

Public Administration and Constitutional Affairs Committee

Oral evidence: [The Work of the Commissioner for Public Appointments, HC 1577.](#)

Tuesday 4 July 2023

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Members present: Mr William Wragg (Chair); Jo Gideon; Mr David Jones; John McDonnell; Lloyd Russell-Moyle.

Questions 1 - 57

Witnesses

[I](#): Sir William Shawcross CVO, Commissioner for Public Appointments.

Examination of witness

Witness: Sir William Shawcross.

Q1 **Chair:** Good morning, and welcome to the Public Administration and Constitutional Affairs Committee. Today the Committee is holding a one-off session on the work of the Office of the Commissioner for Public Appointments. We are joined this morning by the Commissioner for Public Appointments, Sir William Shawcross, to discuss the work he has been doing in his role since his appointment in September 2021, following a pre-appointment hearing before this Committee.

Sir William, good morning. I wonder if you might introduce yourself for the record.

Sir William Shawcross: Good morning. Thank you. I am William Shawcross. I am Chairman of the Public Appointments Commission, since, as you say, September 2022. I am delighted to be here today and I hope to answer all your questions. If I cannot answer them all in the detail that you need, my wonderful staff will send you fuller responses. If we do not have enough time to do everything today, I am very happy to come back in another six months or whenever you wish.

Q2 **Chair:** That is extremely kind. If I can open with the first question, please. Now that you have been in post for that length of time, what are the key challenges you face so far and how have you responded to them?



Sir William Shawcross: The key challenge at the beginning of my term was the churn in Government. It was very extensive, as you will recall. It was quite difficult to deal with, and it meant that the number of Prime Ministers and Ministers who left Government in quite short order in 2021, '22, '23, slightly led to delays. Delays is one of the biggest issues that I have been dealing with and trying to tackle.

We have not defeated delays yet but it is a really important issue because so many candidates are delayed, so many appointments are delayed. I think only 25% of candidates actually go through the whole process within the three-month period that the Government have stated is the optimum. That is something I must deal with better and more effectively and something, frankly, Government Departments have to deal with more efficiently also, because you lose a lot of good candidates by delay. It is very debilitating. People don't want to wait six months to see if they are going to get an appointment or not. They would rather apply for something else, so Public Appointments loses people that it should not be losing. That is one of the big areas that I am having to deal with.

Q3 **Chair:** Do you see any further challenges arising in your term, and what would you say would be the key priorities for the remainder of that term?

Sir William Shawcross: There are a huge number of priorities. Diversity is one of them, as you know, to extend the reach of diversity in its broadest sense throughout government. That is a very important ambition. The day to day focus of my role is that I am consulted and notified about all selection processes for public appointments under the Governance Code. I deal with almost 100 consultations and notifications from Government Departments annually. There are serious issues with a number of appointments. They are only a small number but of course they attract a lot of attention and make people think, "The whole public appointments system is in disarray" or "It is corrupted" or whatever, and that is absolutely not true.

My overall impression for my first almost two years, 21 months, is that the public appointments process works very well, as do most things in this country. I always think that this country gets a bad press sometimes but, actually, there is a lot to be grateful for and one of the things that I am most grateful for is the parliamentary system that we enjoy. It is a privilege for me to appear before you today. The basic things that we take for granted actually work better than the press suggests, often.

The BBC inquiry shows that the system of scrutiny and oversight is extremely important to provide public assurance, as is working with Government to ensure that the recommendations made by the excellent KC who investigated the inquiry are fully implemented. I think it is very important that applicants for public appointments understand the importance of declaring any potential conflicts of interests and the best way to do this. The Code of Governance is clear that all potential conflicts of interest must be declared by candidates, and that is one of the things that I think that candidates must always be reminded of.



HOUSE OF COMMONS

As I have already mentioned, the delays continue to be the most significant issue for applicants and the boards of public bodies. As I said at my last assessment, only 25% of appointments were done in time in the three-month aspiration. My predecessor delivered an excellent thematic review of appointments in 2019. That identified that the most significant delays occurred after the interviews by panels—such as yours or other panels set up for that process—had been completed. The principal delays were at the end of the ministerial process.

After panels had passed their judgment and concluded who were the appointable candidates, the long delays then occurred and that is something that Government must address. I have been talking to Government Ministers and to departmental officials about that, trying to speed up that process. I have raised the issue with the First Minister of Wales, with the Cabinet Minister and with officials in No. 10 and in all Departments that I have been dealing with. Everyone assures me that the performance is improving after the churn of the last couple of years, and I think that is probably happening.

