



## Public Administration and Constitutional Affairs Committee

### Oral evidence: Pre-appointment Hearing: Chair of the House of Lords Appointments Commission, HC 1906

Tuesday 24 October 2023

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Members present: Ronnie Cowan; Jo Gideon; Mr David Jones; John McDonnell; Damien Moore; Tom Randall; Lloyd Russell-Moyle; John Stevenson.

In the absence of the Chair, Mr David Jones took the Chair.

Questions 1-44

#### Witnesses

**I:** The Baroness Deech DBE KC, Government's preferred candidate for Chair of the House of Lords Appointments Commission.

#### Examination of witness

Witnesses: Baroness Deech.

**Q1 Chair:** Good morning and welcome to this meeting of the Public Administration and Constitutional Affairs Committee. Our usual Chair, William Wragg MP, is not available today, so I am taking the Chair for this meeting.

Today we will conduct a pre-appointment hearing for the Government's preferred candidate for the role of Chair of the House of Lords Appointments Commission, Baroness Deech. In recent years, there has been a number of high-profile controversies surrounding appointments to the House of Lords, and there is likely to be significant public scrutiny of such appointments in the future. Therefore, the Committee looks forward to hearing from Baroness Deech about her motivation and suitability for this very important constitutional role.

The Committee would like to take this opportunity to express its thanks to the incumbent Chair of the commission, Lord Bew, for his hard work and dedication to the role. We wish him well for the future.



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Good morning, Baroness Deech. Could you please introduce yourself for the record?

**Baroness Deech:** Good morning. I am Ruth Deech, Baroness Deech. I am a Cross-Bench Member of the House of Lords. I taught law for many years at Oxford and was principal of St Anne's College, Oxford. I have held a number of regulatory roles in my life, over barristers, students, in vitro fertilisation. I have held a number of advisory appointments. I have given many lectures and I generally get involved in quite a lot of things.

Q2 **Chair:** Thank you very much, and welcome to the Committee. My first question would have been to ask you to run through your CV, but you have given quite a comprehensive outline of it already. Could you tell the Committee why you applied to chair the House of Lords Appointments Commission?

**Baroness Deech:** I was not looking for another post, but I was called by the Cabinet Office and encouraged to apply. I then looked at it and went through the regular appointment process. I thought it was something very worth while and something that I could contribute to, because I myself was appointed by the House of Lords Appointments Commission. With many others, I have been very—"concerned" is perhaps putting it too strongly—interested to watch what has been going on over the last few years, with excellent new Cross-Bench appointments and sometimes some controversy but, most of all, the great public interest in the role and quality of the Lords. That is extremely important and, of course, it appeals to me as an academic lawyer and someone interested in the constitution, so I thought maybe I would fit this role.

Q3 **Chair:** You very kindly completed a questionnaire for us, in which you indicated that you intend to keep your membership of two advisory councils, your honorary legal positions and your livery company membership. Could you briefly outline what those positions are?

**Baroness Deech:** My livery company membership is as a draper. It was associated with my old school, and that is a charitable organisation. I am a bencher of the Inner Temple, but I am now retired; I am a senior bencher. On the two advisory roles, I am on the advisory council of the Union of Jewish Students, and I do not see any problem in continuing that. I am also on the advisory council of a body called UN Watch, which is based in Geneva and keeps a watchful eye on the United Nations, in particular its committees. For example, it is inclined to ask, "Why is Iran"—for example—"sitting on a body connected with women?" or, "Why would Russia or China be sitting on a human rights body?" I really would like to stay on its advisory council, but if there is anything in my CV that anyone thinks is a conflict of interest, I am very happy to give it up.

Q4 **Chair:** Could you confirm that you have no other interests or commitments that might give rise to a perception of a conflict of interest? I think you have indicated this already, but could you also say whether you would commit to resiling from a role if it led to any concerns about a conflict?



**Baroness Deech:** Yes, I certainly would. Very recently, I resigned from my honorary position at the National Jewish Assembly; I gave that up in case there was a perception of conflict. There should not be, but I thought that there might be a perception and I gave that up. Yes, of course—I am very mindful of conflicts of interest.

Q5 **Damien Moore:** Good morning, Baroness Deech. As you have mentioned, you have previously chaired a number of regulatory bodies, including the Human Fertilisation and Embryology Authority and the Bar Standards Board. Could you provide an example of how you think your experiences in those roles will aid you in undertaking the role of Chair of HOLAC?

**Baroness Deech:** The Human Fertilisation and Embryology Authority was a very interesting and complex body. The members were a disparate group: at one stage, we had a rabbi, a bishop and an actress—[*Laughter.*]

**John McDonnell:** Just give us the punchline, now.

**Baroness Deech:** We had clinicians, ethicists and doctors, so it was a very disparate body—but very expert and very willing.

