



## Public Administration and Constitutional Affairs Committee

### Oral evidence: Propriety of governance in light of Greensill, HC 212

Tuesday 17 May 2022

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Members present: Mr William Wragg (Chair); Ronnie Cowan; Jackie Doyle-Price; Mr David Jones; John McDonnell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson.

Questions 307-353

#### Witness

[I](#): Sir Peter Riddell, Former Commissioner for Public Appointments.

#### Examination of witnesses

Witness: Sir Peter Riddell.

Q307 **Chair:** Good morning and welcome to the Public Administration and Constitutional Affairs Committee. Today, the Committee will be continuing our inquiry into the propriety of governance in the light of the controversy surrounding the Greensill affair, looking specifically at the role of the Commissioner for Public Appointments. The commissioner is responsible for monitoring public appointments by ensuring that the appointing authorities act in accordance with the Governance Code, including the principles of public appointments, and monitoring overall compliance with the code.

The Committee is joined this morning by Sir Peter Riddell, the former Commissioner for Public Appointments, who held that role between April 2016 and September 2021. Sir Peter, good morning. I wonder if you might introduce yourself for the record.

**Sir Peter Riddell:** I am Sir Peter Riddell. I was, as you say, Commissioner for Public Appointments until last September. The only role I have now is that I am an honorary professor at UCL.

Q308 **Chair:** Thank you very much indeed. With reference to the Grimstone review, to what extent did those reforms perhaps weaken the role of the Commissioner for Public Appointments?



## HOUSE OF COMMONS

**Sir Peter Riddell:** Well, there was a lot of concern. This goes back over six years. I am not sure whether Mr Jones was then on the Committee or was a Minister—I cannot remember precisely—but Mr Cowan certainly was. I remember the questioning then, because my pre-appointment hearing got tied up very much with Grimstone and concerns the Committee had about whether I would be tough enough and so on—robust enough—to handle it. They were perfectly legitimate concerns; it was not the easiest time to be tied up with a report like that.

On Grimstone, looking back after six years, it is quite a complicated picture. There were three main changes in Grimstone. One was removing the power of the commissioner to appoint the chairs for significant appointments—in other words, chairs of public bodies and so on. The impact of that was probably less than was feared at the time, but I sometimes did wonder whether it was a solution where there wasn't any real problem. However, the compensating factor is that I had an effective veto power over the appointment of senior independent members to panels. That has worked—with a few hiccups, but there was no occasion during my nearly five and a half years as commissioner when Ministers insisted on appointing someone to whom I had objected. There was a consultation process, and normally that worked.

The code also became the Government's code, rather than my code, and a lot was made of that by the Committee at the time. That, again, works two ways. When I was commissioner, it was actually quite useful for me to say to people, "Look, it's your code, not mine." That, in a sense, strengthened my hand. Also, it was not altered at all during my five years. There was a period of negotiation when I took over, initially with Matt Hancock as Minister and then Chris Skidmore, about aspects of the code where I got some very important changes, particularly on consultation.

It was really important that before, for example, the appointment of a senior independent panel member, Ministers had to consult me. If they wanted to make exceptions to the code, they had to consult me. On the whole, virtually all exceptions were not political ones, but administrative ones. They were no better for that: there were delays and so on and so forth, which we may come on to later. There was also something that I felt very strongly about, which was appointing someone judged unappointable by a panel, where they had to consult me. That, I am glad to say, never happened in my five and a half years—not without a few interesting episodes along the way, but it did not happen.

The other thing is that the code could be changed, but there is a point there—I was checking on it before coming—that is a very important one for this Committee: it could be changed without consulting this Committee. I had forgotten that point. If the code is changed, I as commissioner would have to be consulted, and so would the First Minister in Wales, because the code also applies in Wales, but there is no role for this Committee, which I think is wrong. That is something I just draw to your attention.



## HOUSE OF COMMONS

With Grimstone, I think the concerns raised were understandable and right. At least for most of the period I was commissioner, there were not too many problems with it, because people applied with constraint and so on. There were some problems that resulted in a bit of firefighting in my last 18 months to two years.

Grimstone proposed two good things that were not properly implemented. One was the three-month guidance. He was very strong on customer care, which is something I very strongly believed in as commissioner. If no one is going to stand up for candidates for public office, the commissioner has got to. Quite often, I felt that they were totally ignored by Ministers and Spads. They did not concern them; no wonder a lot of people got fed up with the process. I have enormous sympathy with anyone applying, and I tried to push on the three months. A study we published in July 2019 showed that in only half the cases was the three months—Whitehall likes to call it an aspiration—met. Grimstone was quite tough on that, but that hasn't happened.

Another thing that you might want to come to later is that Grimstone recommended an opt-out procedure. In other words, all public appointments made by Ministers—there are quite serious definitional issues there—should be included under the Order in Council. Whitehall, perhaps not surprisingly, preferred an opt-in thing because certain Departments would rather not be regulated. Although there were not too many problems on that, there has been a proliferation—again, this is something you might want to consider—in unregulated appointments. We don't know what they are; I have no more knowledge than you on some of them.

Grimstone is a mixed bag, and there are understandable apprehensions. In fact, my predecessor, David Normington, rightly said to the Committee, "Look, my successor is going to have to be more public than I was." It may be partly a matter of temperament—my background was as a journalist, and his was as a very distinguished permanent secretary who was used to operating quietly—but I had to do more publicly, increasingly as time went on.

**Q309 Chair:** You alluded to the fact that the commissioner oversees the application of the Governance Code for public appointments. Given that, should the code be owned, as it were, by the commissioner, rather than the Government?

**Sir Peter Riddell:** As I said, perversely I found that there were some advantages to it being owned by the Government. It made it easier for me to say, when there was a problem, "Look, it's your code. You should be observing it." That was quite powerful, actually. However, any changes to the code should involve this Committee, and obviously should involve the commissioner. There should be a formal process of consultation if they want to change the code. That would be a very important constraint.

I was slightly surprised that there weren't attempts to change the code, but there weren't, fortunately. I think that was more to do with inertia and



## HOUSE OF COMMONS

the enormous turnover of Ministers—I dealt with eight Ministers in my five and a half years in the Cabinet Office on public appointments. One was for three weeks—a nice man, and I would have enjoyed working with him, but that is how life turned out. Given all that process, that meant it didn't. Other people may have different views, but I don't see any harm in it being the Government's code, provided there are the safeguards I mentioned.

**Chair:** Thank you very much indeed.

Q310 **John Stevenson:** Sir Peter, should Ministers be forced to comply with the appointment rules, or should they just be held to account when they don't?

**Sir Peter Riddell:** It is very difficult to define what "forced" means in this case. There was a whole series of ways I operated. When it was a big, controversial appointment—a significant appointment—I would keep in touch throughout the process, partly via the senior independent panel member. I learned during the course of my being commissioner how active I should be on that, and I became increasingly active, certainly in the last two years, in talking to senior independent panel members—it depended on them too. I would know what was happening in real terms on that, and I would alert people and so on. I could do that, and that really mattered when it was a big appointment. You may want to refer to one or two of the ones in the last two years.

