council on 30 October 2013. The Royal Charter establishes a Recognition Panel with functions and duties relating to the recognition of press industry self regulators in accordance with the terms of the Charter and also gives the Commissioner certain appointment-related functions.

Under the Royal Charter the Commissioner is asked to appoint an Appointments Committee which in turn will make the appointments to the Board of the Recognition Panel. The Charter requires that the appointment is conducted in a fair and open way and that the appointments are made on merit. The Charter also gives the Commissioner a role in validating that any future appointments made to the Board of the Recognition Panel have also been made in a fair and open way and on the basis of merit. The Charter allows the Commissioner's office to support the work of the Appointments Committee.

The Government has asked the Commissioner to take on these additional functions because he is appointed by the Queen and is independent of Government, and because he enforces the same principles of fairness, openness and appointment on merit in relation to public appointments as are required by the Royal Charter in relation to appointments to the Board of the Recognition Panel. Funding to support the Commissioner and his office on fulfilling these functions has been provided by the Government.

Communicating the limited (but important) extent of the Commissioner's functions in relation to the Royal Charter, and ensuring this role is distinguished from his regulatory role in relation to public appointments, has been a key focus over the year. A dedicated section has been set up on the Commissioner's website detailing this role and publishing any updates, including correspondence with third parties. A fuller report on the outcome of his activities in fulfilling his responsibilities under the Royal Charter will be in the next Annual Report.

## 6 Building our capability

The Commissioner is supported in his work by the combined Secretariat of the Civil Service Commission. This secretariat also serves the House of Lords Appointment Commission and the Advisory Committee on Business Appointments. Combining the secretariats in this way provides maximum efficiency for the public purse and greater flexibility in responding to changes in workload throughout the year.

During 2013-14 the Commission secretariat moved from a function-based organisation, to one that is organised around the Departments it works with and monitors. This cluster-based approach (i.e. teams focused around a number of Departments and organisations) was also applied (in some cases) to Public Appointment Assessors and Civil Service Commissioners (with some Assessors chairing a small number of Civil Service recruitment competitions and vice versa). This provides scope for them to learn from each other about best recruitment practice and for flexibility in terms of managing peaks and troughs in Civil Service recruitment and public appointment competitions.

Public Appointments Assessors are also brought together at least quarterly to talk about issues arising in public appointments and to improve consistency in chairing competitions. Some of the issues covered in those quarterly meetings include:-

- peer reviews of competitions;
- emerging diversity statistical trends;
- issues within NHS trust competitions;
- Ministerial involvement in public appointments; and
- exchanges of views with the Cabinet Office Centre for Public Appointments.

The Commissioner also meets on an annual basis with his counterparts from Northern Ireland and Scotland to share emerging issues and good practice. This year's meeting was hosted in London by the Commissioner.

Details of the cost of supporting the Commissioner and delivering public appointments regulatory activity can be seen at Annex B.

### 6.1 *Feedback on Public Appointments Assessors*

The Commissioner routinely seeks feedback from Departments on the performance on PAAs and this feedback is considered as part of his annual performance appraisal discussions with them. Feedback on PAAs continues to be very positive; typical comments include:

"...provided clear and concise input at all stages of the process but was also adept at facilitating discussions providing an appropriate level of challenge"

"... facilitated good collective discussion before the panel reached a consensus view on each candidate"

"... was very willing to consider questions and offer advice where needed. Responses always received promptly. Very helpful at all levels of the competition."

In the small number of cases where feedback has been less positive, this has largely been around the diary availability of some PAAs, and the fact that some PAAs in some instances appear to focus too much on detail and/or provide challenge in the planning stages of competitions which Departments find uncomfortable. The Commissioner brings the PAAs together regularly for discussion about his overall approach and is committed to achieving a high and even standard across competitions which PAAs chair.

