



**The Commissioner for
Public Appointments**

Rt Hon Peter Riddell CBE
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Rt Hon Michael Gove
Chancellor of the Duchy of Lancaster
Cabinet Office, 70 Whitehall
London SW1A 2AS

By email: ministerial.correspondence@cabinetoffice.gov.uk

Cc: pacac@parliament.uk; CMSCOM@parliament.uk; po-support@dcms.gov.uk

Dear Michael,

I am writing to you as the minister with overall responsibility for public appointments to express my concern over the lack of progress in a number of high profile competitions, one of which Julian Knight MP said in a statement on 19 July reflected hold-ups at 'the top of government'. The delays in these competitions have meant that the DCMS and BEIS, in particular, have had to approach me to agree extensions of terms, which according to the Governance Code, must be on exceptional grounds.

There are two broad categories of delay. First, where a competition has been unsuccessful and has had to be re-run; and, second, where there are unacceptable, and invariably unexplained, delays in a competition.

In the first category, following the unsuccessful competition for a new Chair of Ofcom, I was informed by the Secretary of State for Culture, Media and Sport that a new competition would be run as soon as practicable. Almost two months have passed since then, and I have not yet been consulted on a new Senior Independent Panel Member for this competition. Another exceptional extension of the current interim chair may be required, after my agreement has already been sought for an extension until the end of the year. It is likely to be at least twelve months before Ofcom has a permanent chair.

Similarly, I gather that a fresh competition is likely to be run for the chair of the Competition and Markets Authority. As in the case of Ofcom, ministers are perfectly entitled to reject the advice of the interview panel and re-run a competition. But there are costs. Lord Tyrie stepped down as chair of the CMA last September so there is likely to be at least a 15 month gap here.

In the second category, I also have recently been consulted about the intentions of ministers to extend the appointment of the interim chair of the Charity Commission, who was scheduled to finish his service in August 2021 whilst a competition for a substantive chair is completed. Vague explanations have been given, when pressed, about why this competition has not completed as planned. This leaves me in a difficult position of being asked to agree appointments where the



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exceptional circumstances in the Code have not been made clear to me, but the body - a high profile one at that - must remain operational.

The role of Information Commissioner is another high-profile role where applications closed in April but no progress seems apparent, which has required the DCMS Select Committee twice to reschedule its planned pre-appointment hearing, leading to Julian Knight's complaint earlier this week.

I have made it clear on many occasions my concern that delays in competitions put good candidates off and can undermine the reputation of the government in making appointments in good faith. Delays happen for a myriad of reasons, and I have always seen the Code's flexibility as essential to provide cover when circumstances call for it, the pandemic being a prime example. And I have always responded positively to requests by Secretaries of State to appoint interim chairs, and, if necessary, extend their tenures. But these current delays appear avoidable and cut across the ambition in the Code to conclude competitions within three months. I underlined the problems of lengthy delays in making appointments in my thematic review in July 2019 and returned to the subject in addressing lengthy delays in appointments to the board of UKRI in an investigation notice earlier this year.

I have copied this letter to the Public Administration and Constitutional Affairs Committee and Digital, Culture, Media and Sport Committee, as well as to Oliver Dowden, the DCMS Secretary of State. I look forward to hearing what steps the government is taking to avoid unnecessary and avoidable delays in the appointments process.

With best wishes,

Yours sincerely,

Peter Riddell
Commissioner for Public Appointments