Otherwise, the power was one of embarrassment. I had no power at all to reverse an appointment. All I could do was investigate on my own initiative or, if there was a complaint, look at it and publish the findings. It was essentially a reprimand and embarrass factor, rather than anything else. I had no powers over Ministers to change. Embarrassment is quite an important point in Whitehall. Ministers and particularly civil servants don't like it; they don't like being criticised.

In addition, something that got insufficient public attention was an initiative, which came from my successive senior policy advisers, both of whom were excellent, on an annual audit and compliance system, which replaced an external one, saving taxpayers' money. That was very effective at identifying problems, and sometimes that led to a more formal investigation. That process, which was really good, kept Departments up to the mark, but in answer to your question, unless you give the commissioner the power to halt proceedings, effectively it is embarrassment and being street smart in following big appointments.

Q311 **John Stevenson:** You have said that Ministers are in a strong or even a dominant position when it comes to appointments, but there is an argument, or a suggestion, that Ministers would like to increase their influence in the system. Why do you think that is, given what you have said?

**Sir Peter Riddell:** It varies enormously. If you go back to the original Nolan report, there is rather a good chapter on public appointments, which says this is a ministerially-driven process. It is right that Ministers take the



## HOUSE OF COMMONS

responsibility and the accountability, and I would strengthen their accountability—for example, in pre-appointment hearings. I would want to involve Ministers more than they are involved at present.

It is a ministerially-driven process; that is right. My remit was to ensure the process leading up a ministerial decision was fair and open and so on, and that it wasn't being undermined. How do Ministers do it? It enormously depends on the personality of the Minister, the political tide at the time and so on. One can't generalise on that. Some were interested in it, and some weren't. Some had scant understanding of the code—particularly the special advisers often did. They regarded me as a damn nuisance and the code as a nuisance. That is where it is very useful to say, "It's your code." It is quite important, that.

**Q312 John Stevenson:** Paul Dacre suggested that the civil service conspired to have him rejected on the basis of his convictions, rather than his competence. Does that suggest that Ministers are right to want more say?

**Sir Peter Riddell:** There is a double-edged thing here. Ministers are quite right to want people, particularly in prominent roles, who are not going to attack the Government. If you are appointing someone to run, say, bits of the health service, you want people who broadly are in line with Government policy. There is also something else there, understandably. I was contractually forbidden from expressing a political opinion, which I must say has been quite a relief in the past five or six years. I am the only person I know who has never expressed a view on Brexit.

Ministers were concerned about appointing people to positions who then criticised Government policy, and I had some sympathy with that. My concern was a slightly different one, turning it round—that it should be relevant and proportionate. To use Brexit as an example—it is not the sole example; there are others—people would trawl through social media to find that someone had done a tweet on this or a tweet on that, and would therefore try to rule them out on the basis of their views.

On the due diligence point, I always believed that that should be put to the candidate, and what I objected to—I did a couple of complaints, and it is on the record when I criticised Departments—was when, after the interview had occurred, they would say, "We found out he did a tweet whenever, on something, and we'll rule him out now," instead of putting it to the candidate. I didn't think that that was natural justice. They should put it to the candidate.

I also felt in some cases that this was being used completely irrelevantly. There were public bodies where, who cares what they thought about Brexit? I understand exactly that you are not going to appoint someone, particularly to a prominent position, who is going to slag off the Government, and indeed appointees—which they didn't always appreciate—should exercise some self-restraint in what they say, but my feeling was that the litmus test thing went far too far.



Q313 **John Stevenson:** We talk a lot about Ministers influencing appointments, but are you aware of instances where officials have tried to promote a particular candidate?

**Sir Peter Riddell:** No, not at the top level. Where Ministers take an interest, I think the system is very responsive to that. They are aware of it and so on. Where it may occur—remember, there are hundreds and thousands of public appointments—is when things are pretty obscure, Ministers don't take an interest and haven't a clue about who might be a good or otherwise person, which is understandable and why should they, and officials are involved, not in giving a view, but more in the way of saying, "We've heard of them. They have been around the track," and so on. But certainly, the appointments teams in most Departments—not all Departments—were assiduous in trying to broaden the range.

One of the minuses of covid was that it frustrated a lot of work being done by Departments, in which I was closely involved, trying to spread diversity in the broader sense of the term—not just protected characteristics but geographically, socially and so on. Sometimes officials needed to push that, because there was—it was not so much metropolitan, but they had a conventional view of people who were active, say on scientific advice. There are a lot of scientific advisory bodies. They would say, "We've got professor this and professor that." This came up on reappointments, when people should be reappointed only once, with a maximum of 10 years. They would reappoint someone after 15 years and I would say, "Come on. There must be someone else who knows about this." There was that, more than anything else.

Certainly pre-covid, they had become aware of the need to reach out socially and geographically. Some public bodies were really innovative at that. There has been an awful lot of progress on gender, and a bit on race. Disability is the thing that I feel really angry about, but there could also be a lot more done geographically.

Q314 **Mr Jones:** Sir Peter, the 2021 report of the Committee on Standards in Public Life noted that the public appointments system is more dependent on personal restraint than hard and fast rules. Would you agree with that? Do you think it should be constrained by rules?

**Sir Peter Riddell:** I think there is a greater need for rules in some areas. It goes back to the previous question on Ministers. We tend to view public appointments as a mass. In theory, the appointment of someone to an independent monitoring board looking at one of your local prisons is treated as the same as the chair of the BBC. In practice, it is not quite like that, but the rules are the same. That doesn't make sense.

Equally, within public appointments, there are some bodies that need to be more independent and protected than others, where the rules need to be strengthened. Actually, it would serve Ministers' interests if you said, "Here are bodies where there need to be additional safeguards," some of which I advocated to the Committee on Standards in Public Life and they reflected in their report. With others, you say, "Fine, this is a ministerial



## HOUSE OF COMMONS

choice—quite right. Let the Ministers pick who they want, because it is very much implementing ministerial policy.” I have no objection to that at all, but there are some where I think there need to be greater safeguards, yes.

**Q315 Mr Jones:** You mentioned that, in your time as commissioner, there had been no instances of someone who had been deemed unappointable actually being appointed, but do you think that there should be a rule banning that happening?

**Sir Peter Riddell:** Yes. When there was a consultation in 2016, I had a lively debate with Matt Hancock, who was then the Minister, about this issue. His argument was that, just as Ministers can reject policy advice, they should be able to reject and overrule an appointment. I don't quite see the parallel, but I did get the consultation thing put in.

We did have a case where a Minister, at various stages, wanted someone—it turned out to be a council leader 10 or 15 miles from their constituency, which didn't help matters—who had been ruled out by the panel to be interviewed. It was not a very prominent role, actually. The panel said, “Okay, we'll interview them,” but rejected them again. The Minister then said, “I'm going to change the criteria.” That was not a wise move on the part of the Minister, because that gave me scope to say, “You can't do that, sorry. You've got to keep the rules consistent.” There was then a lively interchange.

In parallel, the civil service at the centre, who had not been aware of the issue, became involved, and they agreed with me that it would be sensible to have a fresh competition. My view in all those cases is that, if someone is rejected, you have a fresh competition. That is what has happened in each of the cases. It ended up with a grudging acceptance by the Minister and a rather ill-tempered letter to me saying, “Okay, I'll do it.” In fact, someone far better was appointed without any controversy at all.