## **Annex A – Public Appointments Assessors 2013-14**

- Mark Addison
- Sarah Anderson
- Sir Stephen Bubb
- Cindy Butts (stood down in January 2014)
- Olivia Grant
- Michael Kaltz
- John Knight
- Sara Nathan
- Dame Anne Pringle
- Margaret Scott
- Amerdeep Somal
- Sir Peter Spencer
- Rosie Varley
- Libby Watkins

## Annex B - Finances

The Commissioner's budget for 2013-14 formed part of the Civil Service Commission's budget. The Civil Service Commission's audited accounts are published on its website<sup>10</sup>.

Approximately £523,000 of the Civil Service Commission's 2013-14 expenditure went on supporting delivery of the Commissioner for Public Appointments' functions. This compares with £360,722 last year. The increase was due to:

- The absence of a compliance monitoring contract in 2012-13. The proportion of the contract now in place with KPMG for compliance monitoring equated to £105k in 2013-14.
- The additional funds (£171k) provided by the Government to the Commissioner's office in order to enable it to fulfil the Commissioner's role as set out in the Royal Charter on the self regulation of the press.

David Normington's remuneration as dual post holder (Commissioner for Public Appointments and First Civil Service Commissioner) was £85,000-£90,000 (the same as in 2012-13), of which approximately 50% in this reporting period related to his work as the Commissioner for Public Appointments.

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<sup>10</sup> <http://civilservicecommission.independent.gov.uk/wp-content/uploads/2014/06/CSC-Annual-Report-201314.pdf>

## Annex C: Completed appointment competitions chaired by Public Appointment Assessors in 2013-14

DEPARTMENT	PUBLIC BODY	ROLE	PUBLIC APPOINTMENT ASSESSOR	APPOINTED CANDIDATE(S)
Cabinet Office	House of Lords Appointments Commission	Chair	Michael Kaltz	Lord Kakkar
Department for Business, Innovation and Skills	Advice and Conciliation Service (ACAS)	Chair	Michael Kaltz	Sir Brendan Barber
Department for Business, Innovation and Skills	National Environment Research Council	Chair	Margaret Scott	Anthony Cleaver
Department for Business, Innovation and Skills	Nuclear Liabilities Fund	Chair	Amerdeep Somal	Jean Venables
Department for Business, Innovation and Skills	Arts and Humanities Research Council	Chair	Margaret Scott	Professor Sir Drummond Bone
Department for Business, Innovation and Skills	British Business Bank	Chair	Sir Peter Spencer	Ron Emerson
Department for Business, Innovation and Skills	Student Loans Company	Chair	Olivia Grant	Chris Brodie
Department for Culture, Media and Sport	English Heritage	Chair	Libby Watkins	Sir Laurie Magnus
Department for Culture, Media and Sport	Geffrye Museum	Chair	Amerdeep Somal	Samir Shah
Department for Culture, Media and Sport	Natural History Museum	Chair	Sir Peter Spencer	Lord Green of Hurstpierpoint
Department for Culture, Media and Sport	Horniman Museum	Chair	Cindy Butts	Eve Salomon
Department for Culture, Media and Sport	OFCOM	Chair	Sir Peter Spencer	Dame Patricia Hodgson
Department for Culture, Media and Sport	Reviewing Committee for the Export of Works of Art and Cultural Objects	Chair	Amerdeep Somal	Sir Hayden Phillips
Department for Environment, Food and Rural Affairs	Advisory Committee on the Releases to the Atmosphere	Chair	Sarah Anderson	Rosemary Hails
Department for Environment, Food and Rural Affairs	Agricultural and Horticultural Development Board	Chair	Amerdeep Somal	Peter Kendall