My other concern is ensuring that the public appointments process does deliver the best possible candidates for every role, maximising board effectiveness, and this requires that Departments identify exactly the skills and the sort of person that they want to recruit, taking a strategic view and engaging in timely and effective succession planning. Departments need to look hard at what is required: whether that is individuals with particular background skills or experience, or whether the different perspectives around the table will deliver effective oversight and robust decision-making. Over the next 12 months I hope to give active consideration as to how the annual audit, which my office begins to produce at this time of the year, is delivered and how it can help them achieve this.

Q4 Chair: Just on that theme—and thank you for that—I think the recent annual report noted eight breaches of the Governance Code. How do those cases fall through the monitoring process and what steps are you taking to avoid such breaches occurring in the future?

Sir William Shawcross: You are quite correct. There were eight breaches. I would point out that there were only eight breaches in over 100 significant appointments. Altogether there are now 4,476 appointees in regulated roles across more than 330 public bodies, which between them spend £200 billion annually, so it is a lot of responsibility. There were 100 significant appointments in the last year requiring a Senior Independent Panel Member to be appointed to the panels.

I received 10 complaints in 2020-21, two of them I considered as coming under my remit and I partly upheld both of them. As you say, there were eight competitions where the Governance Code had been breached and we dealt with those. They were not appalling breaches. They were technical breaches, and we dealt with them and we pointed them out to



HOUSE OF COMMONS

Departments and to everyone else relevant to make sure that they did not happen again.

However, you are quite right, the breaches are what is important to spot to ensure that the whole system is running honourably, properly and effectively.

Q5 **Chair:** Indeed. On that theme, do you feel that you have identified breaches in the Governance Code in a timely manner so that the relevant public authority can rectify them ahead of the appointment process being completed?

Sir William Shawcross: We do that. None of the breaches that we identified actually affected any specific appointment. They were technical rather than causing the competition to be rerun, for example. However, you are quite right, it should not have happened.

Q6 **Mr David Jones:** Sir William, you wrote to us in December of last year drawing our attention specifically to a breach of the Governance Code in relation to the competition for the Chair of the UK Statistics Authority. You told us that the panel convened was not compliant with the Governance Code. Could you explain to the Committee what precisely happened in that instance, and how it managed to slip through the monitoring process?

Sir William Shawcross: Yes, I hope I can. After the selection process had been concluded, it came to our attention that the Senior Independent Panel Member appointed to the Advisory Assessment Panel had declared political activity and did not comply with the requirements for independence set out in the Code. This was clearly a breach of the Code but it did not invalidate the appointment, as such, which has been reviewed and found to be fair, open and made on merit. It was an unfortunate breach but there is no evidence that it affected the appointment, and the appointment was allowed to stand.

Q7 **Mr David Jones:** Just to repeat: how did it slip through the monitoring process?

Sir William Shawcross: There were failures in the Cabinet Office and in my office to identify the fact that one individual had made political contributions in the five years previous to the panel. We should have identified that fact. It was a mistake. They were not huge contributions but, none the less, they were contributions and they should have been declared. I have made sure since that everybody—all panels and chairmen of panels—is clear that that is a really important issue and must be followed up closely. It was a bad mistake. It was not a catastrophic mistake but I regret that it happened.

Q8 **Mr David Jones:** You are confident that the outcome of the appointment was not that adversely impacted?



HOUSE OF COMMONS

Sir William Shawcross: Yes. I think it was clear to everybody that the person concerned in no way made any contribution to the panel that was improper.

Q9 **Mr David Jones:** What action have you taken to ensure that this sort of thing does not happen again?

Sir William Shawcross: We have to be more vigilant. We made a mistake and the Cabinet Office made a mistake, and it should not have happened. The political activity of that individual should have been declared and it wasn't. It was a big mistake and I apologise for that.

Q10 **Mr David Jones:** Have you put new processes in place?

Sir William Shawcross: Greater vigilance is the new process and, obviously, we and the Cabinet Office—

Mr David Jones: The same process but doing it properly?

Sir William Shawcross: Yes. I would like to point out that, in nearly all cases, it is done properly and this was an unfortunate mistake. However, it wasn't the rule. It was the exception.

Q11 **Mr David Jones:** You recused yourself from the appointment process relating to Richard Sharp as BBC Chairman. You said that you had met him on a previous occasion. You must meet a lot of people during your day to day life.