We also dealt with very tricky ethical questions. One the one hand, patients who were desperate to have children had to be denied treatment that might not be ethical or safe. At the same time, I had to meet many lobby bodies—for example, those very much opposed to any interference at all in the reproductive process—and try to reassure them. I dealt with Ministers of Health, visited clinics and gave lectures all over the world to bodies that all had very strong reactions to what we were doing.

It was very worth while and enriching, and I think I learned how to pull together these disparate bodies and stay within the law: actually, the whole structure of regulating reproductive science was much more bound by the law than any free-ranging ethical questions.

We kept going, and I think the great success was that we persuaded the Government—right after Dolly the sheep was announced in, I think, 1997—that cloning for medical purposes would be a good thing and that stem cells should be allowed to go ahead, even though many people felt opposed. We managed to convince the Government of that, and we think that was very worth while. I am very proud of the fact that we did that. Also, I joined that body without even having a science O-level, but I managed to cope. That was, I think, good preparation.

I could go on. At the Bar Standards Board, I was dealing with a new structure under the Legal Services Act. The barristers did not want to be regulated, but I felt that maintaining their independence from an overarching body and from the profession of solicitor was important. There I dealt with Justice Ministers and also some very suspicious and distrustful barristers, who did not want to be regulated and who did not want their advocacy to be tested.



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Again, we negotiated all that with a very clever expert body, including, I am proud to say, Dame Sue Carr, who is now the first Lady Chief Justice. She was one of my colleagues on that body, and that was very helpful too.

- Q6 **Damien Moore:** Are you confident that you can robustly defend your position to senior political figures, given your experience at those two bodies?

**Baroness Deech:** I am certainly prepared to go in and do it. I have done it before, and I hope that I would be able to put forward arguments that were supportive of the good of Parliament as a whole and would convince Ministers and other senior figures that we were on the right path.

- Q7 **Damien Moore:** Thank you. You have emphasised your media experience and training to us in written evidence. Do you think that the Chair of HOLAC needs to take a more prominent public presence? If so, for what reasons? How would that best be achieved?

**Baroness Deech:** Not necessarily the Chair of HOLAC, but HOLAC as a whole. It would be good if it had a more public profile. Although at the very beginning, 20 years ago, there was quite a lot of good publicity when the first group of outstanding people's peers, as they were called, were appointed, in more recent years it has tended to be in the spotlight only when there has been an appointment of a peer surrounded by adverse publicity. It would be good to have more forward prominence, in part to convince people from all the regions that this could be within their reach, and to reassure the public. I think the public believe—perhaps over-believe—that HOLAC controls the quality of all new peers, which it certainly does not. I think that is the public impression, and it would be good to get out there—either me or other members—and explain more of what we did.

**Damien Moore:** Thank you.

- Q8 **John McDonnell:** You have told us that you have experience in “drawing in under-represented groups”. What do you think are the current problems with under-representation in the House of Lords? How would you propose drawing on your past experience to address that issue?

**Baroness Deech:** In my application I explain various things that I have done in the past. Most crucially at Oxford, we were always very conscious of the allegations that some groups were under-represented, and I did my best to address that. In relation to the House of Lords, I am not at all a believer in quotas—not at all. We have to get the best people. I think the under-representation in the House of Lords arises in the dearth of people with day jobs—people who work on the frontline in teaching, transport, retail and everyday jobs—because we do not have a salary. There are expenses, of course. They may not be living in London, and it is very hard for someone like that who needs their everyday job and is required there to find the time to be in the Lords. There is a problem there. We get people who are retired, but it is very difficult to get people from ordinary jobs, if I can call them that, whose voices we really need, to sit in the House of Lords. I wish there were a way around that, with some sort of



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subsidy from their union or something like that, to enable them to take their place in the House of Lords. I think that is lacking.

I would not say that we lack young people. There have been some young appointments recently. When I visit schools and talk about the House of Lords, teenagers say, "How do you know what we teenagers think?" I say, "We are parents and grandparents; it is better if you have some life experience behind you before you join." I think it is the day-by-day jobs. The representation of ethnic minorities is actually quite good. The representation of women stands at about 25%, which is not bad as these things go. Obviously I wish it were greater. Of course, there is regional representation. We have people from Wales, Northern Ireland and Scotland, and they face the same difficulty as the day-by-day-job people, which is getting there and the expense of being in London. We ought to be reaching out to the regions.

**Q9 John McDonnell:** Would you be able to shape the appointments in that way?

**Baroness Deech:** We can only shape them in so far as we can encourage people to apply. There is a limit to which one can reach out. When I was a BBC governor, and also at the HFEA, we held regional meetings occasionally and advertised them regionally, so that people who would not normally be keeping a close eye on what was going on in London could come and see and hear us. There might be something in that—having a meeting in the north somewhere or in Wales where people can come and see us and we can tell them how to apply.

