DECISION NOTICE

THE APPOINTMENT OF THE CHAIR OF THE INDEPENDENT FOOTBALL REGULATOR (IFR) 2024/25

Introduction

This report sets out the findings of an inquiry by the Commissioner for Public Appointments into the 2024-25 competition to appoint a new Chair of the Independent Football Regulator (IFR).

The scope and process followed by this inquiry

a. Under article 4(1) of the Public Appointments Order in Council, the Commissioner for Public Appointments must exercise his functions with the object of ensuring that appointing authorities act in accordance with the Governance Code on Public Appointments, including the principles of public appointments.[1]

b. Under article 4(4) of the Order in Council, the Commissioner may conduct an inquiry into the procedures and practices followed by an appointing authority in relation to any public appointment whether in response to a complaint or otherwise.[2]

c. On 5 May 2025, Dr Alex Burghart MP, Shadow Chancellor of the Duchy of Lancaster, wrote to the Commissioner, raising questions about the campaign to appoint a Chair of the IFR. Dr Burghart asked specifically about public disclosure of political activity and declaration of interests and relationships.[3]

d. Susannah Storey, the Permanent Secretary at the Department for Culture, Media and Sport (DCMS), contacted the Commissioner on 14 May, inviting him to meet with her. The Commissioner met with the Permanent Secretary on 15 May to discuss issues in the running of the campaign to appoint the Chair of the IFR.

e. Following this meeting, also on 15 May, the Commissioner instructed his office to conduct spot checks into this campaign, under section 4.3 of the Governance Code on Public Appointments.[4] Section 4.3 of the Governance Code states that the Commissioner may conduct spot checks or respond to any concerns raised about a

[1] Public Appointments (No. 2) Order in Council 2023, <papt-publicly-accessible-docs.s3.eu-west-2.amazonaws.com>, article 4(1); hereafter Order in Council.
[2] Order in Council, 4(4).
[3] Letter from the Shadow Chancellor of the Duchy of Lancaster to the Commissioner for Public Appointments, 5 May 2025 <publicappointments.independent.gov.uk>.
[4] Letter from the Commissioner for Public Appointments to the Permanent Secretary, 15 May 2025, <publicappointmentscommissioner.independent.gov.uk>.

public appointments process.[5] The department engaged with these spot checks, providing some of the information requested, on 23 May.

f. The Commissioner's office used information from these spot checks to complete an initial assessment of the campaign to appoint the Chair of the IFR, advising whether or not a full inquiry was necessary.

g. Following the spot checks, on 29 May, the Commissioner wrote again to the Permanent Secretary, informing her that he would be conducting an inquiry into this campaign, under article 4(4) of the Order in Council.[6]

h. This report considers whether a breach of the Governance Code has occurred.

i. The Panel Chair, the Senior Independent Panel Member, Mr David Kogan, the Permanent Secretary and the Secretary of State had questions put to them in writing. Each individual responded in writing.

j. The Panel Chair, Mr David Kogan, the Permanent Secretary and the Secretary of State also chose to provide evidence in person. The Panel Chair was interviewed on 20 August, the Permanent Secretary on 21 August and both Mr Kogan and the Secretary of State on 2 September. The Secretary of State gave additional evidence in person on 3 November.

k. It is considered that this inquiry has sufficient powers and formality to attract the application of article IX Bill of Rights and therefore parliamentary material has only been referred to in order to provide relevant context or to set out matters of historical fact.[7]

l. Prior to the production of the final Decision Notice, draft copies were given to the individuals referred to at paragraph (i) so that they could comment on factual accuracy and respond to any provisional adverse findings. Their comments on the draft were considered and the responses are addressed in this Decision Notice.[8]

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[5] Governance Code on Public Appointments (February 2024), <publicappointments.independent.gov.uk>, section 4.3; hereafter Governance Code.

[6] Letter from the Commissioner for Public Appointments to the Permanent Secretary, 29 May 2025 <publicappointments.independent.gov.uk>.

[7] Article IX was considered in detail in *OGC v Information Commissioner's Office* [2008] EWHC 737 (Admin). The modern rule is summarised at paragraph 46 as involving two principles: 'The first is the need to avoid any risk of interference with free speech in Parliament. The second is the principle of the separation of powers, which in our Constitution is restricted to the judicial function of government, and requires the executive and the legislature to abstain from interference with the judicial function, and conversely requires the judiciary not to interfere with or to criticise the proceedings of the legislature.'

[8] This is in line with the expectation, as set out by the House of Lords in *F Hoffman La Roche & Co AG v Secretary of State for Trade and Industry* [1975] AC 295, 368D-E-369D-F, that those investigated or criticised by an inquiry are given 'a reasonable opportunity to put forward facts and arguments in justification of his conduct of these activities before they reach a conclusion which may

Key findings

1. There were three material breaches of the Governance Code in the competition to appoint a Chair of the Independent Football Regulator.