Sir William Shawcross: I do, as do you.

Q12 **Mr David Jones:** Indeed. What was it specifically in this case that made you feel that you should recuse yourself?

Sir William Shawcross: Because it is such an important matter, the Chairman of the BBC. He is not a friend but I had met him on two or three occasions, maybe four. We were not friends. We did not eat together. We did not socialise together. None the less, the BBC is such a hugely important part of our lives that I did not want any perceived potential conflict of interest to appear. Therefore, as soon as he was nominated, I mentioned to the Cabinet Office that I knew him. I had not seen him recently at all. It became clear to me—and I think to the Cabinet Office—that this was such an important job that it needed absolutely clarity in terms of conflict.

I did not want there to be any suggestion that I, chairing the panel that was investigating him, was in any way a chum or whatever, so I decided that I should stand down. I am a sole office holder. There was no obvious solution to this conflict except to find an independent person to take my place. That took a few days. I turned that over to my staff because it wasn't for me to find an independent person, because clearly it should be independent of me. My staff found an excellent KC, Mr Heppinstall, who agreed to take the task on.



HOUSE OF COMMONS

Q13 Mr David Jones: Arguably, all public appointments are important but I quite agree that some are probably much more important than others. What degree of importance would you regard as appropriate to cause you to recuse yourself in future?

Sir William Shawcross: What degree of importance?

Mr David Jones: Yes.

Sir William Shawcross: If I knew anybody who was coming under my remit, I would refer the matter to the Cabinet Office immediately to get its guidance. I think that Sir Richard Sharp is the only case that that has occurred with so far, but I assure you that, if it happens again, I will immediately speak to the Cabinet Office and say, "Should I recuse myself in this case?"

Q14 Mr David Jones: It is not something you would want to do frequently, is it?

Sir William Shawcross: No.

Q15 Mr David Jones: Would you regard the need to recuse yourself as something that would impact on your own capability to perform a key aspect of your role?

Sir William Shawcross: That is a perfectly fair question and I hope the answer is no. As I say, in the 20 months that I have been in this job it has only happened once with Richard Sharp.

Mr David Jones: Thank you very much.

Chair: David, do you have a follow-up?

Q16 Mr David Jones: Forgive me, I am so sorry, Chairman, I missed one, you are quite right.

Do you feel that the Government should be taken out of the BBC appointment process all together and, if so, how could that process be conducted in an appropriately accountable way?

Sir William Shawcross: No, I do not think that there is any requirement for Ministers, or the Government in general, to be removed from the appointment process of the BBC. I think the important thing is that the appointment process adheres to the provisions set out in the Governance Code and that appointments to the BBC are seen—like all other appointments—to be fair, open and based on merit. The BBC charter states that the Government is involved in the BBC in an overall sense, and I don't think that it is necessary for the Government to be removed from the appointment of the chairman.

Mr David Jones: Thank you, Sir William.

Q17 John McDonnell: Sir William, I have a block of questions about unregulated appointments. Some are a bit long but let me just take you



through it.

Sir William Shawcross: I hope I can follow them.

- Q18 **John McDonnell:** Sir Peter Riddell highlighted concerns about the growth of direct ministerial appointments outside the remit of the Commissioner for Public Appointments and the First Civil Service Commissioner. First, do you share the concerns that Peter had and what, in your view, are the conditions or circumstances under which a public appointment should be regulated or unregulated? Then the other question is: are you able to exert any influence on whether certain posts are within the scope of the Commissioner or not?

Sir William Shawcross: My distinguished predecessor, Peter Riddell, did indeed raise this issue and he was completely right to do so. I agree with him that it is very important, and he said that there isn't an obvious case for regulating unregulated appointments. However, I think there is a case for increased transparency, which I think Peter Riddell also argued for.

The Government should publish a definitive list of all those appointments that are unregulated. That would be very helpful to everybody and I see no reason why it should not be done.

John McDonnell: Are you able to exert any influence?

Sir William Shawcross: Yes. I have said that already and I will continue to say that. I am glad for the Committee to exert its own influence in terms of this inquiry.

- Q19 **John McDonnell:** How do you determine whether or not an appointment is one of those where you can exert some influence to ensure that—

Sir William Shawcross: It is a grey area—as Peter identified and as I agree—and it should not be so. It should be a much more open area. I do not think it is sinister that it is a grey area but it is something that would be much better if it was more cut and dried.