**Chair:** Lloyd has a supplementary question.

**Q10 Lloyd Russell-Moyle:** You mentioned diversity of the regions and ethnicity. Is there an issue with diversity of thought? The parties put most of the people in there and people who come through party structures very often think in a certain way. How do you encourage people who maybe do not have a mainstream party political kind of thinking to apply to those posts? More particularly, how do you get people who think out of the box but do not undermine the probity of the House of Lords?

**Baroness Deech:** That is a very good question. There is not much we can do about the political appointments—though if we have a choice, we can look for that—but, speaking as a Cross Bencher, I like to think that we do think outside the box. I like to think that I do myself. There is a great diversity of opinion among the Cross Benchers. It is very hard to tell which way we are going to vote. We are not whipped; we are wooed by the political parties. Much of my life I have been told that I am controversial, even when I do not think I am, so I would be happy to find people and listen to people who have views that are not mainstream. I think there has been quite a lot of group-think over recent years in the House of Lords, and it would be good to find some people who understand very well what is going on and want to contribute but have different ideas. I am very sympathetic to that.



- Q11 Lloyd Russell-Moyle:** You mentioned earlier the difficulty that HOLAC is often reactive because the press picks something up and that undermines it. Is part of the problem that people who think outside the box are often easy targets for the press to accuse of being unsuitable candidates, and therefore they withdraw or get taken off your list because they cause too much furore?

**Baroness Deech:** I wouldn't know what has happened in the past and who has withdrawn, but as a reader of the papers I would say that the controversies over appointments in the past have not been about people who think outside the box. They have been about people who apparently do not have the requisite qualities but appear to have been nominated because they have made very large donations or they are friends of people in power. I think those are the two challenges that are the most difficult and have done the most damage. I do not know of any criticism of people who think outside the box: it is those two latter issues that have caused disquiet.

- Q12 John McDonnell:** That gives me a very useful lead-in to the next question. You have told us that you were motivated to apply for the role "out of concern for the probity and efficiency of the House of Lords". Can you expand on what your concerns are? I noted that you diplomatically turned to interests rather than your concerns, but they are concerns that I think are much shared. Could you tell us what your concerns are on both those matters and just how you envisage you will be able to address them?

**Baroness Deech:** Yes. As Mr Russell-Moyle pointed out, there have been those anxieties. I should say that, in relation to donations, I think Lord Bew got it right. I think it was under his aegis. He said that making a huge donation is not enough in itself, but if someone has made a big donation to a party, that should be left to one side. It should not be a bar; one has to look at their other qualities. I would like to see every nominee assessed for suitability and not just propriety. Propriety is of course necessary, but it does not go far enough. I do not know if I can achieve it, but I think that every nomination ought to be checked even if it is a bishop or a hereditary peer. There ought to be no reason why someone like that should not be up for being checked for suitability.

- Q13 John McDonnell:** How would you define suitability?

**Baroness Deech:** First of all are the Nolan principles, which I hardly need to go through for this Committee. However, the other qualities that have been used to check in that competitive field, which is nominating Cross Benchers, are: past achievement; integrity; not just policy formation, but the willingness and ability to see a policy through; contributions to public life; and what Sir Keir Starmer called oracy, which is the ability to present an argument fluently, because, after all, we work on our feet and through the way we speak, so it is important to have people who can present their views.

**John McDonnell:** It's a good job that's not a qualification for the House of Commons, but there you are.





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**Baroness Deech:** Far be it from me to comment. But in the House of Lords, I think that is very important, as are people who understand the constitutional role of the House of Lords. Even more important are people who understand that it's not an honour—well, it is an honour, but it is not just an honour. It is a working job.

You've got to turn up and you've got to be prepared to get stuck into the minutiae of revising legislation, sitting on Committees and doing the other work of the House of Lords, and not take long years of leave of absence—keeping the title and not showing up. I think that is very important, and I would want to make sure that nominees know they have got to be there. They have got to turn up and not go away for years while clinging on to the title. So: hard work, not an honour, past achievement, integrity, and so on. There is no reason why anyone who wants to be in the House of Lords should shy away from demonstrating those qualities.

- Q14 **John McDonnell:** If I've got it right—we had discussions with Lord Bew—it was very rare for a Prime Minister's nomination to be rejected. Do you think it should be more frequent, to assert the authority of the role?

**Baroness Deech:** You have put your finger on the most difficult issue of all. Obviously, I do think that if HOLAC finds against a nominee for some reason, the Prime Minister should accept that, but HOLAC does not have a statutory basis. It is impossible; and, to be realistic, I don't think that any Prime Minister would allow, in the last resort, another body to veto his or her nomination.