    1.1. **Breach 1**: The Secretary of State failed to declare and resolve an interest before selecting Mr Kogan as the Government's preferred candidate.

        a. Principle C of public appointments, Integrity, states that ministers 'must declare and resolve any interests and relationships'.[9]

        b. In 2020, Mr Kogan made two donations – totalling £2,900 – to the Labour Party leadership campaign of the now Secretary of State. The fact of the donations was capable of giving rise to a perceived conflict of interest in the appointment process.

        c. The Secretary of State has explained that she did not know about these donations at the time she decided to select Mr Kogan as the government's preferred candidate. However, by that time, she had been advised that Mr Kogan had extensive links to the Labour Party and had made several donations to it, and she had been in a position readily to ascertain whether he had donated to her campaign. In the Commissioner's view, the Secretary of State should have considered and ascertained whether Mr Kogan had made donations to her leadership campaign before she made that decision.

        d. The Secretary of State did check whether Mr Kogan specifically had made any form of donation to her campaign *after* selecting him as the preferred candidate. She explained to the Commissioner that updating her register of interests on 6 May 2025, on the eve of Mr Kogan's confirmation hearing before a Parliamentary Select Committee, had 'prompted consideration' of that question. On establishing that he had donated to her campaign, she recused herself from the final decision as to whether to appoint Mr Kogan. The Commissioner finds that she has unknowingly breached the Code. She should have carried out that check and taken any necessary consequential action *before* selecting him.

    1.2. **Breach 2**: A potential conflict of interest was not discussed with Mr Kogan at interview.

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adversely affect him.' The Commissioner conducted this Representations Process by sending out written questions to those referred to at paragraph i, conducting in-person interviews with the Secretary of State, Mr Kogan, the Permanent Secretary and Panel Chair, and by sending a draft Decision Notice to the individuals referred to at paragraph i.

[9] Governance Code, section 2.1, Principle C.

a. Section 9.1 of the Governance Code states that 'All potential conflicts of interest and how they might be managed must be discussed with an individual at interview'.[10]

b. Mr Kogan's prior donations to the Secretary of State represented a potential conflict of interest.

c. These donations to the Secretary of State were not discussed during his interview.

1.3. **Breach 3**: The department failed to disclose the political activity of the successful candidate, Mr Kogan, in the appropriate manner.

a. Political activity is not a bar to appointment, but section 9.2 of the Governance Code requires it to be 'publicly disclosed' if 'a successful candidate, has, in the last five years, been employed by a political party, held a significant office in a party, has stood as a candidate for a party in an election, has publicly spoken on behalf of a political party, or has made significant donations or loans to a party'.[11] The Governance Code defines significant loans and donations as 'those of a size which need to be reported to the Electoral Commission, in line with a central party's reporting threshold'.[12]

b. Mr Kogan was politically active: in the five years before his appointment, the Electoral Commission's registers record a total of £33,410 donated to the Labour Party and to Labour candidates by Mr Kogan and his company (David Kogan Ltd).[13]

c. The department understood that the Governance Code required public disclosure of political activity in the announcement of Mr Kogan as the government's preferred candidate.

d. When Mr Kogan's preferred candidacy was announced, it contained no mention of political activity.

[10] Governance Code, section 9.1.
[11] Governance Code, section 9.2.
[12] Governance Code, section 9.2, n. 9.
[13] Electoral Commission, 'Donations and loans: David Kogan and David Kogan Ltd', nd., <search.electoralcommission.org.uk>.

A summary of the appointments process

2. On 19 April 2021, the then Secretary of State for Digital, Culture, Media and Sport, Oliver Dowden MP, announced an independent, fan-led review into football governance, to be chaired by Tracey Crouch MP.[14] In November 2021, the review reported and recommended 'a new independent regulator for English football'.[15] In April 2022, the government committed itself to establishing an independent football regulator.[16] The Football Governance Bill, the statute that formally established the IFR, was introduced in the House of Commons on 19 March 2024 by the then Secretary of State for Culture, Media and Sport, Lucy Frazer KC MP.[17] After the 2024 General Election, the Bill was reintroduced in the House of Lords and received Royal Assent on 21 July 2025.[18]

3. Preparations for appointing the IFR's Chair and non-executive board members started in 2023. On 22 August 2023, the then Secretary of State and the then Minister for Sport, Stuart Andrew MP, received advice from the DCMS public appointments team. This set out the proposed approach to the Chair campaign, including the person specification, and asked for permission to engage with the No. 10 Public Appointments Team regarding the 'role specification, regulation of the role and panel composition'. While the Secretary of State for Culture is the formal appointing authority, as set out in the Football Governance Act, the IFR Chair role was deemed an appointment on the Prime Minister's interest list, necessitating consultation with No. 10 at key points of the campaign.