As I understand it, the principal differences between regulated and unregulated appointments are that unregulated ones are normally direct appointments made by Ministers to short-term advisory roles in non-statutory offices. Whereas all regulated appointments are listed in the Order of Council. Unregulated appointments do not come under my remit. The only way in which they impact on my role at all is to impact on the wider perception of public appointments, causing confusion about which roles fall within my remit and which do not. That is why I think they should be published but they would still not be falling under my remit.

- Q20 **John McDonnell:** Let me get this absolutely clear then. You are agreeing with one of our own recommendations with regard to full publication so that that brings about transparency. However, in terms of you exerting your influence on pushing a group of appointments into the regulated section, what influence are you exerting there?



Sir William Shawcross: I am not. Forgive me, maybe I misspoke or expressed myself badly. I don't think it is for me to push for these all to go into the regulated section. I do not think I should have control over all unregulated appointments. Some are for a very short term, done mostly by Ministers for three months, six months, projects, whatever, and it would be very time consuming and not cost effective to force them all to come under my remit.

Q21 **John McDonnell:** All right. However, you do agree with the general view or approach that we have taken, which is to try to get as much publication as possible?

Sir William Shawcross: My slogan throughout this job is to be fair, open and on merit, and I think that openness indeed suggests that unregulated appointments should be more publicly known.

I had an unregulated appointment in 2018, when the Foreign Secretary asked me to look at the history of Gaddafi's relationship with the IRA. I did a six-month scoping exercise on that and gave it to the Secretary of State at the end of it. It was a fascinating and rather horrifying task. It was completely transparent. It was open that I was doing this job, nothing secret about it or clandestine but it wasn't regulated and I don't think it needed to be.

Q22 **John McDonnell:** Let me give you an example of one of the areas that we have been looking at. We have been looking at Non-Executive Directors, most of which are not short-term appointments. They are relatively lengthy if not, in some instances, almost semi-permanent. They are appointments to departmental boards. Do you think they should come under regulation by your office and be subject to the Governance Code?

Sir William Shawcross: Which ones, for example?

John McDonnell: These are Non-Executive Director appointments. These are Non-Executive Directors who sit on departmental boards, quite influential in the way in which they can influence the role of the Department and the implementation of policy.

Sir William Shawcross: They should certainly be subject to the Governance Code and I think the Government are actively considering this role. It is something I will take up further and we will look at further, and if you like I will come back with a more detailed answer to you.

Q23 **John McDonnell:** That would be helpful because the Paymaster General, Jeremy Quin, said that the Government plan to regulate the appointment, but at the moment we have no further detail. Do you know what the status is?

Sir William Shawcross: I don't know the projected timetable. I know the Government are actively considering it. If you would like me to find the timetable I will try to do so for you.



HOUSE OF COMMONS

Q24 **John McDonnell:** That would be very helpful. Are there any other public appointments at the moment that you have seen that you think should be regulated and brought under the Commissioner's remit? Anything that you have come across that you would think should be drawn in?

Sir William Shawcross: I do not think so. Not as a group, no. Again, I am happy to look at that and come back to you further on it.

John McDonnell: That would be helpful. Thank you.

Q25 **Jo Gideon:** I want to move on to Senior Independent Panel Members. Your predecessor took the view that Ministers have, on occasion, tried to 'pack' interview Panels with allies to ensure their preferred candidate is successful. Has this been a problem in your experience in your time as Commissioner?

Sir William Shawcross: It has not, no. He did raise those concerns. You are completely correct. He talked about packing panels with individuals who are politically active and not impartial. As I mentioned, I have the greatest respect for him. That clearly was a concern and maybe the Government learnt from his expression of that concern.

My understanding is that he identified that as happening in a number of instances. In particular, he raised concerns about the composition of the panels to the chairs of Ofcom and the Office for Students. All panels must comply with the requirements of section 5 of the Governance Code on public appointments, including the need to appoint a Senior Independent Panel Member for significant appointments. I have not seen any evidence of it being a problem, so far as I am concerned. Nothing has happened to cause me to raise my hands in horror and say, "You cannot do this". Peter's warning has obviously had a good effect.

Q26 **Jo Gideon:** You have not had to do anything actively to prevent this from happening?

Sir William Shawcross: No. However, my small but excellent team and I are always aware of the danger of it happening and I am glad to say we haven't spotted it.