However, looking at what has happened in the past, and again I only know what I have read in the papers, there have been one or two occasions when a nominee—a name has leaked out; I don't know how—has been regarded as unsuitable by HOLAC and nevertheless has been appointed. I would have thought that any Prime Minister would have learned the enormous damage done by that. The damage is to the Prime Minister; the damage is to the House of Lords; the damage is to the constitution; the damage is to the nominee, because that person who is not withdrawn will be probably known forever after as a candidate who was not regarded as suitable; and of course the damage is to HOLAC.

I hope that this will not happen again and that if someone was unsuitable, a Prime Minister would accept that; And I would remind the Prime Minister, if it came to it, of the enormous damage caused in all quarters by a rejection, and I would hope that that would do it.

- Q15 **John Stevenson:** Following on the argument that has already been articulated, you give an overview of the suitability of a candidate, which is all very commendable. Is there a danger, though, that you will start to create a self-perpetuating elite of likeminded people?

**Baroness Deech:** As I said in answer to a previous question, I would certainly be looking for people who think outside the box.

I think that we probably have a depth and richness in this country of people who have a record of achievement, who have integrity, who can



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speak, who do understand the work of the House of Lords and who are prepared to turn up. I don't think that people who don't show those qualities are people who we should be having in the House of Lords, so I don't think it amounts to an "elite" at all.

Actually, if you look at the Cross Benchers—in fact, if you look in depth at many Members of the House of Lords—they look like an elite, because the newspapers unfortunately always print pictures of us wearing the red gowns, but if you delve into the experiences and curriculum vitae of Members of the House of Lords, they are not an elite. There are some, but there are plenty of trade union leaders, and there are people who have been homeless and have been in bad situations in the past.

Actually, in many ways, if you have been following the work of the House of Lords, you will find that very often, when it comes to issues that I am sure are close to all your hearts, such as homelessness, immigration, poverty and so on, the House of Lords tends to be very much working in favour of deprived members of society. Some of them may look like an elite, but I do not think that that is actually the case. I think we can continue to find people who live up to those qualities I have listed, but who also will do the job in the way that I have described.

Just this week, I saw a film about Nicholas Winton and refugees. We have Lord Dubbs in the House of Lords, as an example of the sort of people who you would never have imagined would be there. I am the daughter of a refugee and there are plenty more like me. We may look like an elite but, thanks to the social mobility that used to prevail, we are there in the House of Lords. I am not worried about that.

**Q16 John Stevenson:** You have commented upon how there is a degree of lack of public trust in some of the appointments that have been made to the House of Lords. How do you see the role of the Chair of HOLAC in addressing that and bringing back confidence among the public?

**Baroness Deech:** In a number of ways: as I said, a higher profile—maybe going out and meeting people more often—and a bit more transparency. I found the annual report and the minutes quite short. Although I am very mindful of data protection and confidentiality, in the way that Lord Bew was scrupulous about, it may be that we could put out a bit more about what we are actually doing and have regular updates in our annual report. We could also do that by putting as much up on the website as possible—so that the public can see who our members are, what their backgrounds are and who they are appointing—and making sure we get some good or at least neutral publicity and not just bad publicity. As I have said, trust in HOLAC is entwined with the reputation of the House of Lords, because people think that the two really stand and fall together—that if we do a good job, the House of Lords will have good people. That is an exaggeration, of course, but I believe that to be the public's perception.

**Q17 John Stevenson:** Do you think there is more that HOLAC can do in finding individuals who are suitable to be Members of the House of Lords?





If you do, how do you go about doing that?

**Baroness Deech:** At the beginning, there was a lot of publicity about applying and I think there is not quite so much now. We want to put out more publicity about applying. But in the past, long before it ever crossed my mind that I would be here, many of my friends who I think are well qualified have said they would not dare apply because they are sensitive about being turned down, whereas I am the sort of person who sees a form and I fill it in. I think, "Well, go for it." One has to explain to people that it is totally confidential. The finger of fate will not necessarily reach out to you; you have to go yourself and go for it. I think that word has to be put out to people, because I am guessing that there are probably not as many applications now as there were 20 years ago when HOLAC started its work. One has to reassure people that it is worth applying and, whatever the outcome, nothing will leak about their appointment.

Q18 **John Stevenson:** There was a problem of perception in that, because at the time it was labelled "people's peers", and the reality was that they were, in many respects, drawn from a group that I have already suggested has a tendency to be perpetuated in the House of Lords. Do you not think that there was a perception that it was just a way of trying to encourage people, when it was not really encouraging people to apply?