4. DCMS officials sent up advice on 14 November 2023 to the Secretary of State and the m recommending that the IFR Chair and non-executive board member roles be regulated by the Commissioner. On 27 November 2023, Minister Andrew and the Secretary of State provided a readout. On 19 December 2023, the then Minister of State at the Cabinet Office, Baroness Neville-Rolfe, wrote to the Commissioner notifying him that, under Article 2(4) of the Public Appointments Order in Council 2023, board appointments to the IFR should be treated 'as if they were public appointments for the purposes of the Order in Council'.

5. The Minister of State also sought the Commissioner's view on the Secretary of State's proposal that, under section 6.1 of the Governance Code on Public Appointments, the appointment of the Chair of the IFR be designated a 'significant appointment'. On 3 January 2024, the Commissioner responded to Baroness Neville-

[14] *Fan-Led Review of Football Governance*, 19 April 2021, <gov.uk>.
[15] Tracey Crouch MP, *Fan-Led Review of Football Governance*, 24 November 2021 <assets.publishing.service.gov.uk> p.9.
[16] Dan Roan, 'Government to introduce independent football regulator in England after backing fan-led review', *BBC Sport*, 25 April 2022 <bbc.co.uk>.
[17] UK Parliament, 'Football Governance Bill: 1st reading, Session 2023-24', 19 March 2024 <bills.parliament.uk>.
[18] UK Parliament, 'Football Governance Act 2025: Royal Assent, Session 2024-25', 21 July 2025 <bills.parliament.uk>.

Rolfe, noting that IFR board appointments would be considered regulated appointments. The Commissioner raised no objection to the Chair of the IFR being considered a significant appointment. Where an appointment is deemed 'significant', this introduces additional requirements for the appointment process, principally the use of a Senior Independent Panel Member (SIPM) on the advisory assessment panel. A SIPM is an individual who possesses knowledge of senior recruitment, the Governance Code and the principles of public appointments and is independent from the department, the public body concerned and political parties.[19]

6. Under section 6.2 of the Governance Code, ministers 'must agree who the SIPM should be', and then must then consult the Commissioner 'ahead of the [appointment] process commencing'.[20] Agreeing the SIPM was a protracted process in this campaign, taking from January 2024 until April 2024. The Commissioner was consulted on four different individuals to serve as the SIPM. On 4 April 2024, the Commissioner stated himself content with Hedley Finn serving as the SIPM. On 5 April 2024, DCMS officials sent confirmation of this to the Secretary of State's private office.

7. On 18 April 2024, the campaign for the Chair of the IFR launched on <apply-for-public-appointment.service.gov.uk>, with a closing date and time of 12pm on 16 May 2024.[21]

8. During his pre-appointment hearing before the House of Commons Culture, Media and Sport (CMS) Committee, Mr Kogan set out how he came to apply for the role. On 16 May 2024, after applications had closed at 12pm, Mr Kogan was contacted by the Permanent Secretary, to ask why he had not applied for the role; the Permanent Secretary encouraged Mr Kogan to apply. The Permanent Secretary has emphasised such outreach is ordinary departmental practice. Following this call, the Permanent Secretary sought a view from within DCMS on whether Mr Kogan's application would be welcomed. According to Mr Kogan's testimony before the CMS Committee, at approximately 10pm on the same day, the Permanent Secretary called Mr Kogan and gave him clearance to apply.[22] The Permanent Secretary has confirmed that the deadline was extended for Mr Kogan. Archived versions of the webpage for the Chair of the IFR role suggest that if the campaign was reopened this was not done publicly: the date for the application closing date remained static until the campaign was formally reopened in October 2024.[23] The Permanent Secretary, in correspondence with the Commissioner, has stated that this is ordinary practice, open to all potential candidates on request and that applications were extended for one other individual.

[19] Governance Code, section 6.1.
[20] Governance Code, section 6.2.
[21] GOV.UK, 'Role details: Independent Football Regulator - Chair', 19 April 2024 <web.archive.org>.
[22] Culture, Media and Sport Committee, 'Oral evidence: Pre-appointment hearing for the Chair of the Independent Football Regulator', 7 May 2025, <committees.parliament.uk> p.2.
[23] GOV.UK, 'Role details: Independent Football Regulator - Chair', 3 August 2024 <web.archive.org>.