Now, this was all confidential. The deal on this is, effectively, consultation is totally confidential; however, if the Minister had insisted on appointing this person, there would have been an exchange of letters published. My view on this would be, “Well, look, this doesn't do much for the credibility of a new appointee.” That is why I think, even in some really high-profile cases, Ministers have decided not to use that power. I would get rid of it. I think it is otiose.

**Q316 Ronnie Cowan:** Sir Peter, I was going to ask you how, in your role as Commissioner, you managed Ministers who seemed to be able to exercise what you regarded as “unwanted influence”, but you have just answered that. Am I right in interpreting that to say that if he or she is successful in doing that, it comes down to almost shaming them into not going forward with their own proposals because the correspondence is published?

**Sir Peter Riddell:** Absolutely, Mr Cowan. At extremis, it is name and shame, but I have had other cases. There was a well-publicised case going back 17 or 18 months on the appointment of the new chair of the Office



for Students. I felt that the then Secretary of State for Education had packed the panel and I made that view public. Rather to my surprise, I got interested queries from the centre of Government saying, "What do you mean by this, Peter? What do you think about it?" So I explained what had happened and the processes. I make no comment on the final selection, which is matter for Ministers, but people accepted that the processes were rogue. That was a case when I went public, but normally it is the threat of it. In this case, I just thought the process was completely unacceptable, and I don't think many people disagreed with me, but it was within the power of the Minister to do that.

**Q317 Ronnie Cowan:** It is absolutely within the power of the Minister to do that?

**Sir Peter Riddell:** That is why, going back to Mr Jones's question about the Committee on Standards in Public Life report, I expressed views, which that Committee recommended, that the Commissioner should have greater powers over the role of independents and the number of independents on some selection panels for prominent selections. At present, the Commissioner only has an effective veto, not an actual veto, on the senior independent panel member. It can still be overridden by a Minister but that has never happened—it would totally undermine credibility if it happened. However, it doesn't apply to other panel members, although in my last year or two I became increasingly active on that issue. I would say to Departments, "Look, what is the balance of the panel going to be?" The senseless row over the Office for Students one was helpful because it raised the profile of that.

**Q318 Ronnie Cowan:** How far were you able to discuss your general concerns with Ministers and senior officials during your time in office?

**Sir Peter Riddell:** It was partly in each individual case, and it was more done with officials at the Departments. I had a working relationship with the permanent secretaries and my own senior adviser had a working relationship with the appointments people in each Department. We had a very good, positive relationship. When there were problems with permanent secretaries, I would phone them up and say, "What's going on here?" and we would have an interesting, lively dialogue on it. That was seldom directly with the Secretary of State, although occasionally it was, and more with Ministers at the centre. It was the Minister in the Cabinet Office responsible for public appointments whom I would deal with and have a relationship with. As I say, the problem was that they kept changing, so that was rather frustrating, but that is how the relationships worked, and on the whole they worked pretty effectively.

**Q319 Ronnie Cowan:** Did they see you as a thorn in their flesh?

**Sir Peter Riddell:** Some did, yes. It varied. Some didn't. On the whole, civil servants welcomed what I was doing because I could say things that they couldn't. I could say things that a permanent secretary would find more difficult to say to their Secretary of State. Because I had gone public on things, one or two regarded me as a bit of a thorn, and one or two Ministers did, but on the whole, because I exercised it with restraint and



## HOUSE OF COMMONS

only picked out egregious examples, my relationship with Ministers, certainly the Ministers dealing with public appointments, was okay, in so far as one developed one when they didn't disappear after three weeks.

**Q320 Mr Jones:** Sir Peter, you have suggested that the post of Commissioner should become a statutory one, and the Committee on Standards in Public Life agrees. What do you think would be the effect of such a change, and how would it have affected the way that you carried out your role when you were Commissioner?

**Sir Peter Riddell:** It is very interesting. In 2010, the role of the Civil Service Commissioner became statutory under what became known as the CRAG Act. While the proposal under the predecessor to this Committee had been floating around for a long time—making the Civil Service Commission statutory—it had always got kicked into touch by various Governments. In fact, it was right at the tail end of the 2010 Parliament. Gus O'Donnell, now Lord O'Donnell, who was then the Cabinet Secretary, managed to ensure that it was not disappeared right at the tail end of the Session. The view of Civil Service Commissioners is that it will not make a day-to-day difference, but I know because he has said it to this Committee, or certainly publicly, that Ian Watmore, my opposite number as Civil Service Commissioner, believed that it was important as a reinforcement, so that when things got difficult, he could say, "Actually, the law says this is how we should appoint permanent secretaries," and so on. It would be useful to have that as a back-up.

Another reason I say this is slightly different. Ten years ago, I was asked by Francis Maude, when he was in the Cabinet Office, to be the independent person who did a triennial review of the Committee on Standards in Public Life. At that time, there was quite a lot of pressure in and around Whitehall—not from Francis Maude in this case, but from officials, former Ministers and other Ministers—to abolish the CSPL. They were saying it had done its post-Nolan work and we did not need it any longer. I strongly opposed that on the grounds that once you had a scandal, people would be demanding that there must be a committee around to look at it. Similarly, the other alternative proposal around at the time, which was closer to the then Government's thinking, was to have the committee in existence but on a care-and-maintenance basis, rather like some security committees that are activated only when they have to be—apparently there is an Advisery Committee on Conscientious Objectors, which isn't often used. I again said that was a bad idea, because there was a role for the Committee on Standards in Public Life anyway.

This underlined my belief that you need a statutory backing for the constitutional watchdogs and the ethics regulators, like my old job and CSPL. It is really providing a backing in extremis, not on a day-to-day basis. However, I would also combine it, for what you might call the Nolan watchdogs, with the changes in methods of appointment that CSPL advocated in its report last November, and generally tightening up for just those particular watchdogs. The statutory backing is one element of it.

**Q321 Mr Jones:** Do you think it would have changed the way that you fulfilled



your role?

**Sir Peter Riddell:** I don't think it would have made an enormous day-to-day difference. It would have been nice to have it behind me. In terms of how I did the job, various other things that we have talking about would have been much more significant.

Q322 **Mr Jones:** Do you think that, in addition to making the role statutory, there should be additional powers granted to the Commissioner?

**Sir Peter Riddell:** There is a whole menu of things. There are things, some of which apply to this Committee as well as to the Commissioner, where I would tilt the balance from the Executive to the Commissioner and Parliament. I would slightly change the way the Commissioner is appointed; I would make it more independent. I would put it at one distance and one remove. That applies to all the Nolan watchdogs.

There are things that I would change. For example, we discussed earlier removing the unappointable power—I would remove that. I would also—this is more practice than anything else—strengthen the role of the senior independent panel members for big appointments. Strengthening their relationship with the Commissioner is one thing I would do. It was triggered by me as Commissioner, and while they all got a letter saying they could contact me, practically no one ever did unless I triggered it. A few did, but not many. I would strengthen that, so that there was a much clearer reporting relationship.

The other area where I think a lot could be improved on is pre-appointment hearings, where the Commissioner could do things, but also the role of Ministers' accountability and all that could be strengthened. There is a range of things there.

Q323 **Mr Jones:** Do you feel that in your time as Commissioner you were overruled more than your statutory counterparts? I find it hard to conceive that you would be, but nevertheless do you feel that that happened?