**Baroness Deech:** I agree with you. I think the first crop of people's peers was exceptional and they were, you might say, elite. However, since then, if anybody looks at the make-up of the Cross Benchers, we include a ballerina, we include someone who was homeless, we have had people who are charity workers and people who represented minority groups of all sorts. I think one needs to get that message out. I agree with you that the first batch were elite but I find it impossible in my heart to criticise; they were actually a bunch of wonderful people—I am thinking back, for example, to Claus Moser. But after that, I think we do have many more people from, as it were, mundane backgrounds than you might realise, and the task is to get that message out: you, too, could apply.

Of course, you would then have the difficulty that I ran into at Oxford: the more successful Oxford University admission outreach work was, the more thousands of brilliant people applied, and the more were turned down, because the numbers who could be admitted remained the same. You ended up with many more disappointed people saying, "I was the first person to apply from my comprehensive school, I got three A\*s and I was turned down." That was really hard. One had to explain that there were hundreds of people with A\* grades, and I had to pick and choose. That is the trouble with outreach in any organisation where, in the end, the choice is a competitive one. It is a very difficult balance.

Q19 **John Stevenson:** I know that this is not strictly in your remit, but do you think the number of peers that we have is too many?

**Baroness Deech:** Well, it is not within my remit, and there is probably nothing I can do about it, but I certainly do agree. Many people on the Government Benches do not agree. The argument is made that, although we are 800, even on the most exciting days during Brexit you had only



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about 500 people turning up. It is regularly only about 500, so people say that it does not matter. Well, it does matter, because it looks bad to have another 300 who carry that—to me—precious title and do not show up. I think it looks really bad. As I said before, they are taking the honour and then not doing the work. They are even absenting themselves, going to live abroad and so on. Yes, I think the numbers are too great.

It is an almost intractable problem. I look forward to a Commons Committee that is going to report on this. I participated enthusiastically in efforts in the past few years to reduce the numbers—we were actually getting somewhere with the Burns Committee—and then in recent years there have been, as you know only too well, a flurry of new appointments, which HOLAC has been unable to stop. It is not within its remit. But yes, I think there are too many. In the last resort, I think the House of Lords itself has to find a way to encourage more people to retire or get people out on various grounds.

Q20 **John Stevenson:** I appreciate that, again, this question is not in your remit, but do you think it should be elected?

**Baroness Deech:** Elected? No. This will upset some of you. I lived through the attempts to change the House of Lords about 10 years ago. These are the reasons I hold this view. If the House of Lords was elected, you would have a head-on—I was about to say “clash”; I do not mean “clash”—equivalence with the House of Commons, which could be difficult. Why should one prevail over the other? Of course, as you and I know only too well, the Parliament Acts prevail and show that the Commons, in the end, prevails, which we are very conscious of.

Secondly, you could end up in a deadlock situation like you find in the United States. Thirdly, you might just reinforce the composition of the House of Commons, whereas it is better to have a House of Lords that has a political view that is sometimes quite different from the House of Commons’ and provides a balance and restraint. Next, it seemed to me that in the last resort many MPs did not really want an elected House of Lords: first, because it would be a challenge to their dominance; secondly, because many Prime Ministers in the end, no matter what they have said, find it quite convenient and useful to put in people as Ministers or allies; and thirdly, because many MPs themselves, maybe secretly, hope that one day they will be in it.

This Sunday there was an article in one of the papers about the much-admired MP Harriet Harman, who said that she was very much in favour of the reform of the Lords, and in the next paragraph said she wished she could be in it one day. I think there must be many who feel that. So no, I would not want to see an elected House of Lords. I would want HOLAC to ensure, as far as it can, its quality. I think the House of Lords itself, with the co-operation of Prime Ministers, must try to control the numbers. But elected? No. Incremental reform and the end of the hereditaries? Yes, that would be quite easy, and I can think of another group that could be pruned. But not elected, no.



**Q21 John McDonnell:** John has invited you into controversial areas—which are completely unrelated and irrelevant to this appointment at the moment; we will be reporting on the Lords in due course, I am sure.

On the point that you made about the numbers and the possible need for removal, you applied to become—and are likely to be appointed—Chair of HOLAC, which appoints. Do you think that HOLAC should have a role in—I am not sure this is a word—dis-appointing Members of the Lords?

**Baroness Deech:** Well, ideally, and without meaning to go into a statutory basis—because you might find that you are coming up against the royal prerogative and the need for a statutory basis—I would want to make something plain to appointees. The law is already, I think, that if you have a prison sentence of a year or more, or if you do not turn up for a year or more, you are out. In addition, I think that it should be made plain to nominees that there would be some monitoring of them to ensure that they did turn up and did contribute, and that they were observing the Nolan principles.