DEPARTMENT	PUBLIC BODY	ROLE	PUBLIC APPOINTMENT ASSESSOR	APPOINTED CANDIDATE(S)
Department for Environment, Food and Rural Affairs	Joint Nature Conservation Committee	Chair	Michael Kaltz	Professor Chris Gilligan
Department for Environment, Food and Rural Affairs	Environment Agency	Chair	Margaret Scott	Philip Dilley
Department for Environment, Food and Rural Affairs	Natural England	Chair	John Knight	Andrew Sells
Department for Environment, Food and Rural Affairs	Forestry Commission	Chair	Mark Addison	Sir Harry Studholme
Department for International Development	Commonwealth Development Corporation	Chair	Sir Peter Spencer	Graham Wrigley
Department for Work and Pensions	Office of Nuclear Regulation	Chair	Michael Kaltz	Nick Baldwin
Department for Work and Pensions	Pensions Regulator	Chair	Rosie Varley	Mark Boyle
Department for Work and Pensions	Pensions Advisory Service	Chair	Rosie Varley	David Harker
Department of Health	Advisory Committee on Awards for Clinical Excellence	Chair	Cindy Butts	Bill Worth
Department of Health	Chair NHS Litigation Authority	Chair	Libby Watkins	Ian Dilks
Department of Health	Human Tissue Authority	Chair	Sara Nathan	Sharmila Nebhrajani
Department of Health	Human Fertilisation and Embryology Authority	Chair	Sara Nathan	Sally Cheshire
Department of Health	Food Standards Agency	Chair	Sir Peter Spencer	<i>Ministers did not appoint</i>
Department of Health	Monitor	Chair	Sarah Anderson	<i>Select Committee did not endorse recommended candidate</i>
HM Treasury	Court of Directors of the Bank of England	Chair	Dame Anne Pringle	Anthony Habgood
Home Office	Police Advisory Board for England and Wales	Chair	Margaret Scott	Elizabeth France
Home Office	Surveillance Camera Commissioner	Office Holder	Rosie Varley	Tony Porter
Home Office	Independent Monitor of the Disclosure and Barring Service	Office Holder	Margaret Scott	Simon Pountain

DEPARTMENT	PUBLIC BODY	ROLE	PUBLIC APPOINTMENT ASSESSOR	APPOINTED CANDIDATE(S)
Home Office	Security Industry Authority	Chair	Margaret Scott	Elizabeth France
Home Office	Pay Review Body for NCA Officers	Chair and Members	Michael Kaltz	David Lebrecht
Ministry of Defence	Service Complaints Commissioner	Office Holder	Mark Addison	<i>Minister did not appoint</i>
Ministry of Defence	Single Source Regulations Office	Chair	Michael Kaltz	Jeremy Newman
Ministry of Defence	Defence Scientific Advisory Committee	Chair	Mark Addison	Professor David Delpy
Ministry of Defence	Armed Forces Pay Review Body	Chair	Cindy Butts	John Steele
Ministry of Defence	Veterans Advisory and Pensions Committee- West Midlands	Chair	Rosie Varley	Lloyd Davies
Ministry of Defence	Veterans Advisory and Pensions Committee- Northern Ireland	Chair	Rosie Varley	Adrian Donaldson
Ministry of Defence	Veterans Advisory and Pensions Committee - Wales	Chair	Rosie Varley	Christopher Downward
Ministry of Defence	Veterans Advisory and Pensions Committee - South West	Chair	Rosie Varley	Timothy Archer
Ministry of Defence	Veterans Advisory and Pensions Committee - South East	Chair	Rosie Varley	Michael Mates
Ministry of Justice	Administrative Justice Advisory Group (AJAG)	Chair	Olivia Grant	Jodi Berg
Ministry of Justice	Legal Services Board	Chair	Mark Addison	Sir Michael Pitt
Ministry of Justice	Youth Justice Board	Chair	Rosie Varley	Lord McNally
Ministry of Justice	Chief Inspector of Probation	Office holder	Margaret Scott	Paul McDowell
Ministry of Justice	Criminal Cases Review Commission	Chair	Margaret Scott	Richard Foster
NHS Trust Development Authority	St Helens & Knowsley Teaching Hospital NHS Trust	Chair	Sir Stephen Bubb	Richard Fraser
NHS Trust Development Authority	North Cumbria University Hospitals NHS Trust	Chair	Margaret Scott	Gina Tiller
NHS Trust Development Authority	University Hospitals Coventry and Warwickshire NHS Trust	Chair	Michael Kaltz	Andrew Meehan

