

## **CONSULTATION TO MAKE AN APPOINTMENT WITHOUT A COMPETITION: OFFICE OF ROAD AND RAIL**

The Commissioner for Public Appointments has been consulted under paragraph 3.3 of the Governance Code on Public Appointments (the Governance Code) by the Secretary of State for Transport to make an appointment, exceptionally, without a competition.

The Governance Code requires the appointing authority to consult the Commissioner in good time before the appointment is made and to make the decision public alongside their reasons for doing so.

### *Background*

Professor Glaister was appointed as member to the ORR Board in 2015, through open competition. The Commissioner agreed to his appointment as interim Chair following a competition amongst Board members only, in November 2015, he then agreed to a further extension for the period of a year in November 2016. These exemptions were granted under the then 2012 Code of Practice. The last extension was granted on the basis that a competition would be held to fill the post of Chair in 2017.

### *Appointing authority's reasons for making an appointment without competition*

The Department had run a competition in 2017, at the request of the Commissioner, under the Governance Code and two appointable candidates were identified. However, the Secretary of State, after meeting both candidates, considered neither to possess the necessary leadership qualities required for the increased responsibility of the role of chair of ORR. He felt that to conduct another exercise at this stage would prove disruptive to the organisation; and the Department required time to conduct a 'lessons learnt' exercise into the unsuccessful recruitment campaign.

Against this background, and following the introduction of the Governance Code in 2017, the Secretary of State has decided to further extend the appointment of Professor Stephen Glaister as Chair of the Office of Rail and Road (ORR) for one year, without putting the post out to open competition,

The Secretary of State has also advised that ORR will conclude a Periodic Review in 2018, in which it will make decisions on the financial and reputational implications for the rail industry, resulting in a Delivery Plan in December 2018. He believes these critical decisions will require the strong and continued leadership of Professor Glaister. In particular ORR will deliver:

- A critical publication on the future financial framework for Network Rail, setting out the funding framework for the organisation (February 2018).
- A Draft Determination, giving an indication of Network Rail's likely funding and regulated outputs for the period 2019-24. This will be subject to a three month public consultation (May 2018).
- Final Determination, formally setting Network Rail's funding and outputs for 2019-24 (October 2018),
- The publication of a consultation on Network's Rail's delivery plan for 2019-24 (December 2018).

#### *Commissioner's response to the Consultation*

The Commissioner for Public Appointments has considered the assessment of the Department of Transport and agreed, with reluctance, to a further extension, given that Professor Glaister's appointment as Chair has already lasted two years without fair and open competition being held; and that two extensions have already elapsed.

The Commissioner is drawing the matter to the attention of the Transport Select Committee as a courtesy. This post is subject to pre-appointment scrutiny and Professor Glaister has been in post for two years without the Committee having had the opportunity to scrutinise the appointment.

**Commissioner for Public Appointments  
January 2018**