Q27 **Jo Gideon:** Good. If Senior Independent Panel Members were required to report to the Commissioner on the propriety of the appointment process they have been involved in, do you think this would sufficiently deter Ministers from attempting to pack recruitment panels with political allies?

Sir William Shawcross: Yes, it certainly has that effect. Senior Independent Panel Members already have a duty, set out in paragraph 6.3 of the Governance Code, to highlight any material breaches of the Code that occur during the appointments process. Any SIPM can lodge a complaint with me about any appointment process that they have participated in. I haven't had any such complaints and I don't think any additional measures are needed. I think that the system actually works



HOUSE OF COMMONS

and Peter was quite right to raise the issues that he did, and I will do the same if and when that necessity arises.

Q28 **Jo Gideon:** Thank you. Do you agree with the Committee's recommendation that the Government Lead Non-Executive should be classified as a 'Significant Appointment' subject to the Governance Code and pre-appointment hearing by this Committee?

Sir William Shawcross: I think that is a good idea, yes. The scale and scope of the Government's Lead Non-Executive Director is comparable to other significant appointments, so I think that was a very useful suggestion from you.

Q29 **Chair:** Thank you. The Committee on Standards in Public Life, Sir William, has recommended that your office have a stronger legal basis. What, in your view, would be the effect of such a change and how would it impact on how you carry out your role?

Sir William Shawcross: I have to respectfully disagree with that recommendation. I don't think it is necessary for my office to have a stronger statutory basis, and it is not clear to me what benefit that would bring to my role. As I have said, my principal concern with this role is delays, delays, delays, and always to make sure that the whole process of appointments is fair, open and done on merit. I don't think that having a statutory basis would make any difference at all. In the system that my office enjoys, we already have completely adequate independence and statutory control is not necessary.

Q30 **Chair:** You would not see that basis, analogous to the First Civil Service Commissioner, as being of any benefit to you?

Sir William Shawcross: I don't think so, no. I really don't. I have looked at it very closely with my staff and with others and consulted with others because obviously, when that Committee suggests it, it is something one must take very seriously. We have taken it seriously and we don't see the benefit in it.

Q31 **Chair:** On the theme of recommendations from the Committee on Standards in Public Life, it is recommended that ethics watchdogs should be appointed in line with the significant public appointments process, and the Advisory Assessment Panels for each should have a majority of independent members. Do you agree with that recommendation and how might that impact upon your role?

Sir William Shawcross: I do agree that ethics watchdogs, like the chair of ACOBA, for example, should be significant appointments. Those roles are similar in nature to significant appointments and I think it is a good idea.

Q32 **Chair:** In your view, should public appointments require the endorsement of the relevant Select Committee—we should declare an interest in that, I suppose—and should candidates that are not endorsed by the relevant



Select Committee for these posts not subsequently be appointed?

Sir William Shawcross: No. I think that is a fence too far for appointees if they go through the whole process and then have to jump Becher's Brook at the end of it. I think that would be very off-putting and very disadvantageous to the whole process. It would make it much longer and it would also impose a huge burden on Select Committees, which I don't suppose you would really wish to have, nor should you have. The process is open, fair and on merit almost all the time. It is a good process as it exists, and I don't think it needs every successful candidate to come before a relevant Select Committee.

Chair: That is a fair point. Could I go back to John McDonnell, please?

Q33 **John McDonnell:** I want to ask you a couple of questions on diversity of appointments.

Sir William Shawcross: Yes, of course you can.

Q34 **John McDonnell:** In your recent Annual Report, you note an increase in the figures for appointments made to women and those declaring minority ethnic backgrounds from the previous year. What accounts for this change and what are you doing to continue that trend?

Sir William Shawcross: I think what accounts for the changes is that people throughout the country and throughout government—and certainly in my office and in the Cabinet Office generally—are much more aware of the need for this to change, and there has been a much greater focus on it and I welcome that. I think diversity in its widest sense is incredibly important to the governance of this country.

Q35 **John McDonnell:** Do you know what proportion of appointments made to women and candidates from minority ethnic backgrounds were classified as "Significant Appointments"?

Sir William Shawcross: No, I don't have that figure and I should do. I do not think that the Government have looked at that adequately, in terms of looking at which are significant appointments and which are ordinary appointments. It is something that I plan to speak to the Government about and, if it is not routinely collected as a part of diversity statistics, I think we should try to look at it.

Q36 **John McDonnell:** That would be really helpful. In your most recent Annual Report, you noted the continued "stagnation" in appointments made to young people and people declaring disabilities. What have you done to address this to date and what will you be doing to address this during the remainder of your tenure, both for young people and people with disabilities?