DEPARTMENT	PUBLIC BODY	ROLE	PUBLIC APPOINTMENT ASSESSOR	APPOINTED CANDIDATE(S)
NHS Trust Development Authority	University Hospitals of Leicester NHS Trust	Chair	Sara Nathan	Karamjit Singh
NHS Trust Development Authority	Buckingham Healthcare NHS Trust	Chair	Sarah Anderson	Hattie Llewelyn-Davies
NHS Trust Development Authority	United Lincolnshire Hospitals NHS Trust	Chair	Libby Watkins	<i>No appointable candidate</i>
NHS Trust Development Authority	East Lancashire Hospitals NHS Trust	Chair	Sara Nathan	Eileen Fairhurst
NHS Trust Development Authority	Whittington Health NHS Trust	Chair	Sir Stephen Bubb	Steve Hitchins
NHS Trust Development Authority	Dartford and Gravesham NHS Trust	Chair	Cindy Butts	Janardan Sofat
NHS Trust Development Authority	Derbyshire Community Hospital	Chair	Sara Nathan	Prem Singh
NHS Trust Development Authority	West Hertfordshire Hospitals NHS Trust	Chair	Sir Stephen Bubb	Mahdi Hasan
NHS Trust Development Authority	Nottingham University Hospitals NHS Trust	Chair	Sara Nathan	Louise Scull
NHS Trust Development Authority	Shrewsbury and Telford Hospitals NHS Trust	Chair	Sarah Anderson	Peter Latchford
NHS Trust Development Authority	University Hospitals of Coventry & Warwickshire NHS Trust	Chair	Sara Nathan	<i>No appointable candidate</i>
Northern Ireland Office	Parades Commission	Chair and (4) Members	Dame Anne Pringle	Anne Henderson (Chair), Sarah Havlin, Paul Hutchinson, Colin Kennedy, Frances McCartney (Commissioners)
Northern Ireland Office	Chief Commissioner of the Human Rights Commission of Northern Ireland	Chair	Sarah Anderson	Les Allamby
Welsh Government	Welsh Ambulance Service NHS Trust	Chair	Libby Watkins	Michael Giannasi
Welsh Government	Welsh Industrial Development Advisory Board	Chair	Stephen Bubb	Kerry Diamond
Welsh Government	Higher Education Funding Council for Wales	Chair	Libby Watkins	David Allen
Welsh Government	Betsi Cadwaladr Health Board	Chair	Stephen Bubb	Dr Peter Higson

## Annex D: Specific exemptions to the Code of Practice granted in 2013-14<sup>11</sup>

DEPARTMENT	PUBLIC BODY	EXEMPTION
Cabinet Office	Committee on Standards in Public Life Chair	Appointment of an interim chair pending recruitment of a permanent successor
Cabinet Office	Advisory Committee on Business Appointments	Appointment of an interim chair pending recruitment of a permanent successor
Department for Business, Innovation and Skills	Consumer Focus Board	Appointment of two non-executive board members to enable continuity and smooth transfer of functions to Consumer Focus's successor bodies.
Department for Business, Innovation and Skills	Student Loans Commission	Appointment of an interim chair pending recruitment of a permanent successor
Department for Communities and Local Government	Housing Ombudsman	Extension of tenure of current ombudsman beyond 10 years
Department for Communities and Local Government	Valuation Tribunal Service	Extension of tenure of current chair pending closure
Department for Education	OFSTED	Appointment of an interim non-executive member pending recruitment of a permanent successor
Department for Energy and Climate Change	Gas and Electricity Markets Authority	Extension of tenure of current chair
Department for Environment, Food and Rural Affairs	Environment Agency	Appointment of two board members who had been on reserve list for over 12 months permitted by Code of Practice
Department for Environment, Food and Rural Affairs	Forestry Commission	Appointment of an interim chair pending recruitment of a permanent successor
Department of Health	Food Standards Agency	Appointment of an interim chair pending recruitment of a permanent successor
Department of Health	Advisory Committee On Clinical Excellence Awards	Appointment of an interim medical director pending recruitment of a permanent successor
Department of Health	Food Standards Agency	Appointment of an interim deputy chair pending recruitment of a permanent successor
Department of Health	NHS Litigation Authority	Appointment of an interim chair pending recruitment of a permanent successor