9. The campaign continued to progress through May 2024. Mr Kogan's name was included on a 'longlist' proforma sent to the No. 10 Public Appointments Team on 20 May 2024 and was shortlisted for interview by the original panel on 23 May 2024. It was initially planned that sifting for the campaign would conclude by 31 May 2024. On 30 May 2024, DCMS officials wrote to applicants for the role noting that the sift had been postponed, following the announcement on 22 May 2024 by then Prime Minister Rishi Sunak that a general election would take place on 4 July 2024. This postponement was in keeping with pre-election guidance.

10. On 15 July 2024, 30 July 2024 and 15 August 2024, DCMS officials wrote to applicants providing holding updates, with no further substantive information on the campaign's progress.

11. On 30 July 2024, DCMS officials sent up advice to the newly appointed Secretary of State for Culture, Media and Sport, Lisa Nandy MP, and the Minister for Sport, Stephanie Peacock MP, that sought their views on 'next steps' for the IFR Chair and non-executive director appointments. This recommended, amongst other points, that the original panel would be retained for the duration of the campaign. On 14 August 2024, Minister Peacock provided a readout accepting these recommendations, including reopening the campaign for two weeks.

12. On 15 August 2024, DCMS officials sent a job specification proforma to the No. 10 Public Appointments Team. The proforma recommended retaining the original panel composition. On 27 August 2024 No. 10 officials questioned whether 'there is sufficient diversity amongst the current panel'. On 28 August 2024, No. 10 officials asked DCMS officials to 'specifically test the panel with your Ministers/ Spads'. On 9 September 2024, DCMS officials sent advice to Minister Peacock specifically on the panel composition. This advice notes that DCMS ministers had 'already considered the Panel composition' but that 'the No. 10 Chief of Staff has asked that we now ask Ministers and SpAds to consider this again'. It reiterated the original panel composition and provided alternative options. On 26 September 2024, Minister Peacock read out on the choice of additional panel members and selected Tracey McDermott CBE and Tony Burnett. This was confirmed with the No. 10 Public Appointments Team on the same day.

13. On 24 October 2024, DCMS officials emailed applicants regarding the reopening of the campaign for the Chair of the IFR. It was proposed that applications would reopen on 25 October 2024 and close at 11.59pm on 8 November 2024.[24] This was later extended to 11.59pm on 15 November 2024.[25]

[24] GOV.UK, 'Role details: Independent Football Regulator - Chair', 8 November 2024, <web.archive.org>.
[25] GOV.UK, 'Role details: Independent Football Regulator - Chair', 15 November 2024, <apply-for-public-appointment.service.gov.uk>.

14. On 31 October 2024, Mr Kogan updated his application on the public appointments website.

15. On 20 November 2024, Mr Kogan withdrew from the application process. He later told the CMS Committee that there was 'a lot of noise going around about Labour donors' and that he decided the process 'had gone on too long, and I was too busy'.[26]

16. The remaining applications were sifted on 27 November 2024.

17. On 2, 3 and 6 December 2024, due diligence checks were carried out by officials from DCMS on ten candidates invited to interview. This did not include Mr Kogan.

18. On 4 December 2024, despite concerns expressed by the Secretary of State around the 'poor' diversity of those selected for interview, the ten applicants who were successful at sift were sent invitations to interview.

19. The ten candidates were interviewed by the panel on 11 December and 13 December 2024. Three candidates were found appointable.

20. On 18 December 2024, the panel report following interviews was signed off by the SIPM. Ruth Hannant, the Panel Chair, certified that the process had been conducted in compliance with the Governance Code. In email correspondence on the same day, DCMS officials confirmed with the panel their decision not to rank the three appointable candidates.

21. On 18 December 2024, advice was sent up to the Secretary of State and Minister Peacock, asking for a readout on a proposal to meet with the three appointable candidates prior to a final appointment decision being made.

22. The Secretary of State and Minister Peacock met with the three appointable candidates on 6 February 2025. These meetings were intended as an opportunity to 'understand each candidate's priorities for the role, their view of the Regulator and their approach to working with the Department, if appointed'.

23. On 26 February 2025, the Secretary of State asked for further conversations with two of the appointable candidates and provided a readout that 'she does not want the campaign re-opened'. On 13 March 2025, the Secretary of State had a further meeting with two of the appointable candidates.

24. On 14 March 2025, DCMS officials provided advice to the Secretary of State regarding the appointment decision. This proposed three options. Option 1, which

[26] Culture, Media and Sport Committee, 'Oral evidence: Pre-appointment hearing for the Chair of the Independent Football Regulator', 7 May 2025 <committees.parliament.uk> p.3.

was ‘recommended as the fastest option’, was to appoint from the existing process. Option 2 was to start a new process without appointing an Interim Chair. Option 3, the recommended alternative to Option 1, was to make an interim appointment without competition. The department put forward several options for candidates. This included appointing from the IFR non-executive director campaign or appointing an external candidate. One of the external candidates put forward by special advisers was Mr Kogan. The advice referred to Mr Kogan as having ‘extensive links to the Labour Party, having been Chair of LabourList and written several books’.