Sir William Shawcross: It is important that both young people and disabled people are represented more strongly in appointments, and it is a serious problem. It is quite a difficult issue to persuade young people that they can afford to give up their time to public appointments, if they



HOUSE OF COMMONS

are starting off on their careers in their thirties or forties and trying to earn a living for their families. It is a serious issue.

On disabilities, I agree with you that that is also incredibly important. As you know, the disability questionnaire has been changed recently and that introduces problems of measurement. There used to be a single stage question: do you consider yourself to be disabled? An answer of yes means that that person is counted as having a disability.

There is now a two-stage process. The first question is: do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more? If you answer yes to that question, you are asked: does your condition or illness or do your conditions or illnesses reduce your ability to carry out day to day activities? An answer of "Yes" to the first question and "Yes, a little" or "Yes, a lot" to the second question means that that person is counted as having a disability, so this new question is much more comprehensive but it has not bedded in completely yet.

In 2021, 80% of applicants were asked the single question with 20% only asked the two-stage question. This year, as new competitions have launched and Departments have worked harder to embed the new questions more consistently, that has been reversed. The proportion of applicants asked the multi-stage question is now almost 78%. This is something that is being embedded and I will report to you in more detail on its effect. Perhaps my staff could write to you in the next few weeks about this.

Q37 John McDonnell: That would be helpful. Why do you think it is harder recruiting people with disabilities, people who are declaring disabled?

Sir William Shawcross: Perhaps it is harder to find people who want it. I don't know if that is true. There are some people who would consider that their disabilities are such that they don't want to go into a public appointment and, also, I suspect that it is harder because we or the Departments are not making enough effort and we have to make more.

Q38 John McDonnell: It would be really interesting to see whether or not there is more work you can do, particularly in that area, and what reasonable adjustments, for example, that you are encouraging to be put in place on recruitment.

Sir William Shawcross: Absolutely. As the two-stage question beds in I will come back to you with a proper answer to that. It is a very important question. I agree with you.

Q39 Jo Gideon: Your most recent Annual Report highlighted the disproportionate number of appointments and reappointments made to candidates based in London or the south-east. Why do you think this the case and what do you think the effect of this trend is?



HOUSE OF COMMONS

Sir William Shawcross: It is true, it is disproportionate and I am one of them. I live in the south-east and the answer is that I and Departments have to spend more time and effort going out the north-east, to Wales, to the north-west and to other areas of the country and encourage people to apply for public appointments; point out what a wonderful opportunity it is to serve yourself and to serve your country to take on a public appointment. That is a message that I plan to get across more fully.

I was in Wales recently talking about it. Next month I plan to go up to the north-east, to Darlington and Bishop Auckland, to talk about it up there. I think it is a process of persuading people, "This is open to you. The whole process is fair, open and judged on merit and you have a chance". Somebody suggested to me that someone who starts off working caring for patients could end up on an NHS panel. There is no limit to the way in which your life can change for the better by going into a public appointment. I think that is the real issue.

You are absolutely right that the geographical bias towards the south-east is not proper and we must do everything we can to try to change it.

Q40 Jo Gideon: Do you think that both you and the Government are doing enough? From the journeys you have made so far, have you had any feedback yet as to what people perceive the barriers are to applying for a public appointment?

Sir William Shawcross: We did a public meeting in Wales about three weeks ago about this. Everybody was quite encouraged by it and they did not see that there were insuperable barriers. However, in answer to the first part of your question: I think the answer is that I and Departments need to do a lot more. That is one of my messages to Departments at the moment and in the next year I will be working on that as hard as I can.

Q41 Mr David Jones: At what point do you believe that having a political affiliation should preclude an individual from holding a public appointment?

Sir William Shawcross: It is very important that everybody who applies for a political appointment should be impartial. That does not mean to say that people cannot have their own private political views. Of course they can, but they must be impartial when they take on a public appointment.

As I say, there is nothing to stop public appointees from being politically affiliated but it is essential that their conduct conforms with the Nolan Principles. That is something that I cannot enforce but it is something that everybody should understand. Their impartial conduct in office is a matter for the public bodies they serve and the Departments who oversee them. Sometimes there is a view that political appointments are stuffed with political partisans and actually that is not the case.