I think that many appointees, who may come, as you have indicated, from the top echelons of the jobs that they have been in, would bridle at the notion of appraisal, so maybe one would not want to call it that. However, a regular chat or interview with the convenor of the Cross Benches, or the party leader, about what contributions Members have made, the regularity of their turning up and what more they might be doing, would be a good thing. But unless you make major constitutional changes, HOLAC would not have the power to dis-appoint people. That is a very serious process and it lies elsewhere. However, making very plain the obligations that go hand in hand with the honour would help.

**Chair:** If we could return to the questions, I call Tom Randall.

**Q22 Tom Randall:** Thank you, Chair. Baroness Deech, I have two questions. You may feel that you have answered the first one already, but it is on the subject of a suitability test, which you indicated in your questionnaire regarding what your priorities as Chair would be, and new peers being subject to not just a probity assessment but a suitability test. I just wondered whether you had anything to expand on what you have already said. How do you envisage that test looking, and how would you plan to implement it?

**Baroness Deech:** Suitability? Well, I am not yet into it, but I gather that HOLAC gathers a great deal of information, from all sources—from security to police to social media—on what people have done in the past. Although there are great drawbacks to social media—Twitter, and so on—as I have discovered myself, they are nevertheless a good indication as to what people have done in the past. As with any post that one is applying to, scrupulous attention to the biography and achievements of people, and interviews, like the one that you are putting me through, would help, as would a statement from the nominator as to why they think that this person is suitable and a statement from the nominee as to why they think that they are suitable. Sometimes I have sat in the Chamber when someone new has been introduced, and there is a piece of paper telling



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you who they are, but it is only three lines or so, and if you want to find out what they have done, you have to go and do your own research.

I think that a bit more transparency—that is an overused word—a bit more research and publication as to what they have done, and what they themselves hope to do, would help. That would be public and available for interested people to read.

- Q23 **Tom Randall:** That actually leads to my second question, on the statements. You have suggested that the person nominating should say why they would be a good peer, and that the person being nominated should set out why they would be a good peer as well. I think that was recommended by our predecessor Committee. Do you think that would be a good move just because of public information, to understand who these people are, or do you think there may be further benefits of requiring a statement from them?

**Baroness Deech:** It is public information, but I also draw on my Oxford University experience—maybe if you have had children applying to university, you will understand—where the candidate has to write a personal statement, which has rather fallen into disrepute now, because they may get help doing it. If somebody has to make a personal statement about why they want a job, it forces them to focus on why, exactly. It is not just that they want to be Lord so-and-so or Baroness so-and-so; what do they think they can do? The nominator, a bit like a headmaster or headmistress or someone who writes up a statement or reference for a candidate or for a job, also has to think, “What do you think they can achieve? What is it they have done for me? What do I think they can do in the future?”

Data protection is a bit of a drawback because these statements tend to be rather more bland than they were in the past, before the laws of data protection, which mean that in the academic world, anyway, people are very cautious about saying anything because the candidates and the whole world can read it. But without fear of data protection, I think it makes you focus on what you have done and what you think you can do. Knowing that it will be seen in public would also help you to explain where you are coming from and what you think you can do.

- Q24 **Ronnie Cowan:** I don’t want to take you too far off piste—we have been through a lot already today—but in response to the commission, you mentioned this aspect of quality, and how we could improve the quality of Members of the House of Lords. How do you do that? How could you guarantee in an interview or assessment situation that you are going to improve the quality of the peers going forward?

**Baroness Deech:** As I have said, I believe there to be many applications that are not successful because the numbers are so small. Incidentally, although numbers are a problem, I do wish that we could have six Cross-Benchers a year, as we used to, rather than just two—but then I would say that, wouldn’t I, being a Cross-Bencher? The quality depends on all the things I have raised in this session: a careful check on what people



have done in the past; what they think they can do in the future; their integrity; their understanding of the Nolan principles; their willingness to speak and turn up. The drawback is that people who have the time to turn up three, four or five days a week are not likely to be those who have frontline day-to-day jobs. I am sure many of those people would be able to contribute if only they could, but we are not salaried, so it is not possible.

**Q25 Ronnie Cowan:** Does HOLAC actually have the powers to carry out that sort of personal investigation into an individual to ensure they have those qualities?

**Baroness Deech:** I am not yet into all the detail. From what I have been able to read, my understanding is that HOLAC does seek information from a wide range of bodies. I understand—although, as I said, it has not yet been revealed to me, but from what I have read—that HOLAC seeks information from security services, criminal checks and whatever is online about people, and, of course, takes references—I am sure it does. Like any job, it would explore such material as there is. But, as I say, I am not yet into it, so I do not know for sure, but that is what I have read.