**Sir Peter Riddell:** Not really, no. It varied a lot. I worked under three Prime Ministers in my time, and they varied, as you very well know, quite significantly in personality and practice, so that was often more important than the rules. Their special advisers, the mood at the time and all that were often as important, but you need to have robust rules to deal with those variations in practice and behaviour. That was one of the lessons I learned on that.

Was my position different from those with statutory backing? Well, the Civil Service Commissioner has a different role anyway because he—she now—is directly involved in appointments. They sit on panels; I didn't as a regulator, which I thought was desirable, actually, because then I could stand back and be more critical. Oddly enough, if you are more involved, it becomes more difficult to be critical because you are part of the process. The fact that I was at one remove helped me in a way.

Q324 **Karin Smyth:** Do you feel that the office is adequately resourced to fulfil



## HOUSE OF COMMONS

the role expected of it?

**Sir Peter Riddell:** I had two full-time people working with me, who were excellent, and they changed a couple of times in my five and a half years. They were very good; I was very lucky to have high-quality people working with me. Also, the secretariat of the office for the Commissioner for Public Appointments is based on the Civil Service Commission. That goes back to an ill-fated experiment for five years when my predecessor David Normington was both Civil Service Commissioner and Commissioner for Public Appointments. Everyone concluded, including him, that it was the wrong idea because the roles were so different.

One thing that did not change, which I think was absolutely right, was that they did not split off the people, because that certainly saved taxpayers' money; and again, all the office functions such as HR and media communications were shared. They were also shared by ACOBA. That actually works quite well. It meant that there were Chinese walls. I did not know what appointments they were involved in. For Angela Browning and now Eric Pickles on ACOBA, I did not know what they were doing until I read it in the papers, but my staff and I mixed with the officials. That was a sensible thing, but could you increase it? Yes, sure. I can easily think of things they could have done, such as more investigations. It was not so much the management of the day-to-day work—that was okay—but you could do more investigations, which are very time consuming.

Q325 **Karin Smyth:** We can always do more, can't we? For the purpose that you feel it currently has, was there adequate resource?

**Sir Peter Riddell:** My response is that because we had very good people who were very hard-working and assiduous, we managed pretty well.

Q326 **Karin Smyth:** Okay. Can we move on to talking about some significant appointments? You have said that Ministers have on occasion tried to pack interview panels to ensure the preferred candidate is successful. Do you think that that was a common problem or were you referring to isolated incidents?

**Sir Peter Riddell:** It was pretty rare. Going back to my earlier answer, the power or influence I had was over senior independent panel members. What used to happen was the Department appointment team would email or ring my senior policy adviser saying, "We've got this appointment coming up. We are thinking of appointing X or Y," and this was done on an informal basis. My senior adviser would talk to me, and we would talk it through. If there was any problem, we would push back. Occasionally, it would have to be pushed upwards and I would talk to the Permanent Secretary. That happened a few times—not many times at all. On that, there was no occasion on which my reservations were overruled. They found someone else.

On the other panel members, that was where my worries on packing occurred, where, depending on the nature of the appointment, the Departments had total discretion. That was why I mentioned the Office for Students, where there was no one with recent knowledge of higher



## HOUSE OF COMMONS

education—let alone a student—on the panel. It was totally unbalanced and so outrageous that it was actually a useful precedent.

There weren't too many cases of that, but there were things at the margin. You felt that some Departments and some advisers were trying to push the parameters. There are various categories here. There are quite specific supporters of parties. Then you have people at the fringes, who don't fall foul of what's called "significant political activity", which is very similar to the Electoral Commission's one, but you know where they stand. Some of that was pushed a bit, and again, you try to push back.

It depends on the people. It was good that the appointments teams wanted to make the code work. Particularly in Departments which had big appointments or a lot of appointments and which had well-run teams, they regarded me as an ally. They were very sympathetic to what we were trying to do. They regarded us as allies in that respect.

**Q327 Karin Smyth:** That's relying quite a lot on personality and pushback. Do you think that the office needs different powers to make sure that doesn't happen?

**Sir Peter Riddell:** I would strengthen the powers for some appointments. In my reply to Mr Jones earlier, I mentioned the appointments of what I call the Nolan regulators—the constitutional ones—such as my old job, the Chair of the Committee on Standards in Public Life, ACOBA, probably the House of Lords Appointments Commission and the Civil Service Commission. I would have a much stronger independent element and more safeguards on those appointments.

For others, when it is a significant appointment, I would insist that the Commissioner was consulted on the overall balance of the panel. That goes back to your basic point about being able to express that a panel isn't balanced. You could argue whether that should be through a formal veto power or right of consultation—I think, on the whole, consultation works pretty well. You get some rogue Secretaries of State and a few rogue other things, but I wouldn't want to exaggerate the number.

The problem with most appointments is delay; it's not actually anything political. Delay is an awful problem for candidates. If you want an idea of the biggest problem in the process, it is delay rather than overt political aspects. Indeed, the interesting thing is that fewer than 10% of appointees declare significant political activity. Of course, there is a stratum right at the top where it is an issue and there are definitional problems, but one shouldn't exaggerate its overall significance.

**Q328 Karin Smyth:** Just to highlight the point, the Committee on Standards in Public Life recommended that a senior independent panel member be required to report publicly on the propriety of the appointment process. Would that be an additional benefit to stop this happening?

**Sir Peter Riddell:** I think that would be really helpful. At present, the chair of the panel is a senior civil servant in virtually every case. For a significant public appointment, it is normally the permanent secretary or



director general, and they have to sign it off formally. If you have a senior independent panel member, they are supposed to be the guarantor of propriety. Often, they would be that for me. I would talk to them about it, ask them about it, and then we'd have a dialogue. For some really big appointments, I would have a dialogue with the senior independent panel member. I criticise myself for not doing enough of that. I only developed that in my last term. Formalising that would be a really good thing. It would mean they took their jobs really seriously.

It would also tie in with pre-appointment hearings. Pre-appointment hearings are a mixed bag—it is something for the Commons to reflect on. Actually, if you had the senior independent panel member being required on a pre-appointment hearing issue to report to the Committee and to me, that would be a very good thing. Another thing, which I did do a bit, was to write to Select Committees and say whether or not I was satisfied with that procedure. I know that the Chairs of various Select Committees—I had particular dealings with Julian Knight and Robert Halfon—were appreciative of that.

**Karin Smyth:** It closes the loop.

**Sir Peter Riddell:** Yes, that was useful. I formalised that. In addition, something that I alluded to before—this isn't in the CSPL report—is that where a Select Committee wants to get the Minister along, they should be able to do that. At present, all you get on an appointment is an anodyne letter saying, "This is a wonderful candidate," rather like a headteacher writing to a university about an applicant, saying that "he or she is absolutely splendid," and so on. In my case, as Mr Cowan and Mr Jones remember, I had two hearings; we had Matt Hancock along as well as Gerry Grimstone and my predecessor David Normington. It was an interesting two hours. I would do that: I think when there is a big controversial one, get the Secretary of State along.

**Karin Smyth:** We would certainly support that.

**Sir Peter Riddell:** I would not make it automatic, but I would make it up to the Committee. In some cases, there will be no need to, but I can think of recent ones where it would have been thoroughly healthy for a Secretary of State to justify what they are doing, as opposed to writing the headteacher's letter.