25. On 18 March 2025, DCMS officials concluded due diligence checks into Mr Kogan.

26. On 19 March 2025, DCMS officials sent a note to the Secretary of State proposing three options for a direct appointment. This included the two external candidates put forward by special advisers, and a candidate who had been successful in the IFR non-executive director campaign and was the DCMS recommendation. The note of 19 March referred to Mr Kogan having ‘significant links to the Labour party, including donations within the last 12 months’, and in an Annex contained a summary of due diligence done on Mr Kogan, which stated that he ‘has made several donations to the Labour Party ranging £2000 and £7500 [*sic*] between 2022 and 2024 and has written several books about the history of the Labour Party’.

27. On 25 March 2025, the Secretary of State provided a readout that her ‘preferred candidate is Mr Kogan, subject to No. 10 giving the green light’. The Secretary of State’s private office then asked for DCMS officials to make the necessary arrangements for an appointment without competition.

28. DCMS officials then sent the ‘direct appointment’ proforma to No. 10, proposing the appointment of Mr Kogan as Interim Chair for a term of twelve months. A direct appointment is distinct from an appointment made through fair and open competition and under section 3.3 of the Governance Code requires that such appointments are made only in ‘exceptional cases’ after consultation with the Commissioner.[27]

29. On 28 March 2025, DCMS officials sent a note to the Secretary of State regarding the IFR Chair appointment. This was ‘following discussions with No. 10 about the approach’. The note sets out several important points. First, it states that Mr Kogan was ‘shortlisted for interview by the original panel’. Second, it proposed two different policy options for the Chair appointment. Option 1 was a ‘No. 10 recommendation’ to reinstate the application withdrawn by Mr Kogan on 20 November 2024. Option 2, the ‘DCMS recommendation’, was to appoint Mr Kogan without competition under section 3.3 of the Governance Code.

30. On 31 March 2025, the Secretary of State provided a readout that ‘she is minded to go for Option 1’, despite her decision on 25 March that she wanted to make an

[27] Governance Code, section 3.3.

appointment without competition. The Secretary of State and No. 10 special advisers also pushed for a faster timeline than was proposed in the note sent on 28 March 2025.

31. On 3 April 2025, the panel reconvened to assess Mr Kogan's application and shortlist him for an interview. This sift report was then put to DCMS ministers, who agreed to invite Mr Kogan to an interview. On 8 April 2025, Mr Kogan was invited to an interview, arranged for 17 April 2025.

32. On 17 April 2025, Mr Kogan was interviewed. This was scheduled for 9am to 10am. Panel members were scheduled for a fifteen minute post-interview discussion, between 10am to 10.15am. The panel report was drafted following these discussions. It explicitly ranks the candidates and states that Mr Kogan is 'the strongest candidate of those found appointable – including those interviewed at an earlier stage in the process'. The panel report was sent out by DCMS officials to panel members at 12.38pm. The final panel member declared themselves content with the report at 2.23pm. At 2.29pm, DCMS officials sent up a note to the Secretary of State requesting a final appointment decision, recommending that the appointment of Mr Kogan as Chair of the IFR be made for a five year period. At 4.01pm, the Secretary of State's private office sent confirmation of the Secretary of State's decision to make Mr Kogan the government's preferred candidate. This confirmation was then sent to No. 10 for final approval.

33. On 23 April 2025, No. 10 cleared Mr Kogan's appointment as the government's preferred candidate. Mr Kogan and the unsuccessful interviewees were called on the same day to confirm this decision.

34. On 25 April 2025, Mr Kogan's selection as the preferred candidate for the IFR Chair role was publicly announced.[28] Omitted from the public announcement was any information regarding Mr Kogan's political activity.[29] The Permanent Secretary, in correspondence with the Commissioner, emphasises that this information was provided to the CMS Committee prior to Mr Kogan's hearing.

35. On 6 May 2025, on the eve of Mr Kogan's Parliamentary pre-appointment hearing, the Secretary of State was considering whether her register of interests should be updated. As she explained matters to the Commissioner, this prompted consideration of Mr Kogan and led her to wonder whether Mr Kogan specifically had made any form of donation to her leadership campaign. She made enquiries with her former leadership campaign team which led her to identify that Mr Kogan had indeed done so. She informed the Permanent Secretary of this immediately.

[28] GOV.UK, 'Government announces preferred candidate for Independent Football Regulator Chair', 25 April 2025, <gov.uk>.
[29] See the archived press release as on 25 April 2025: GOV.UK, 'Government announces preferred candidate for Independent Football Regulator Chair', 25 April 2025 <web.archive.org>.

