



**The Commissioner for
Public Appointments**

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8 November 2017

Dear Permanent Secretary,

I am most grateful to you all for sparing the time to see me over the last few weeks to discuss public appointments - in particular, the operation of the Government's new Governance Code, and how to achieve greater diversity in appointments to public bodies.

I wanted to write to you with my impressions and some suggestions to encourage best practice. The breakdown of the data by department which I shared with you highlights the big differences in experience and performance. First, some departments make relatively few appointments each year and therefore frequently lack the capability, background and networks to encourage and achieve greater diversity. This is in contrast with the four departments (BEIS, DCMS, Health and Justice) which are responsible for the majority of appointments between them and which are generally further ahead in initiatives on diversity. Second, some departments operate in sectors which are traditionally white and male-dominated at senior level such as farming, defence, construction and manufacturing where it has historically been harder to identify strong female, let alone BAME, candidates.

As the annual statistical bulletin shows, progress is being made to ensure greater diversity - demonstrably and significantly in the appointment of women; steadily but patchily for BAME groups; and so far inadequately for those with disabilities, not least because candidates are sometimes reluctant to disclose their condition. I cannot help noticing the contrast between the high profile efforts to increase diversity in the Civil Service led by Permanent Secretaries and the apparently lower profile efforts, often in the very same departments, to achieve diversity in public appointments. I therefore welcome the Cabinet Office's continuing commitment to improving performance in this area, and look forward to the publication of its Diversity Action Plan shortly.

It is clear that good practice involves a number of elements. First, under-represented groups need both to be aware of what public appointments involve and to know when vacancies occur. This involves making much better use of social media and networks within target communities, perhaps seeking expert advice on how to do this, if required. BEIS has been reconsidering these issues, and it has, like other departments making many appointments

such as DCMS, Justice and Health, started out-reach programmes to raise awareness of non-executive vacancies amongst under-represented groups. Departments making fewer appointments need to work together and with the Cabinet Office. Second, the application process needs to be less off-putting and apparently exclusive (as is already happening).

One problem, particularly with BAME groups, is a sense of scepticism about the prospects of appointment, particularly after an unsuccessful application. So promising, though unsuccessful, candidates, need to be nurtured through the feedback process and offered, wherever possible, a departmental mentoring and support scheme similar to that which NHS Improvement has successfully trialled. The Scottish Government and my opposite number in Edinburgh, Bill Thomson, the Commissioner for Ethical Standards in Public Life, have organised training for under-represented groups on applying, as well as induction days for newly appointed board members and a new mentoring scheme for chairs of the future. Additionally, attention should be paid to the composition of interview panels. The sense of scepticism mentioned above is heightened when candidates find that they are being interviewed by all white panels. Where possible, and I recognise it cannot always happen, panels should also be ethnically diverse, as most now have a gender balance.

I fully understand that none of this is easy, particularly for departments which make relatively few appointments, nor is it the silver bullet to increase diversity – although it will help in the medium term. At the least, there is a strong case for co-operation between departments in sharing information about promising candidates, whose skills and talents need not be exclusive to one department, underpinned by the existing work of the Cabinet Office's Centre for Public Appointments.

It is also clear that timely succession planning and recruitment of members in batches, rather than filling single vacancies, aids diversity by creating the opportunity for a balance of appointments by gender, ethnic background and disability.

I will be monitoring progress both in the practices adopted by departments and will say more about this in my forthcoming annual reports. In respect of the annual statistical bulletin, we are hoping to improve the quality of data, both the currently very patchy level of returns on ethnic background and disability, and by broadening the scope to look at geographic and social distribution.

More generally, the introduction of the new Governance Code by the Cabinet Office has not so far produced serious or widespread problems though the purdah period of the general election campaign and its aftermath before the summer holidays has made it hard to reach a clearcut view yet. For these reasons, it has made no sense until recently to monitor the new three month target for the period between the closure of applications and the announcement of an appointment. My office will, however, from now on be seeing whether competitions keep to this timetable and will investigate any delays.

The provisions in the Governance Code for consultation between departments and myself over exemptions from competitions and on the appointment of candidates assessed to have been unappointable have proved to be helpful in most cases in allowing time for resolution of any problems. One useful initiative pioneered by DCMS, and now being followed by BEIS, is to clear a list of potential Senior Independent Panel Members with my office en bloc in

advance of their appointment to particular competitions as the Department sees best. This simplifies, and potentially shortens, the process. One occasional, and avoidable, irritant unrelated to the new Code has been over conflicts of interest. Departments could spend more time at the sift and interview stages in identifying potential conflicts and seeing how they can be managed, as most can.

There have been serious teething problems over the real-time campaign tracker on the progress of competitions with too much of the information being inaccurate or not updated after a competition is launched. My office will be keeping a much closer eye here since improved transparency was the central theme of Sir Gerry Grimstone's recommendations in Spring 2016.

As the new Governance Code falls under the responsibilities of Cabinet Office the Centre for Public Appointments should be your first port of call for advice. However, my office stand ready to provide my view in novel, contentious or ambiguous situations.

I am again most grateful for your time and look forward to keeping in touch both over diversity and over the operation of the Code.

All best wishes
Yours sincerely

Peter Riddell

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Commissioner for Public Appointments