Q329 **Chair:** Could you give us an example of which recent ones you are referring to?

**Sir Peter Riddell:** I would trot along the corridor to the DCMS Committee, which has had some interesting ones recently—Ofcom, the Charity Commission and so on. They have been long and involved processes. I was only involved in the first half of the processes, and I seem to have lived with them for a long time. Those cases, which have been fairly controversial, would be ones to get the Secretary of State along and say, "Why did you make this decision?" I can think of others, too, but you do not require an enormous amount of imagination to think



## HOUSE OF COMMONS

which ones. It would be a good thing for the process for a Secretary of State to regard it as part of their duty, and not just let the preferred candidate swing in the wind, which is what happens now.

**Q330 John McDonnell:** The commissioner is able to undertake investigations into a public appointment when there has been a complaint. What factors did you take into account when determining whether to investigate a complaint? To follow that up, what are the potential outcomes? Could you require a public appointee to be removed, or a re-run of the appointments process?

**Sir Peter Riddell:** That is a very interesting issue, and it is one where I think we did not get our communications right. There was a whole spectrum of ways that I looked at appointments, from what I have been talking about this morning, which is when they were carrying on—some very big ones in recent years I would be following in real time, so to speak. I talked to the Department. To give an example that is publicly known, in October 2020, the *Sunday Times* had a lead story saying that Charles Moore and Paul Dacre were the favoured candidates in No. 10 for the BBC and Ofcom. My concern about that was that it would have two effects: one would be limiting the competition in both cases. They are enormously important public offices. Secondly, and as important, would there be a chilling effect on candidates? So I immediately intervened with the Department and basically said, “What the hell is going on?” I was assured that they were committed to proper competitions.

The BBC competition happened first, and Charles Moore pulled out. I kept in close touch with the senior independent panel member, who was an excellent man, but sadly died earlier this year, William Fittall. He was really good; he was an experienced ex-public servant. I followed that, so in a sense I was doing an investigation as it was going along.

That is one element to it. The second element to it is what we did in our annual compliance and audit visits. These were basically run by the senior policy advisers—two successive ones. They would pick out competitions run by the Departments. It was our decision which to look at, and we varied them from year to year. Sometimes they pulled out problems that needed further investigation—things we had not been aware of at the time.

There are two more categories. One was where I felt there was something wrong and we ordered an investigation. Sometimes this tied in with when there was a pre-appointment hearing and you were doing it quickly. I remember there were a couple where it was not the real-time one, but I think it was a merge. I remember the Charity Commission, when Baroness Stowell got it, where the Select Committee had rejected her nomination, and there was quite a lot going on there. I very quickly looked at what the processes had been. I was able to write to the Select Committee—actually, I had to ring them up because it was so quick—and ask what had gone on.

I also responded to what was said by Members of the House, and if I felt there was a legitimate case for investigation, I would look at it. We had a



## HOUSE OF COMMONS

very interesting one, which one of Mr Cowan's colleagues raised, about a pensions regulator who had not been reappointed. This was a UK-wide responsibility, rather than a devolved one. The constituency MP of the person concerned raised it with me and we looked at it. We were very critical of some of the processes involved and that was all published.

In answer to your point, Mr McDonnell, I had no power whatever to reverse anything. All I could do was embarrass and try to improve what went on. The nearest to it was where I could produce a letter or email to the Select Committee before they had a pre-appointment hearing. That was often of reassurance. I remember in the BBC case when Richard Sharp got it—there is controversy about whether he should have it or not, but that is a different matter—I was able to say that the process was extremely robust; there was nothing wrong with the process, and it was a political decision what you did.

In other ways, it was really retrospective and about trying to improve the process. That applied not only to appointments but to reappointments, where the power of the commissioner was limited just to process. In fact, the case I referred to, which was raised by one of Mr Cowan's colleagues, was about a reappointment. I was very critical of the way it had been handled but I couldn't get the decision reversed; I didn't have the power to do so. That is a very difficult one when you are talking about ministerial decision making.

I was thinking about this over the weekend: should there be the ability to pause something? I am not sure about overriding, because I think that is too far for an unelected person to go. There might be a case for saying, "Hold on. I think you should pause it," if there is something really egregious. That is unlikely to go down well with Ministers, but that is as far as I would go. Otherwise, it is the power to embarrass. Sorry—that was a very long answer, because there is a whole series of routes into investigation.

Q331 **John McDonnell:** It is name and shame.

**Sir Peter Riddell:** Yes, and improvement in practice. This is where the appointments teams themselves responded and liked it, because they wanted to do a good job—they had pride in doing a good job.

Q332 **Lloyd Russell-Moyle:** The commissioner generally oversees appointments of the chairs of arm's length bodies but not their executives. Why is that, and is it sufficient?

**Sir Peter Riddell:** That is not quite right. It oversees non-executive appointments—you are right there—but it is not just chairs. The focus is on chairs, but a lot of the complaints we had and a lot of the things we investigated were the non-executive members of boards. There are definitional issues here. For example, at the BBC it is the Chair of the Board of Governors but not the Director-General. It is not entirely clear-cut in some cases where you draw the line. Indeed, in the Order in Council which specifies what is and isn't regulated, curiously, some executive positions—such as the chairs of the research councils—are still regulated.



## HOUSE OF COMMONS

But in general, it is non-executive, part-time roles—even if some of the part-time roles are pretty full-time—not the chief executive role.

Another very big example is the NHS. It is the chair of the NHS who is regulated, not the chief executive—who was Simon Stevens and is now Amanda Pritchard—which is done as an executive appointment by the board and the Secretary of State. That is where the line is drawn. The definitional problems are much more about a whole series of unregulated roles that are not executive roles. I defend that distinction, first, because of the amount of work involved and, secondly, because there is a difference of function between executive and non-executive.

**Q333 Lloyd Russell-Moyle:** On that point, you feel that the distinction is correct, but are all other posts that should be covered by the auspices of the Commission currently covered?

**Sir Peter Riddell:** I would not go as far as that. There is a substratum you may want to examine: non-executive departmental board members, if I can ringfence that slightly.

The real problem is that we do not know, and it is one result of Brexit. I had a curious dialogue on Brexit: initially, when Brexit happened, I wanted to know how many bodies were going to be created, purely so that it could be done in an orderly fashion. It was not about whether it was a good or a bad thing—that is policy—but more so that you did not have a rush of them. In that disturbed period from 2016 to 2019 when no one knew quite what model was going to emerge, it was uncertain, but what happened was that there was a very limited number of specifically post-Brexit public bodies. In most cases, it was about expanding the remit of existing bodies.

However, what did emerge was that Secretaries of State would appoint tsars and so on, with no obligation to report to me who they were or what they were. They were ministerial appointments of non civil servants, and I would like to have a kind of Domesday Book of that. Not all of them should necessarily be regulated, and I accept that in some cases. The convention we had with the Cabinet Office was that posts that lasted less than 12 months should, on the whole, not be regulated. That would have covered quite a lot of the covid stuff; I certainly do not believe that, say, what Kate Bingham was doing on vaccines should have been regulated. It would have resulted in delay, and you could not have had a free and open competition for it, but there should have been much greater transparency about the terms under which she operated.