36. On 7 May 2025, Mr Kogan had his pre-appointment hearing before the CMS Committee. During the hearing he declared that he had previously donated to Keir Starmer's 2020 leadership campaign and to Lisa Nandy's 2020 leadership campaign.[30]

37. On 8 May 2025, DCMS officials asked Mr Kogan for a full accounting of all political donations made by him or via his companies since the 2019 General Election. He duly provided this information, which confirmed that he was a very significant Labour Party donor. None of these additional donations fell within the Governance Code definition of 'political activity'.

38. On 9 May 2025, the CMS Committee stated themselves 'content to endorse David Kogan OBE's appointment as Chair of the Independent Football Regulator'.[31]

39. On 12 May 2025, following advice from the Cabinet Office's Propriety and Ethics Team, the Secretary of State recused herself from the final decision on whether to appoint Mr Kogan. This decision was delegated to Minister Peacock.

Commentary on the appointment process

40. Although the Commissioner has not found any breaches of the Governance Code in relation to wider practice in this campaign, he marks the fact that this process had a number of unsatisfactory features and did not accord with best practice.

    a. When a candidate applies after the advertised deadline, the department should consider seriously whether it is fair to accept that application. To safeguard Principle H of public appointments, Fairness, the department should usually accept all late applications or none.

    b. The practice of keeping a campaign open after an appointing authority has decided not to appoint any of the appointable candidates is unusual and may not be in keeping with the spirit of running a fair and open campaign. Section 3.1 of the Governance Code recommends how ministers might proceed in such circumstances:

    At the end of the process, Ministers should be provided with a choice of appointable candidates. Panels must not rank candidates unless the Minister

[30] Culture, Media and Sport Committee, 'Oral evidence: Pre-appointment hearing for the Chair of the Independent Football Regulator', 7 May 2025 <https://committees.parliament.uk> p.16.
[31] Culture, Media and Sport Committee, 'Pre-appointment hearing for the Chair of the Independent Football Regulator', *Second Report of Session 2024-25*, 9 May 2025 <https://committees.parliament.uk> p.8.

has specifically asked for this. Ministers may choose not to appoint any of the candidates and re-run the competition.[32]

c. It was also highly unusual that the department chose to reinstate a previously withdrawn candidate and then sift, interview and appoint that candidate in short order. Again, this could lead to questions being raised legitimately about whether the process was fair and open.

d. The Commissioner was not consulted on these unusual practices. Had the Commissioner been consulted, his advice would have been not to proceed in this way.

e. The Commissioner accepts that Mr Kogan was not aware of the deviation from best practice and that the Culture, Media and Sport Committee, among others, have endorsed his suitability for the role. This inquiry makes no finding about Mr Kogan's suitability for the role of chair of the IFR.

Breach 1: Principle C, Integrity

41. The principles of public appointments, found in the Governance Code, include Principle C, Integrity, defined as follows:

Ministers when making appointments must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.[33]

a. When interviewed for this inquiry, in writing, the Secretary of State confirmed that she was aware, during this appointment process, that ministers must declare and resolve any interests and relationships.

42. Mr Kogan made two donations – totalling £2,900 – to the Secretary of State's Labour Party leadership campaign in 2020.

43. These donations were below the declaration thresholds set by the Electoral Commission and by Parliament, but they had been recorded by the Labour Party.

a. The Governance Code refers explicitly to the reporting threshold of the Electoral Commission. That threshold is as follows: 'The first time the total of

[32] Governance Code, section 3.1
[33] Governance Code, section 2.1, Principle C.

all permissible donations accepted or loans entered into from the same source in the same calendar year exceeds £11,180, you must report these benefits'.[34]

b. Mr Kogan's total donations to the Secretary of State's leadership campaign – of £2,900 – were too small to require declaration to the Electoral Commission.

c. The *Guide to the Rules relating to the Conduct of Members*, published by the House of Commons, requires Members of Parliament to register donations above a threshold of £1,500, 'either as individual payment, or for the total of multiple donations of more than £500 from the same source in the course of a calendar year'.[35]

d. Mr Kogan gave one donation of £1,450 in his own name and another donation of the same value came from David Kogan Ltd. A donation of £1,450 would fall just under the £1,500 financial threshold for the purpose of the Rules relating to the Conduct of Members (assuming that these two donations are not considered to have come from a 'single source' within the relevant calendar year, which is not a matter for the Commissioner's determination).

e. However, the Secretary of State was readily able to check whether Mr Kogan had made the donations at issue – as indeed she did on 6 May 2025.

