

JULY 2016

**DECISION NOTICE: GAMBLING COMMISSIONERS APPOINTMENT PROCESS,
DEPARTMENT FOR CULTURE, MEDIA & SPORT (DCMS)**

AUTHORITY

1. The Code of Practice for Ministerial Appointments to Public Bodies dated 1 April 2012 states that any individual may complain to the Commissioner for Public Appointments that a competition has not been conducted in compliance with this Code.
2. Complaints should first be raised with the appointing Department, but if, after investigation by the Department, the complainant remains dissatisfied, he/she may bring their complaint to the Commissioner.

METHODOLOGY

3. The Commissioner investigated the complaint through consideration of written evidence supplied by the complainant and DCMS.

OUTLINE OF COMPLAINT

4. The complainant applied for one of three advertised Gambling Commissioner roles. He was not successful in gaining an interview and raised concerns about the extension to the closing date of the competition and the matter of whether candidates were encouraged to apply for these roles.

CONSIDERATION

5. The Code states that Ministers must be:
 - *involved at the beginning of the competition, when they must be asked to agree the selection process, selection criteria and publicity strategy and to suggest potential candidates to be invited to apply;*
 - *kept in touch with the progress of the competition throughout, including, if they wish, being provided with information about the expertise, experience and skills of the candidates.*



6. DCMS confirmed that the Secretary of State asked for an extension to the original closing date of 12 November 2015 after being informed of the number of applications already received in a submission dated 11 November. At this time, 31 applications had been received. The Cabinet Office and the Prime Minister's Office were also consulted and agreed to this. The closing date was subsequently extended to 19 November. The advertisement was updated on the Public Appointments website to show the amended closing date and DCMS contacted all applicants on 13 November to inform them and to point out that they could update their applications if they wished.
7. Of the nine candidates interviewed only two had submitted their applications before the submission was sent. The remaining seven all applied later on 11 November, by close on 12 November and in one candidate's case, on 19 November.

DECISION

8. The Secretary of State is entitled to extend the closing date, as long as all applicants are informed of this. **This is not a breach of the Code.**
9. On the issue of whether candidates were invited to apply for these roles, DCMS has confirmed that a candidate who applied in the extended closing date period was successful. This was not a candidate who had been suggested as a potential applicant. DCMS stated that one candidate was highlighted when the competition first opened; this candidate did not apply. Two further candidates were suggested as potential applicants after the original closing date; neither applied. **It is not a breach of the Code for candidates to be suggested as suitable for particular roles.**
10. In relation to any bias or pre determination by DCMS and/or the Gambling Commission, **there is no evidence to support this.** The online publication of the candidates who were appointed following the campaign only mentions one candidate who has declared a political donation to the Conservative party. One candidate is mentioned in the interview record as being known to the Chair of the Gambling Commission. This candidate was not appointed.
11. The Commissioner inspected the sift records for this competition, and whilst he has identified some areas where DCMS should make improvements in record keeping, every application was reviewed and notes of the panel consideration are shown. **There is no breach of the Code relating to the principle of merit in the sifting process.**
12. DCMS responded to the complainant's enquiries initially with incorrect information about the number of applicants that was later corrected. He was also informed that "*the shortlisted individual who was late applying was appointed*". There were **no** late applications; all applied within the original or extended deadline. DCMS should ensure that, in future, it responds to



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queries with information that adequately and accurately addresses the questions raised, to avoid the perception (not justified in this case) of a process that lacks fairness and openness.

13. The Commissioner wrote to DCMS to set out his findings and recommendations to ensure that DCMS is following best practice in its public appointments process.

**Peter Riddell
Commissioner for Public Appointments**

July 2016