I accept entirely that some things have got to happen quickly. Equally, for some reviews, we accepted that. The Committee's inquiry and all that is not covered; all the stuff that is happening with Heather Hallett on the covid inquiry is outside the remit. I accept that, but there are lots of functions and people who I regard as public appointments where we haven't a clue who they are. I do not think they should all be regulated, but we should know about them. The most important thing is transparency, so that we know the terms and conditions, how long they are appointed for, and how they are appointed. This is where the non-



## HOUSE OF COMMONS

executive departmental board members come in. It was decided in 2016 when the code was revised that they should not be included. Grimstone believed they should be included, actually.

Q334 **Lloyd Russell-Moyle:** Did the Committee on Standards in Public Life?

**Sir Peter Riddell:** They did. They do indeed.

Q335 **Lloyd Russell-Moyle:** And do you support it?

**Sir Peter Riddell:** Well, there is a problem. This goes back to the reason they were not included originally: they have become so much personal things of Secretaries of State. It varies a lot. Some of them, going back to the original Francis Maude and Lord Browne conception in 2010-11, were distinguished people from the worlds of business, local government and charities who could provide administrative advice on HR, procurement and all that. Effectively, they were there as technical advisers.

However, some Secretaries of State used them as, to be honest, extended Spads. They were highly political, and what has happened in the past two and a half to three years has been that you have had direct appointments, so there has not even been a pretence of competition. When they announce that a competition has been held, I haven't a clue whether that is proper competition. In some cases, I am strongly suspicious that it was not a genuine competition. I cannot prove it, because I had no remit on it; but if you have direct appointments as a habit rather than a genuine exception, it becomes very difficult to regulate, because the system becomes discredited.

My rhetoric was, in theory, "Yes, lump them in. Regulate them," but if you've got a system where it is very personal to a Secretary of State and you are going to have direct appointments that are blatantly political allies, it becomes very difficult to regulate on that basis. Ministers have to think about what they want from non-executives on boards. It is personal. Some of them are, as I say, very established and conventional. Others are effectively extra special advisers, so it is not a straightforward question.

Q336 **Lloyd Russell-Moyle:** There is a baseline that all of them need to be recorded.

**Sir Peter Riddell:** Absolutely, and the terms under which they are appointed.

Q337 **Lloyd Russell-Moyle:** So there needs to be a record of the terms and the people, and then from there, some need to be regulated and others do not. Are there other categories of public appointment that we have not gone through today—executive, non-executive—that you think should be regulated?

**Sir Peter Riddell:** One of the problems is not knowing. I remember that we had some arguments with the Foreign Office about whether some body was regulated or not. I could not get very worked up about it, because it was not a central body, but there seemed to be no rhyme or reason why it wasn't regulated. In other cases, you would discover bodies. One of the



## HOUSE OF COMMONS

classic cases, and one which produced a lot of correspondence, was with the services, all of which have museums. The RAF museum was a public body and regulated—not that it causes enormous problems—but the National Army Museum isn't on the list. I don't know why; I haven't a clue. Life is too short to get fussed about it. I don't think it has done anything wrong, but that is the kind of thing I am talking about. The more serious cases, and where the serious worry is, are where Ministers have been increasingly appointing tsars—some as trade commissioners and such. I am not saying they necessarily should be regulated, but I am saying that we should know about it.

**Q338 Lloyd Russell-Moyle:** Is there a discussion about having a default regulation unless people can prove that it is not worth it? If there were a short-term appointment, for example, you could say, "Unless you can demonstrate that it is only short term and that it is going to be political, then you should regulate and record," so that people don't fall through the gaps as they are at the moment.

**Sir Peter Riddell:** That is what Gerry Grimstone recommended six years ago.

**Lloyd Russell-Moyle:** And what is your view on that?

**Sir Peter Riddell:** My view is that they should certainly be recorded. Whether there should be automatic regulation, as you say, or not, my first step would be that we know about them. I don't want to be dogmatic on that, because it might go back to the question of workload. You could have an enormous workload, which could be pointless. The first thing is to let us know about them, and then we can reach a decision about whether there are some massive things there that should be regulated.

**Q339 Karin Smyth:** Just to add to that, one of the parts of the bonfire of the quangos was to get rid of the Appointments Commission in 2010—

**Sir Peter Riddell:** You mean the local government one?

**Karin Smyth:** Yes, and for the health service. Having been appointed through that process myself as a non-executive at a local level, I can say that it helps on a local level. Do you think it would be helpful to have an Appointments Commission mark II in terms of the culture, independence and scrutiny around the sorts of people that put themselves forward for public office?

**Sir Peter Riddell:** There is the appointments unit within the Cabinet Office, and even individual Departments are trying to follow that. I don't know where that sits under the Health and Care Act—I am out of touch.

**Q340 Karin Smyth:** I tried an amendment. It was unsuccessful.

**Sir Peter Riddell:** NHS Improvement did a very good job of trying to broaden the range of people serving on NHS trusts. The whole thing was complicated by foundation trusts. I see Mr McDonnell's eyes moving on that point—there must be old battles! Foundation trusts and ordinary NHS trusts had totally different terms and conditions. NHS Improvement did a



## HOUSE OF COMMONS

very good job of trying to broaden the range of people applying for pretty thankless tasks, often on NHS trusts—but I am out of touch with all that. At present, I would have a—and this where the turnover in Ministers doesn't help—much greater responsibility with Departments, where the primary responsibility is to encourage a wider range of applicants, but also to encourage a more central co-ordination. I think that is very important. It is one of the things I found both satisfying and, with covid, rather frustrating.

I did quite a lot of outreach events, which were great and where it was claimed, "It's not an exclusive club" and "Get involved"—those kinds of things. It wasn't helped by covid, of course. We also had mentoring schemes. We encouraged a mentoring scheme—though it took a long time to get set up—with the Public Chairs' Forum, which has become a public trade body of chairs and the Cabinet Office. There is a brilliant example in Northern Ireland called Boardroom Apprentice. It is a fantastic scheme. I am glad to say that Sue Gray, when she was in Northern Ireland, was a great supporter of the scheme. I went over there and they came here to support mentoring schemes and things like that.

**Chair:** No meeting of this Committee would be complete without mention of Ms Gray. We are grateful to you.

Q341 **Mr Jones:** I'd like to return to unregulated appointments by Ministers. Ministers are, of course, accountable for such appointments. In your view, is that accountability a sufficient safeguard?

**Sir Peter Riddell:** That's why I would strengthen it for significant appointments and regular pre-appointment hearings. We have to sign everything off. At every stage—people have criticised this, but I am in favour—they can make suggestions. I think that is great, because you broaden the pool. There are so many appointments. Ministers are busy people. Public appointments are important but not urgent. Therefore, the process—this is why there is so often delay and all that—can be ignored, in a way. I am in favour of Ministers taking a serious view and getting involved, but equally their accountability should be strengthened. That is why I am in favour of giving Select Committees the power of involving Ministers in pre-appointment hearings. That is the proper accountability. Stuff on the Floor of the House is all very well, but we all know the limitations of that. I think it is about getting them involved, and saying, "Okay, you picked X; why did you do it?" There is nothing better than to be questioned by a Select Committee on that.

Q342 **Mr Jones:** Are there any specific unregulated appointments that you are concerned about?

