



**The Commissioner for
Public Appointments**

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Digital, Culture, Media and Sport Committee
Julian Knight MP
Chair, DCMS Committee
House of Commons,
London
SW1A 0AA

Dear Mr Knight,

Thank you for your letter of 6 December and your question concerning whether applicants should have the ability to apply for a public appointment competition that is re-run.

The Government's Governance Code compels Departments to run an open, merit-based process. I do not think that barring anyone from applying for a public appointment would be in keeping with the spirit of the Code.

The Code outlines the role that Advisory Assessment Panels have in each and every competition: "In undertaking their assessment of candidates the role of the Panel is to decide, objectively, who meets the published selection criteria for the role, in other words, who is appointable to the role." If a department was to bar a candidate from applying this would remove the Panel's discretion over the process.

There are hundreds of candidates who are found not appointable by Advisory Assessment Panels every year in the competitions run by Departments. The reasons for which are as numerous as the public appointments roles themselves. The Code requires Departments to give candidates feedback so they can improve for next time, and I believe that candidates can learn from their experience. In this way, the Code does not rule anyone out before an application is made. Some not appointable candidates are identified by Departments and Advisory Assessment Panels and are offered mentoring or shadowing opportunities. I think it is important to keep the bigger picture of candidate talent management in mind when considering the particulars of the Ofcom competition.

Whilst no individual should be barred from applying, there are of course circumstances where individuals would be prevented from holding a particular office. Departments undertake appropriate due diligence including insolvency searches and the Disqualified Director Register, to ensure public bodies are not placed under unnecessary risk.



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As ever, I will continue to keep a close watch on this competition, and I thank you again for raising this matter with me following the Secretary of State's appearance at your committee last month. I will continue to liaise with your Committee in our twin roles of assurance over public appointments.

I intend to place a copy of your letter and this reply on my website for transparency.

William Shawcross
Commissioner for Public Appointments