44. The fact of the donations was capable of giving rise to a perceived conflict of interest in the appointment process.

a. The Secretary of State emphasised that Mr Kogan's two donations to her leadership campaign in 2020 'were made over five years ago and were below the declarable threshold to the Electoral Commission' and that Mr Kogan 'was among more than 50 private individuals, in addition to trade union and party members, who donated to the campaign'.

b. However, the nature and size of these donations, to a personal leadership campaign, were such that they might reasonably be perceived to have influenced the Secretary of State's decision-making.

c. It need not be true that the donations actually influenced the Secretary of State's decision-making – only that the risk of this perception should have been mitigated by declaration of this financial interest. This is because perceptions, including things which might be wrongly misconstrued by others, are as important as actual conflicts of interest. The erosion of public trust and

[34] The Electoral Commission, 'Political party donations and loans in Great Britain' (24 June 2025), <electoralcommission.org.uk>.
[35] House of Commons, *The Code of Conduct together with The Guide to the Rules relating to the Conduct of Members* (February 2023), <publications.parliament.uk>, p. 10.

confidence in a public office holder can be caused by the perception of a conflict of interest, as well as by an actual conflict.

45. Prior to making the decision to select Mr Kogan as the government's preferred candidate, the Secretary of State, as the appointing authority, ought to have considered and ascertained whether he had made donations to her such as those at issue. As explained above, the circumstances included that she had been advised that Mr Kogan had extensive links to the Labour Party and had made several donations to it, and she had been in a position readily to ascertain whether he had donated to her campaign. In the Commissioner's view, acting reasonably, she was required to ensure that he had not made any form of donation to her as part of her obligation when making appointment decisions to ensure that any interests were declared and resolved.

46. The Secretary of State did not declare this interest until after she had selected Mr Kogan and indeed taken several prior decisions relating to Mr Kogan's candidacy for Chair of the IFR.

    a. Evidence from DCMS officials is that 'The Secretary of State was not aware of these donations [from Mr Kogan] during previous decision making regarding the appointment'. This included the decision, most obviously, to select Mr Kogan as the government's preferred candidate to be Chair of the IFR.

    b. The Commissioner accepts that the Secretary of State did not recall or know about these donations while taking decisions relating to Mr Kogan's involvement in this campaign.

    c. However, in order to discharge her obligation to 'declare and resolve any interests and relationships', the Secretary of State must take reasonable steps to enquire into whether such interests exist.

    d. When presented with these draft findings, the department and the Secretary of State have suggested that this finding greatly expands the record-keeping burdens placed on appointing authorities.

    e. However, the failure in this case was not a failure of record-keeping. Records of Mr Kogan's donations existed and, when the Secretary of State made enquiries on 6 May 2025 on considering her register of interests, were found within a matter of hours. The Secretary of State's failure was in not checking and acting upon information which, as events show, was readily available to her.

    f. The Secretary of State has also emphasised that in around summer 2024, in response to a general request for a list from her former campaign manager of

all the people who had donated to her campaign, Mr Kogan's name had not been provided to her. This was some time before the Secretary of State came to make appointment decisions in relation to Mr Kogan in 2025 and was advised in terms of his significant links to the Labour Party. The Commissioner does not consider that the more general 2024 enquiry was sufficient. It could not have been sufficient in the mind of the Secretary of State, otherwise she would not have made the enquiries she did on 6 May 2025.

47. Accordingly, the Secretary of State breached an aspect of the third principle of public appointments, Integrity, albeit that the breach was not a knowing breach.

Breach 2: Section 9.1 (discussion at interview of potential conflicts of interest)

48. Section 9.1 of the Governance Code states that 'Candidates must be asked to declare potential conflicts of interest in their application. All potential conflicts of interest and how they might be managed must be discussed with an individual at interview'.[36]

49. The Governance Code thus reflects that there is an obligation of disclosure on the candidate. A failure of a candidate to make a disclosure may well lead to a breach of the Governance Code if it prevents a potential conflict of interest from being discussed at interview.

50. Mr Kogan made donations to the Secretary of State's 2020 party leadership campaign, as noted above.

51. This gave rise to a potential conflict of interest.

    a. There was a risk of a perception that Mr Kogan was recommended for the appointment because he made a donation to the now Secretary of State's leadership campaign. Separately, there may well have been a risk of a perception that Mr Kogan would not be independent from the Secretary of State, if appointed.

    b. DCMS officials acknowledged both that there was the potential for the perception of a conflict of interest and that Mr Kogan's donations, in particular, should have been declared to the panel. Officials wrote as follows in advice submitted to the Minister for Sport on 14 May 2025:

[36] Governance Code, section 9.1.

given that the Secretary of State is the appointing authority for the appointment, any previous donation to her could still be seen to create a perceived conflict of interest and should therefore have been declared to the Panel so that it could be managed appropriately.