**Sir Peter Riddell:** Mainly, in answer to Mr Russell-Moyle's point, we don't know. Apart from the weird example I gave of the National Army Museum or whatever, which is a fringe example, all I know is that there has been a proliferation of tsars and, in some cases, advisory committees. I would not identify any specific ones; it is more a general point of principle that we should know what they are. Departments should be under an obligation to



## HOUSE OF COMMONS

publish non-civil service roles appointed by Ministers. I do not say that they should all necessarily be regulated—far from it, because I think that would be an unnecessary burden—but we should know, and then we can reach a judgment. Then you could say, “Why doesn’t X do it?” It is a real sense of ignorance rather than, “That body isn’t and that body is.”

Q343 **Mr Jones:** Presumably you noted the way that Mr Greensill was appointed to his position. Have you any comments to make about that?

**Sir Peter Riddell:** That is a slightly separate thing. That was a black hole. It sounds like I am passing the buck, but that was probably nearer the Civil Service Commission rather than the Public Appointments Commission. There are a lot of lessons. You had your session a year ago with Nigel Boardman, and there is a lot of good stuff in Boardman’s report. That is much more to do with temporary civil servants. I do not regard that as a public appointment, but there is a problem. Ian Watmore and I were kind of thinking, “Is it your responsibility or is it mine?” on some things, but I definitely think that type of thing comes more within the Civil Service Commission, rather than an arm’s length body. After all, it was within Whitehall. There are a lot of lessons from Greensill. Nigel Boardman made some very good points and you have made good points and so on, but I do not think it is really a public appointments issue.

Q344 **Mr Jones:** Does the Commissioner for Public Appointments have any influence over whether a role is filled on an ad hoc basis or becomes subject to his oversight?

**Sir Peter Riddell:** I mentioned earlier the delays, which is, I think, one of the most serious problems of the system. Despite people knowing exactly when, with fixed terms, a person’s appointment ran out, you would find, for all kinds of reasons, that there would be a delay. The fact that I did an extra five and a half months is one example. There were gaps in the Civil Service Commission and all that. The same happened with the Charity Commission and the media regulator. There had to be temporary appointments.

Exceptional appointments like that are normally the vice chair or deputy chair or whatever. They are perfectly reasonable and are often, of course, good people. I was not worried that the system was being abused; I was worried that the system was inefficient.

The delays, and the fact that Ministers were not focusing early enough and often did not have very good favoured candidates, produced all the problems we have seen in the last couple of years. It applied earlier too, but it has got worse. That was more to do with inefficiency, delays in decision making and things like that, which resulted in having to make temporary appointments or extensions in office. In virtually every case, they were perfectly reasonable people; I was not worried about it as a kind of sidetrack in the system; I was worried about it because of the delay and people having temporary bosses.

Q345 **Mr Jones:** In such circumstances, to the best of your knowledge, was the Civil Service Commission able to have any input?



## HOUSE OF COMMONS

**Sir Peter Riddell:** That type of thing would not be relevant to the Civil Service Commission. I am talking about public appointees. It would be purely me, rather than the Civil Service Commission, on that. Going back to an earlier point, all one could do was bang the drum a bit. We did a specific report on the fact that over half the competitions were not fulfilled within the three-month target.

The result of that was temporary appointments. You could repeatedly say you should have better succession planning. I used to write a letter round to permanent secretaries every year. I would say this to Secretaries of State in letters. But when you have the political upheavals we saw, and covid and all that, it is often difficult to do.

However, here is something interesting that I commend to you. John Kingman, former chair of the UKRI, gave a very good valedictory speech last summer, in which he complained about the tendency in Whitehall to second-guess everything. The Ministers and special advisers in the Department would say something, and No. 10 would say something. That all meant more and more delay. That is one of the things that really gets me—there is no urgency. It also goes back to the point I made earlier. Candidates themselves get awfully low priority. Candidate care gets a low priority, so people get fed up. I used to get a lot of people saying to me, “Why should I bother to apply for an appointment, when I have got to hang around for six months, and no one knows what’s going on?” Departments have tried to improve, but that is not really a civil service thing. It is a ministerial one.

Q346 **Jackie Doyle-Price:** Coming back to appointments, you have repeatedly said that transparency is key. Is that enough, or do we need broader regulation of these appointments?

**Sir Peter Riddell:** Transparency is the first step. The last thing I want to do is be unkind to William Shawcross and add to his existing burden and that of his team, which is the one that worked with me. I am not advocating that, which would not work.

We need to know the full range of appointments made by Ministers. I do not think that means they should be automatically regulated or anything like that. It is a first step, so that Committees such as this, and the Commission, can say, “Hold on. That should be regulated, and that shouldn’t be.” It is getting the Domesday Book thing first. There has been endless debate about the number of public bodies. The Cabinet Office just produces lists of them, but they constantly change. Then there are bonfires of quangos and all that.

It is more about defining posts appointed by Ministers that are non-civil service. Mr Jones is absolutely right to raise the Greensill thing, which comes in grey areas. He is dead right on that. To my mind, that falls on the civil service side, rather than the public appointments side of it. We just need to know more; there are too many grey areas. You’re right that it is not enough, but it is one stage.



## HOUSE OF COMMONS

When I was Commissioner, in terms of big new bodies being created, despite what Government say about cutting the number of bodies, they are forever being created. We would get a Department saying, "We're just setting up this body. This Act of Parliament has set up a new body." I used to puzzle, why? You just wondered sometimes if it was a response to some interest group. That was not particularly a problem; in fact, it was the reverse. It was more what we did not know than grey areas.

**Q347 Jackie Doyle-Price:** You referred to the "tsars". From your perspective, to what extent are they created as a gimmick to deal with a particular issue? Or are they deliberately created in such a way as to avoid the regulatory system? Discuss.

**Sir Peter Riddell:** Discuss—or, rather, agree with both points. The answer is frequently and historically, if you go back. I was a political journalist for a very long time, based here. I used to see tsars created and thought, "Come off it." I share your implicit cynicism on that. That is why I say I do not want to jump into regulation. I want to say, "Let's find out what basis they are set up on."

**Q348 Jackie Doyle-Price:** Yes, so sunlight would add to that. Going back to Mr Jones's point, the lessons of Greensill can be read across to public appointments. In his report, Nigel Boardman made a series of recommendations that would have added some regulation. They included the potential to request letters of direction where an appointment might be controversial, and also some recommendations regarding full disclosure of actual or perceived conflicts of interest. Do you have any thoughts on those as potential tools?

**Sir Peter Riddell:** There are issues, such as conflict of interest. A very British thing is that, at the end of every interview, the embarrassment question is asked: "Is there anything in your background that could be embarrassing or undermine your position?", to which the best reply I heard was, "How embarrassable are you?" It tended to be the last question in what are quite short interviews. The interviews for these posts are far shorter than they would be for any private sector company or, indeed, for appointments in Parliament. They are pretty perfunctory in a way, and I would strengthen the due diligence aspect. Particular issues were identified, such as having a job outside, which I found outrageous. There were issues on defence, but my own view is that this was a particular problem that arose in that period, rather than an endemic problem. Most civil servants I know do not have second jobs or curious relationships with outside bodies that they will then go and join. I agreed entirely with Nigel Boardman's points on that.