**Ronnie Cowan:** As you have said already, one of your major obstacles must be the fact that you can't thin out what is already there. We have a House of Lords with roughly 800 people. There is no cap on that; it could grow. You are talking about an absolute maximum of 500 who turn up. The actual reality, day to day, is far fewer than that. If people have not been there for over a year, they can be asked to resign for non-attendance—I don't know if they can be forced out, except for more than a year's imprisonment. So, any turnover you would achieve by bringing in high-quality Members would be incredibly slow because of the numbers that you would have to thin out at the other end to make a difference.

**Baroness Deech:** You are right, but it is not within the remit of HOLAC. It is something for the House of Lords itself to tackle.

**Q26 Ronnie Cowan:** Would you seek those powers for HOLAC?

**Baroness Deech:** First of all, I would look forward to a Commons Committee report on this. I would go back to the Burns Committee, and I would if I could talk to the Prime Minister or the powers that be to see if this Prime Minister or any future Prime Minister would act with restraint on appointing large new numbers. I have read in the press—and this would not be surprising—that if we have a change of Government the new Prime Minister would understandably want to put in many more new peers, and that would present us with a tricky situation.

In the end, I don't think the reduction of numbers can ever really be within the remit of HOLAC unless it becomes statutory. It is for the House of Lords itself to exercise such powers as it has, and for a willing Prime Minister who understands the problems, who wants, like we do, to see top quality, efficient working in the House of Lords to grip that. But I absolutely understand the push and pull of desiderata on Prime Ministers past and future.



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Q27 **Ronnie Cowan:** On the day to day running of HOLAC, do you believe that the current secretariat is big enough?

**Baroness Deech:** I don't know. I'm not into it yet. I don't know whether the resources are sufficient. I have not been initiated into that. I have been holding off until I pass this scrutiny, so I really don't know. I don't think it is very big, but whether it is adequate I really don't know.

**Ronnie Cowan:** You said if, not when, you pass this scrutiny.

**Baroness Deech:** I am not tempting fate.

Q28 **Ronnie Cowan:** You talked about wanting to approach the Prime Minister. Do you feel you have that authority? Would that door always be open? Do you honestly believe that you could open the door and go to the Prime Minister and say, "That person you recommended does not come up to the mark"?

**Baroness Deech:** I understand that that has happened in the past. I would certainly be there knocking on the door and making a fuss if I could not.

Q29 **Ronnie Cowan:** Are there any recent appointments where you think you might have made that journey? Might you have knocked on No. 10's door and said—*[Laughter.]*

**Baroness Deech:** I can't answer that.

Q30 **Ronnie Cowan:** Might a track be made on the carpet between the two offices?

**Baroness Deech:** I certainly can't answer that one.

Q31 **Ronnie Cowan:** It would be interesting because it might give us a guide as to who you believe is appropriate and who isn't—who has got the qualities. You mentioned that you do not like quotas. The example you used was young people. You said, "We have kids and grandkids and that keeps us in contact with them." Is somebody of 29 years of age suitable to be a Member of the House of Lords?

**Baroness Deech:** It is not for me to say. All I can say is that we have often been criticised for being too old. If a 29-year-old is introduced, we are not too old.

Q32 **Chair:** You wouldn't regard age as any sort of impediment?

**Baroness Deech:** Well, there are lots of us who are ancient, but I say, "Well, look at the Lord Speaker or Mick Jagger." I think I measure up okay with the President of the United States. It is the quality rather than the age. They say that the intense intellectual work of the House of Lords keeps people's minds alert. But I would be mindful of needing a full range of ages. People in their 40s who might be mid-career would have difficulty.

Q33 **Ronnie Cowan:** So, you don't like quotas, but we have 26 bishops. Is there anything you can do to encourage more diversity there?





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**Baroness Deech:** I think it is age old. The bishops were there, I am sure, before the rest of us. I personally don't think 26 bishops are necessary. I think Canterbury, York, London, but I don't think 26 are necessary.

Q34 **Chair:** Could I remind colleagues and the witness that we are here to consider Baroness Deech's suitability for this appointment, and we should not go too far off that particular remit?

**John McDonnell:** Could we bring her back for when we inquire about that?

**Chair:** I am sure she would add greatly to that inquiry.

**Baroness Deech:** I am going to get in trouble from the bishops, but anyways, you asked me.

**Chair:** We are skiing a bit off piste at the moment.

**Ronnie Cowan:** I was going to ask about the 75 hereditary peers as well, but we will skip over that one; I don't want to put you into any more difficult situations.

**Chair:** Thank you, Ronnie. Lloyd-Russell Moyle.

Q35 **Lloyd Russell-Moyle:** You have previously said that you favoured a statutory basis for HOLAC, but in some of the comments just now, you have been urging that that might be a difficult route to pursue. Could you tell us why you have favoured it, and why you seem to have mooted your position slightly on that?