Only 6% of appointees in the last couple of years have declared a political affiliation, and I have no reason to believe that the other 94% are lying. I



HOUSE OF COMMONS

don't believe that to be the case. It is a problem and it is perceived to be a problem and, therefore, it is something we have to deal with. It is proper that we should but I don't think it is a disastrous area.

Q42 Mr David Jones: Are there any roles for which it is inappropriate to have a political affiliation?

Sir William Shawcross: You cannot be a Senior Independent Panel Member, like the ones we were discussing earlier. You cannot have political affiliations. You cannot be a donor to political parties if you take those roles.

The panels always have a question. I have been on panels myself, obviously, to get this job. At the end of the panel interview they always ask the candidate, "Is there anything else in your life that we have not discussed that you should declare that could be seen to affect your taking on this job or carrying out this role properly, honourably, openly and on merit?" That is the opportunity to say, "Actually, last week I gave £10,000 to such and such a party" or "I have been working in my constituency for such and such a Member of Parliament" or whatever. That is the point at which all potential appointees should reveal anything that might be disadvantageous to their role.

Q43 Mr David Jones: You have told us that you do not believe that there is a significant degree of political bias among appointees. Do you think there is anything more that your office, or the public bodies themselves, could do to ensure that appointees are politically impartial?

Sir William Shawcross: As I said, I think the Nolan Principles are the ones that should guide us. The Nolan Principles do not say that no one can have political loyalties or beliefs. This is a democracy and I think people are entitled to have political beliefs and still go into public appointments.

Q44 Mr David Jones: You do not believe that there is anything further that needs to be done?

Sir William Shawcross: I don't think that people should be barred generally from applying for political jobs because they have supported one or other party. As I say, this is a wonderful democratic country and we thrive on political life. It may get a bit raucous at times but, none the less, it is the basis of our extraordinarily successful and envied, actually, political system. Therefore, to say that anybody who has political affiliations cannot go into public life I think would be quite wrong.

Q45 Lloyd Russell-Moyle: In your pre-appointment hearings, you emphasised the importance of encouraging people from socioeconomic backgrounds in their diversity to apply for public appointments. Is the data on socioeconomic background currently collected?

Sir William Shawcross: I don't have it. I don't collect it. It is done by the Cabinet Office. I support it, and I think that it should be more public.



HOUSE OF COMMONS

At the moment it isn't very much public and I will look further into that in view of your question.

Q46 **Lloyd Russell-Moyle:** You will push Ministers to gather and publish better socioeconomic data?

Sir William Shawcross: Yes. It is an important and interesting fact and, very importantly, it adds to the diversity question. It is not something that exists properly in any real detailed form at the moment.

Q47 **Lloyd Russell-Moyle:** You mentioned this in your pre-appointment hearing. Has there been any move towards proposing the diversity of socioeconomic backgrounds, or so far is it just warm words?

Sir William Shawcross: It is more than warm words. I think it is concerned words. It is an issue. I know that my predecessor raised it with the Cabinet Office. I have also raised it. I will continue to do so, and I will try to answer this question to you in writing in more detail as soon as possible and discuss it at my next appointment with you here.

Q48 **Lloyd Russell-Moyle:** That would be very useful, and a link to the regional bias as well. Sometimes those two things are inappropriately linked, but actually—

Sir William Shawcross: Absolutely. There are regional differences and so bias may not be the only word that applies to that, but the regional differences are certainly important factors.

Q49 **Lloyd Russell-Moyle:** In your pre-appointment hearing you also said that you would look to encourage individual Departments to undertake benchmarking and gather data on remuneration for public appointments. Have you done so and what has there been any outcome from that?

Sir William Shawcross: Yes. It has been suggested—as I think perhaps you are now—that remuneration is a key factor in deterring people from some socioeconomic backgrounds from applying. I think it is an issue that we should look at more carefully. My predecessor raised it and I normally agree with him, and I think he was a marvellous Commissioner. I would like to do a bit more work on it myself, and I regret to say that I haven't yet and I will come back to you.

Q50 **Lloyd Russell-Moyle:** What has been the delay in doing that?

Sir William Shawcross: The press of other business, but that is not an adequate excuse.

Lloyd Russell-Moyle: Yes. I hope that you can come back to us. Would you have a timetable on when you think you could get some significant progress on at least writing to Departments to ask them?

Sir William Shawcross: I hope to do that over the course of the summer and early autumn.

Lloyd Russell-Moyle: Perfect. Thank you.



HOUSE OF COMMONS

Sir William Shawcross: I would like to come back to you during the autumn on all these issues that you have collectively and individually raised.