52. Mr Kogan's donations to the Secretary of State were not discussed during his interview.

    a. When, as part of this inquiry, the Panel Chair was asked about the discussion at interview of Mr Kogan's potential conflicts of interest, the Panel Chair responded as follows:

    The Panel was not aware of any relationship between the Secretary of State and Mr Kogan at the time of interview and were not aware of the donations made by Mr Kogan to the Secretary of State's Labour Party leadership campaign in 2020. As a result they were not discussed at interview.

    b. The Panel did however ask the following question of Mr Kogan: 'You have previously completed a conflict of interest form. Are there any new conflicts of interest, actual or perceived, which you need to make the panel aware of'. He was also asked whether there was anything he wished to raise which might cause the government embarrassment if it were to emerge after he was appointed. Mr Kogan did not disclose the donations to the appointing authority's leadership campaign in response to these questions. He did so only after his selection as the preferred candidate.

    c. This was in some ways understandable. Because of the length and complexity of this appointment campaign – and because it was bisected by a change of government – Mr Kogan's potential conflicts changed between his initial application and his interview before the advisory assessment panel. He cannot be criticised for not identifying the potential conflict when he first applied because there was then a different appointing authority in place.

    d. Ultimately, however, it was a responsibility of Mr Kogan to consider potential conflicts and to ensure they were discussed at interview. He was aware of the identity of the Secretary of State who would be appointing him and should have asked himself – and (if he could not remember) enquired into – whether any donations he had made had been to her.

53. The Panel Chair, Ms Hannant, was not made aware of this specific potential conflict of interest. She was thus unable to seek advice so that the panel could advise ministers, accordingly, as required by the Governance Code. Paragraph 9.1 states in that respect: 'The departmental official on an Advisory Assessment Panel is

responsible for seeking advice within their department and/or the Cabinet Office on handling any conflicts, which should be included in the final advice to Ministers'.[37]

54. The failure to discuss this potential conflict of interest at Mr Kogan's interview amounted to a breach of the Governance Code, but it was not one for which the Panel itself can be held responsible.

Breach 3: Section 9.2 (failure to disclose political activity of the successful candidate in the appropriate manner)

55. Section 9.2 of the Governance Code requires it to be 'publicly disclosed' if

    a successful candidate, has, in the last five years, been employed by a political party, held a significant office in a party, has stood as a candidate for a party in an election, has publicly spoken on behalf of a political party, or has made significant donations or loans to a party.[38]

    a. The Governance Code defines significant loans and donations as 'those of a size which need to be reported to the Electoral Commission, in line with a central party's reporting threshold'.[39]

56. Mr Kogan was politically active, under the definition of the Governance Code.

    a. In the five years before his appointment, the Electoral Commission's registers record a total of £33,410 donated to the Labour Party and to Labour candidates by Mr Kogan and his company (David Kogan Ltd).[40]

57. When Mr Kogan's preferred candidacy was announced, on 25 April 2025, it contained no mention of political activity.

    a. The department has subsequently sought to argue that the failure was a matter of best practice rather than a strict breach of the Code because the Code does not specify at what point in the process the declaration must take place. The Commissioner does not agree. By the time a candidate is announced as the Government's 'preferred candidate' they are plainly also the 'successful candidate' in the competition that has been run, even if the formal appointment has not yet taken place.

[37] Governance Code, section 9.1.
[38] Governance Code, section 9.2.
[39] Governance Code, section 9.2, n. 9.
[40] Electoral Commission, 'Donations and loans: Mr David Kogan and David Kogan Ltd' nd., <search.electoralcommission.org.uk>.

58. The department's failure to disclose publicly the political activity of a preferred candidate constitutes a breach of the Governance Code.

    a. This failure may have led members of the public to assume, inaccurately, that Mr Kogan was not politically active.

    b. Rectification of the error does not eliminate the breach. The Commissioner notes that it took a relatively long period – one week – for the department to identify and rectify the error.

Next steps and recommendations

59. Ministers are reminded of their duties to declare and resolve any interests and relationships which they have with a candidate participating in a campaign regulated by the Governance Code.

60. It is also recommended that officials in the Cabinet Office, together with key stakeholders – including departmental officials and the Commissioner – work together to agree steps to avoid a similar situation arising in the future. These steps can include, but are not limited to:

    a. Clarifying advice on declarations and handling of conflicts of interest and, separately, on disclosure of political activity;

    b. Ensuring that the transparency provisions, which have recently been breached on several separate occasions, as reported in the Commissioner's Annual Report for 2023-24, are emphasised to departmental teams; and

    c. Encouraging departments to engage with the Commissioner for Public Appointments early in the process on exceptional cases or any potential compliance issues.