



**The Commissioner for
Public Appointments**

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27 May 2021

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By email: Dermot.Feenan@sas.ac.uk

Dear Dermot Feenan,

Thank you for your letter with the link to your article following my speech to the Constitution Unit at the end of April. You have noted my comments on social mobility in public appointments, and I want to follow up on my email reply to you of 21 May with this longer letter to explain more about the current system of collecting diversity data, my role as Commissioner in publishing that data, and my office's recent research on financial support for appointees, which is an important factor in addressing social mobility.

As I said in my email to you, the questions asked of applicants about their diversity characteristics are decided by the Government. From time to time the questions are reviewed. For example, in consultation with myself and disability-focussed organisations, the most recent iteration of the form from 2019 now asks applicants about disability in the social-model way, mirroring the ONS. The questions in the form focus on protected characteristics, but they also include other aspects of background, including employment (private, public, third sectors – this was what I mean by my comment on 'employment' questions), the number of public appointments held previously, and the region applicants are based.

Your article states that "the Commissioner must consider how his functions address the requirements being made by the Welsh government in relation to socio-economic status and public appointments in Wales", and, in respect of my response to your question at the Constitution Unit speech, "It is unclear from this reply whether socio-economic background is in fact included routinely in monitoring of public appointments for which his office is responsible." I must stress to you that the *responsibility* of measuring socioeconomic background, or setting the policy for considering it as a characteristic worth measuring, is not with me. As Commissioner, I can only *report* on the data that the Government chooses to ask applicants when they run competitions for appointments (and I can only argue for other data to be collected, not determine what is included). I have other roles to play as an advocate for public appointments, as below, but must stress to you the separation of powers

between myself as a regulator, and the UK and Welsh governments who set the policy, ask the questions and make the appointments.

I agree with you that there is a gap in socioeconomic background data. I have made efforts to conduct new research on the data that we *do* have to understand more about the financial position of appointees. My counterpart in Scotland – the Ethical Standards Commissioner – has commissioned her own research on the socioeconomic status of appointees in Scotland, finding them having higher than average incomes, and noted the critical importance that expenses play in enabling some appointees to take part in public life, and the damaging assumption, in some quarters, that expenses should not be claimed. I see you have read that research too and would like to give you some more detail on original research from my office published in March 2021, which I hope you will read with your interest in social mobility.

My second Thematic Review into public appointments looked at financial support for UK and Welsh public appointees for the first time. This was focussed on questions about whether levels of remuneration, or its absence, influences the range of people applying. This research took the payment offered for roles advertised, and related it to the corresponding applicants and appointees to those roles. I also gathered case studies from appointees and departments. There are striking findings that dispel some myths about public life: half of all appointment roles are unpaid, and the average time commitment for unpaid roles is similar to that for roles that are paid. There appears to be a widespread assumption that appointees will work significant portions of time for free. The research shows that the link between pay earned and time commitment has broken down, because pay has not been set with any benchmarking or clear policy behind it - apart from salaries over £150,000 requiring Treasury approval. There were some patterns – women were less likely to apply for roles with higher time commitments, for example - but crucially the impact of pay and time commitment on other protected characteristics is not consistent. There are also implications for the ‘levelling up’ agenda, with local people not necessarily sitting on the boards of public bodies based out in the regions (and perhaps the pandemic’s push towards remote working may turn out to be a bigger driver of ‘levelling up’). Case studies from appointees and departments found some unpaid public appointees wanted to remain unpaid, with a volunteering ethos driving their service. On the basis of this evidence, I am not advocating a one-size-fits-all approach to financial support for appointees. But I have stressed to departments that the anomalies in the system should be addressed, and that continuing to set pay and X or Y because it has always been done that way, runs the risk of discouraging applicants.

The Thematic Review clearly states its shortcomings in that the diversity information that the Government asks of applicants, described above, does not include any proxies for social mobility, such as education background or income as your article discusses. It is the government's responsibility to determine which characteristics it wants to measure and I note, as you do, that while the Welsh Government has set its definition of diversity to include socio-economic

considerations and the UK hasn't, both jurisdictions at the moment lack the data to measure it. I point you to my comment on page 15 of the Thematic Review:

“However, we cannot identify other common markers of social mobility, such as educational attainment, access to transport and other essential utilities, housing security, or inherited wealth [of appointees]. We do not know whether appointees have another source of stable or substantial income, nor whether appointees have caring responsibilities. We have no reason to assume that the evidence from Scotland on household income of appointees is not valid for English and Welsh bodies, but we have no data from applicants or appointees on these aspects of social mobility. So while these aspects of appointees' lives may very well be relevant to a discussion on remuneration, this aspect of diversity must remain unknown for now. The Commissioner believes these other aspects of someone's life - caring, wealth and education status - should be acknowledged as rich sources of diversity of thought and life experience. These factors can have a huge practical impact on whether people are able to participate in leadership in public life and we should consider whether financial support could play a part in diversity in this sense of assisting social mobility. We encourage further research from Whitehall and Welsh governments into this issue to increase diversity in its fullest sense.”

To expand on my point about the trade off in collecting data, we know that the response rate for questions asked of applicants in the diversity monitoring form decreases as the questions appear later in the form (people may get bored about answering). There is still stigma attached to some questions, with around 16 to 17 percent not declaring their gender, disability or ethnicity, and 31 percent not declaring their age, and 23 percent their sexuality or region of residence. There are still feelings of scepticism and mistrust about government collecting data such as this, and we need to ensure we are handling the data with care, using it responsibly and with a clear purpose.

My annual report, which reports on these diversity statistics, talks in more detail about the data and how we need to build confidence in declaring, and to be careful about how we publish. It also positively reports the huge gains in representation of different groups over the last ten years. The representation of women has risen from less than 35 per cent in 2009-10 to 51.3 per cent ten years later. So too with people from ethnic minority backgrounds, with the proportion of appointees more than doubling over ten years, from 7 percent to 15.3 per cent. Sadly, representation of people with disabilities has stalled. We are only able to report on this when applicants are confident about declaring sensitive data about themselves, and we must keep that in mind when thinking about new data to collect. The civil service has begun to collect data on social mobility, which includes school type, education and employment of parents, and I hope the Government can learn from that exercise about how social mobility can be understood and measured for public appointments.

As in my email to you earlier, my role as an advocate for diversity in public appointments is not only to report on the data collected by the UK and Welsh governments, it is to champion public



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appointments more broadly. This involves me speaking at events to increase interest in appointments, setting up a mentoring scheme (linking up 15 chairs of public bodies with 15 near-miss public appointments candidates) and sharing best practice across departments, through my compliance function, to encourage departments to use all the flexibility they have in the Governance Code for public appointments in order to boost diversity. It is also to speak at events like the one you attended at the Constitution Unit, to give my reflections on the system and respond to questions directly such as yourself. I am again sorry that the format of that Q&A did not allow for a fuller and more detailed discussion between us on the matters raised in your article, and I hope this letter goes some way to doing that, albeit on paper rather than face to face. I will place a copy of this letter on my website also for others interested in this issue to read.

Best wishes

Yours sincerely



Peter Riddell
Commissioner for Public Appointments