<sup>11</sup> Note that general flexibilities granted by the Commissioner are detailed at chapter 4.3

DEPARTMENT	PUBLIC BODY	EXEMPTION
Department of Health	Health and Social Care Information Centre	Extension of tenure of non-executive members pending recruitment of permanent successors
Department of Health	Human Fertilisation and Embryology Authority	Appointment of an interim chair pending recruitment of a permanent successor
Department of Health	Monitor	Appointment of an interim chair pending recruitment of a permanent successor
Department of Health	Health Research Authority	Interim appointments of existing Chair and three non-executive members to new statutory board
Department of Health	Health Education England	Interim appointments of existing Chair and four non-executive members to new statutory board
Department for Transport	High Speed 2	Appointment of Chair
Department for Work and Pensions	Deputy Pensions Ombudsman/Pension Protection Fund Ombudsman	Interim appointment to deal with unexpectedly high work load
Department for Work and Pensions	Office for Nuclear Regulation	Interim appointments of three non-executive members to statutory board
Home Office	Serious and Organised Crime Agency	Appointment of chair pending abolition of body
Home Office	Police Negotiating Board	Extension of tenure of chair beyond 10 years pending abolition of body
Ministry of Defence	Review Board for Government Contracts	Extension of tenure of three non-executive members to enable continuity and smooth transfer of functions
Ministry of Justice	Independent Monitoring Boards National Council	Extension of tenure of two members to allow them to continue on the National Council
Ministry of Justice	Parole Board	Extension of tenure of 24 members beyond 10 years to enable Parole Board to deal with anticipated additional workload.
NHS Trust Development Authority	St Georges Healthcare NHS Trust	Appointment of a non-executive member who was previously a designate non-executive member of the Board
NHS Trust Development Authority	Barnet, Enfield and Haringey Mental Health NHS Trust	Appointment of a non-executive member who was previously a designate non-executive member of the Board
NHS Trust Development Authority	Imperial College NHS Trust	Appointment of a non-executive member
NHS Trust Development Authority	Chair Royal Cornwall Hospitals Trust	Appointment of an interim chair pending recruitment of a permanent successor

DEPARTMENT	PUBLIC BODY	EXEMPTION
NHS Trust Development Authority	Wirral Community NHS Trust	Appointment of a non-executive member
NHS Trust Development Authority	Dartford & Gravesham NHS Trust	Appointment of an interim chair pending recruitment of a permanent successor
NHS Trust Development Authority	Weston Area Health NHS Trust	Appointment of an interim non-executive member pending recruitment of a permanent successor
NHS Trust Development Authority	Royal Cornwall Hospitals NHS Trust	Appointment of an interim non-executive member pending recruitment of a permanent successor
NHS Trust Development Authority	Ealing Hospital NHS Trust	Appointment of a non-executive member
NHS Trust Development Authority	Portsmouth Hospital NHS Trust	Appointment of an interim chair
Welsh Government	Welsh Ambulance Service NHS Trust	Appointment of two interim non-executive members pending recruitment of permanent successors
Welsh Government	Welsh Ambulance Service NHS Trust	Appointment of an interim chair pending recruitment of a permanent successor
Welsh Government	National Library of Wales	Appointment of a trustee
Welsh Government	Care Council for Wales	Appointment of an interim non-executive member pending recruitment of a permanent successor



**The Commissioner for  
Public Appointments**

**G/8**

**1 Horse Guards Road**

**London**

**SW1A 2HQ**

**T: 020 7271 0831**

**E: [publicappointments@csc.gsi.gov.uk](mailto:publicappointments@csc.gsi.gov.uk)**

**W: <http://publicappointmentscommissioner.independent.gov.uk>**

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