Lloyd Russell-Moyle: That would be much appreciated. Thank you.

Q51 **Chair:** It is quite topical to speak of five pledges and so forth, but I have gathered from your five pledges at the outset or thereabouts that the key thing for you is backlogs. Do you have the most recent figures on how long on average it takes to complete a public appointment process?

Sir William Shawcross: Instead of three months it is often five or six months. That is just intolerable. There are a lot of appointments, so 1,250 appointments and reappointments were delivered in 2021-22. As I mentioned before, there were only eight competitions in which the Governance Code was breached. I received two complaints about public appointments that year, one of which I partly upheld. However, the delays are unconscionable and must be ameliorated and that is one of my principal—it does not sound important enough in some ways but it is.

Q52 **Chair:** I appreciate that and I am sure the Committee does as well, in terms of your aspiration. Just for the record, why, in your opinion, are so many appointments exceeding that three-month aspiration?

Sir William Shawcross: It happens within Departments. It happens within the Cabinet Office. It happens within No. 10. There are all places where delays can happen, and it is my job to try to see that those delays are diminished in all of those areas to the extent that I can. I don't control the Cabinet Office. I don't control No. 10, obviously.

Q53 **Chair:** I do not mean to be glib, but is it the case of papers in trays being passed around and things not being signed off? I understand ministerial churn, of course I do, but I think the delays were more embedded than just the time there were churns in Ministers.

Sir William Shawcross: Yes. I don't think the delays are for a sinister reason.

Chair: No.

Sir William Shawcross: Quite apart from the churn of Ministers, which is one thing, the Government are overwhelmed with different work. Every Minister has a massive amount of things in his or her in-tray and sometimes I am sure that clearly appointments do not always reach the top of the in-tray quickly. That is something that I will continue talking to Ministers and Permanent Secretaries and others about all the time and say, "This has got to be done. We are not treating candidates properly and, therefore, we are deterring good candidates from applying for these very important jobs".

Q54 **Chair:** Do you have ranking by Department, for example, that you could publish?



HOUSE OF COMMONS

Sir William Shawcross: Who does it better than others? I don't actually have that, but if I can find it I will let you have it.

Q55 **Chair:** We would be very keen to have it because I know that when we face delays in written parliamentary questions—I know they are completely different—on the Procedure Committee we found that ranking Departments did pull some of them up a bit.

Sir William Shawcross: I am sure it has a magic effect.

Q56 **Chair:** Finally from me, what is your office doing to reduce the number of appointments made without competition, and where are the blockages occurring in the processes?

Sir William Shawcross: The unregulated appointments that we have talked about at some length, they are made without competition and I don't think that that is—

Q57 **Chair:** There are some regulated appointments, though, aren't there, that are made or am I false in that assertion? Just in terms of the general principle. We don't need to be too worried about specifics.

Sir William Shawcross: What is your question, what am I doing about it?

Chair: Yes, the number of appointments made without competition. If I am correct, I think in the Code it says "in exceptional circumstances" and I think the question tends to come down to exceptional circumstances.

Sir William Shawcross: I think that may be a question that I will have to come back to you on. I apologise for that.

Chair: Not at all.

Sir William Shawcross: Hang on a second. Yes, here we are, last year I was consulted by Ministers 42 times on appointments without competition. That is important but, again, it is quite a small proportion of the 1,000 appointments and reappointments made each year. Most appointments without competition are made on an interim basis—rather, the unregulated appointments that we discussed earlier—for a brief fixed period of time, sometimes while a delayed appointments process of a person is completed. I can look at it and give you more details on that, but it isn't a huge problem I would say.

Chair: I do not think there are any instances of significant public appointments being made without competition.

Sir William Shawcross: I don't have any such evidence, no. It is 42. Thanks to my staff I can give you a precise number.

Chair: Thank you very much indeed. Unless there are any further questions from members of the Committee we will conclude there. Thank you very much for your time. I look forward to receiving the



HOUSE OF COMMONS

correspondence in the next few weeks or so with further elucidation, but for the moment, Sir William, thank you very much indeed.

Sir William Shawcross: May I thank you? It is a privilege to appear before you and it is a privilege to have this public appointment, obviously, for me. I am very grateful to you, and I am very grateful to the system. I think gratitude is a very important emotion these days and I express it totally to you.

Chair: We reciprocate equally, I am sure.

Sir William Shawcross: Thank you.

Chair: Thank you very much.