On public appointments, there can be conflicts of interest, but the key thing is that you spell them out and address them. One of the most difficult investigations I had was on a public body, and it was right at the start of my period. In fact, I inherited the complaint, which was about a shareholding by a regulator. It goes back to Mr McDonnell's question about what powers I had. I think I would have been more robust later on in my criticism of what happened. At the time, I said that whether it had been



## HOUSE OF COMMONS

open enough was borderline. The Minister knew that there was a conflict. I think I am now much more robust on these things. We just need to know much more, and I have much more sympathy with the complainants, who regarded me as a sell-out, a toady and all that stuff. I now take a much stronger view on it. Often these can be addressed, but you have to spell them out.

**Q349 Jackie Doyle-Price:** Yes, and it is about transparency. I have to say that, over time, we are getting increasingly concerned about the appointment of non-executive directors to Government Departments. It strikes me that perhaps letters of direction might be a useful tool there. You also mentioned in your earlier evidence that if there is any controversy, committees can ultimately hear from a Secretary of State. But of course, both those things require the Secretary of State to have some sense of accountability themselves.

**Sir Peter Riddell:** At present, it is totally evasive. On departmental NEDs, the whole thing is pretty evasive. That is why there will be an announcement that, "This was a direct appointment"—that is all it is—or that, "We had a competition." No evidence will be produced for the nature of the competition and so on. The problem is almost that people have to want to be regulated. They have to accept the principle of regulation for you to regulate them; otherwise, the whole thing becomes a farce and you discredit the system. But it is part of a much broader picture on ethics in that respect.

**Q350 Jackie Doyle-Price:** The other thing that Mr Boardman criticised was the lack of attention to compliance matters across Government on these things, and he suggested the establishment of a cross-departmental compliance function. Do you have any views about that?

**Sir Peter Riddell:** I do not have views on that, because it was not relevant. We had our own annual compliance audit visits, which we set up ourselves. I give full credit to successive advisers to me, who did a really good job on them. They were a very useful exercise, which was a dialogue with Departments, and I then talked to the permanent secretaries individually afterwards. That worked very well at identifying problems, best practice and where practice could be improved, particularly with Departments that did not make many appointments. In fact, the spread of public appointments around Departments is very uneven. There were some biggies, and some that hardly made them. Curiously, Departments like the Foreign Office and the Treasury do not make many regulated appointments. That covers that.

On the more general point, I do not really have enough experience to comment on what seems a very reasonable suggestion in the Boardman report on internal compliance and so on, but that is outside my own particular experience.

**Q351 Jackie Doyle-Price:** A final question. This all feels very cultural to me, and we have a Government who have a very different culture from their immediate predecessors in the sense of respect for rules, compliance and



## HOUSE OF COMMONS

all that. We can have any tweaks or changes to the system of regulation we like, but ultimately, Ministers have to regulate their own behaviour and respect for the system, at the end of the day. Otherwise, the whole thing is meaningless.

**Sir Peter Riddell:** Yes. It is the balance between tightening the rules, and increasing transparency of ministerial accountability and, as you say, behaviour. This is one of the points I made earlier. In relation to the Grimstone changes, what mattered as much as anything else and why, at least initially, they did not have the adverse effects that this Committee and various others thought they would at the time was the culture of Ministers, particularly during the May Government. That, in some respects, has changed, but you have to have robust systems to deal with that while also allowing ministerial discretion and so on. All these things are questions.

The tension in my old job was between ministerial decision making and ensuring a fair and open process. I found the term “merit” slightly cloying, but where do you strike the balance between a fair and open process and ministerial decision making, in so far as you have to tighten that up to deal with exactly what you are describing? We are clearly in a much wider context—the Committee on Standards in Public Life and a range of other people—and there are many more pressing standards issues floating around, which this Committee has rightly been looking at.

Q352 **Tom Randall:** Sir Peter, the commissioner’s role is as one regulator within a broader regulatory landscape. You said in answer to Karin Smyth that sometimes you found out what the others were doing when you read it in the newspaper. I wonder whether you thought there was scope for similar bodies to work together, or whether you tried to do that during your time as commissioner.

**Sir Peter Riddell:** That is an interesting issue. It has been suggested that there should be a big ethics commissioner. I am with Jonathan Evans of the Committee on Standards in Public Life on that, and I have discussed it with him and others. I am against it because the relationships are so different. For example, as I mentioned earlier, from 2011 to 2016, the civil service commissioner and the public appointments commissioner were the same person in David Normington. David himself concluded, as well as everyone else, that it did not work because the relationships were different and confused things. He gave an interesting speech in 2015 in which he said there were pluses and minuses: there were some short-term cost savings, but in the long term Ministers were not sure on what basis they were working with the regulator in what were quite closely parallel functions. That is becoming even more so now. In my old role, I did not chair interviews whereas the civil service commissioner does chair the panel. That has accentuated things.

What can happen? You can get, as happens now, shared secretariats for cost reasons. There is no reason to have a massive duplication and a number of offices and all that. That worked quite well. The other thing is that, partly because a lot of the offices were in the same place in the



## HOUSE OF COMMONS

bottom of the Treasury/Cabinet Office building by St James's Park, we bumped into each other and talked. For example, I would often have a chat with successive chairs of the Committee on Standards in Public Life—normally informally—and we would talk about problems and issues. I appeared every year before the Committee on Standards in Public Life to talk about the issues, rather as I have here this morning.

I defend the role of the Committee on Standards in Public Life as having the overarching view on systems, but never on individual cases. Chairmen have got to bat off people demanding an inquiry by CSPL. They should not respond to that; what they should do is look at the overarching issues, and it works quite well. If the Chair of the Committee on Standards in Public Life has a relationship with the individual regulators, which on the whole they have, that works quite well.

This could be more of a comparison of issues, because the structures are so different. For example, the parliamentary regulators—the Parliamentary Commissioner for Standards and the Lords equivalent—have very different roles. I knew them, and we talked and so on and so forth—some I knew better than others, and some I knew historically for various reasons—but their positions were very different. It would not work to have a big regulator, although I am totally in favour of statutory backing. A bit more informal collaborating and the overarching view of CSPL is what I believe in.

**Q353 Tom Randall:** Is that sort of informal approach sufficient?

**Sir Peter Riddell:** Yes, because the issues are so different. The Committee has looked at the Electoral Commission, and I have talked to successive chairs of the Electoral Commission—John Holmes and John Pullinger—because I have known them historically, but the issues they face are 100% different from mine. I suppose there were some parallels with the Civil Service Commissioner, whose office was down the road from me, but they were not really akin. As I say, the informality worked well as long as you had an overarching view taken by CSPL, which in a sense is a parallel organisation to this Committee in what it looks at. I think that has worked pretty well. My greater concern is having greater consistency in the Cabinet Office. The turnover of Ministers is laughable. It is perfectly understandable in the political circumstances, but if you had a bit more consistency there, that would help a lot.

**Chair:** Thank you, Sir Peter, for your time and your evidence this morning. If there is anything you wish to further furnish us with, please do write.

**Sir Peter Riddell:** There are a couple of points that I would raise, but I will drop a note to the Clerks on that. They are not going to delay anything.

**Chair:** That is very kind of you. Thank you for your time.

**Sir Peter Riddell:** A pleasure. Thank you very much indeed. It is very good to see you again.



HOUSE OF COMMONS