**Baroness Deech:** I think it has to be a limited statute. The more I have thought about it, the more I believe that it is very unlikely that any Prime Minister, of whatever description, would agree to having a body based on statute that could override his or her power derived from the royal prerogative to appoint, or maybe even dismiss, peers. That is extremely unlikely. It would be good to have a statute that set out the criteria and the commitments that a nominee ought to make if they are appointed. That might give one a more solid foundation on which to object, but I wouldn't go all the way; I don't think it's possible for any statute. I can't see any Government agreeing for HOLAC to override the choice of a Prime Minister, so it would be a limited statute. But at the moment, HOLAC rests entirely on a Command Paper, which is a very fragile basis.

Q36 **Lloyd Russell-Moyle:** In that statutory basis, should there be a commitment to the percentage of HOLAC appointments compared with other appointments that are made? In the last year and a half, there have been zero HOLAC appointments but 40 prime ministerial appointments by the two Prime Ministers. That already starts from a very low base of about 7% to 4%, depending on where you start the numbers.

**Baroness Deech:** Again, HOLAC would be in the hands of the Prime Minister of the day. As I have said, I would dearly like to see more Cross-Bench appointments, if necessary at the expense of others, because the Cross-Benchers bring in that diversity of world view that you have



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mentioned. But again, it is not within our powers. Numbers are not within our powers. All we can do is work within what we have. It would be nice to have a statute that said that, but I am being realistic, and I don't believe that any Prime Minister would actually agree to have his or her powers fettered to that extent.

Q37 **Lloyd Russell-Moyle:** Unless we change the Chamber in its current sense more dramatically.

**Baroness Deech:** That is not for me to say.

Q38 **Lloyd Russell-Moyle:** There remains a vacancy on HOLAC, ever since Harry Mount resigned in September 2022 shortly after the appointment. What have the Government told you about plans to fill that role, and what would you do to mitigate that vacancy?

**Baroness Deech:** The Government haven't told me anything. I understand that a process is going on to fill that vacancy, but I have not been officially informed about that at all.

Q39 **Lloyd Russell-Moyle:** And you are not involved.

**Baroness Deech:** No.

Q40 **Lloyd Russell-Moyle:** Do you expect to be involved in that appointment?

**Baroness Deech:** If I am appointed and the process is still ongoing, yes, but if it is concluded before I am appointed, then no. I don't know what the timing is; I am not informed on that.

**Lloyd Russell-Moyle:** Thank you very much.

Q41 **Jo Gideon:** Baroness Deech, prior to 2010, there were four to six HOLAC appointments made each year, making up over 15% of all the appointments. However, since 2010, there have been on average only two HOLAC appointments each year, making up 7% or less of all appointments. What proportion of appointments do you think HOLAC should be making on an annual basis?

**Baroness Deech:** In every report I have ever read on the composition of the House of Lords, rather hearteningly there has been a call for 20% of the House of Lords to be independent Cross-Benchers. So, ideally, 20%; but, as I said, there are things going on that are outwith the remit of HOLAC. It could be—in fact, it should be—that our annual reports include a picture of the political balance and make-up of the House of Lords and how it is affected by any new appointments that are made. As I said, though, the figure of 20% has been widely agreed. I await the report of the Commons Committee on the House of Lords.

Q42 **Jo Gideon:** But have you received any commitments on the number of HOLAC appointments from the Government?

**Baroness Deech:** No. My feeling is that until and unless I am appointed, I cannot address the Government and ask for this, that and the other. At the moment, I am just the preferred candidate.



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Q43 **Jo Gideon:** What are your three main priorities for the first year in office and what criteria do you suggest we use to assess your performance against those aims after that period?

**Baroness Deech:** I have mulled long and hard over the three, because I listed more than three in my application. The first would be to hold discussions about extending suitability as a criterion for all appointments. The second would be to get more transparency and publicity, which go together, through annual reports and minutes, and a higher profile around the country. The third might be—I was going to say numbers, but I would not want to be judged on that, because it may be beyond my powers, if appointed—to make it very plain and accepted to all nominees that they must turn up, do the work, not take years of leave of absence, and be prepared to give an account of themselves every now and then as to their contribution and attendance. I would expect to be judged on how far I have gone to achieve those objectives.

Q44 **Chair:** Baroness Deech, thank you very much for appearing here today and for answering our questions so fully. Is there anything you would like to add to the evidence you have given this morning?

**Baroness Deech:** Only to say, as I have probably indicated, that I very much value the work of the House of Lords. It has been the privilege of my life to be there. I only wish my parents had been alive to see it. I would do my best to maintain that reputation of the House of Lords, because HOLAC's reputation would be very closely entwined with it. Thank you.

**Chair:** Thank you once again. That concludes this morning's session.