

Digital, Culture, Media and Sport Committee

Oral evidence: Work of the Commissioner for Public Appointments, HC 982

Tuesday 11 January 2022

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Members present: Julian Knight (Chair); Kevin Brennan; Clive Efford; Julie Elliott; Damian Green; Simon Jupp; John Nicolson; Jane Stevenson; Giles Watling.

Questions 1 - 245

Witnesses

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

[II](#): Sarah Healey, Permanent Secretary, Department for Digital, Culture, Media and Sport; Polly Payne, Director General, Culture, Sport and Civil Society, Department for Digital, Culture, Media and Sport; and Gemma Brough, Deputy Director, Public Bodies, Appointments, Honours and Awards, Department for Digital, Culture, Media and Sport.

Examination of witness

Witness: William Shawcross CVO.

Chair: This is the Digital, Culture, Media and Sport Select Committee and this is a hearing into public appointments in the Department for Digital, Culture, Media and Sport. We are joined in our first panel by William Shawcross, the Commissioner for Public Appointments. Before I begin, does anyone have any interests—any charitable interests—they wish to declare?

Clive Efford: I am chair of the trustees of Samuel Montagu Youth Centre.

Damian Green: I am a trustee of Godinton House Preservation Trust in my constituency.

Julie Elliott: I am a trustee of the CPA.

Giles Watling: I am vice chair of the Royal Theatrical Fund.

John Nicolson: I am a trustee of the Egyptian Halls project in Glasgow and a trustee of the Spitalfields Trust in London.

Q1 **Chair:** Mr Shawcross, thank you very much for joining us today. My first question, in relation to the appointments that are in the purview of this Committee—for example, the appointment at Ofcom, this latest appointment of the Charity Commission chair, and even before that the BBC chair and the proposal, at least in certain quarters, for a known licence-fee evader to become chair of the BBC—is: why is it that these particular appointments have proven so shambolic?

William Shawcross: I am not sure I would agree with the word “shambolic”.

Q2 **Chair:** How would you describe it, then?

William Shawcross: They are difficult, they are controversial appointments, and they are politically very sensitive. The BBC has acquired a very distinguished chair, as far as I know. I am not sure that the process that led to his appointment was shambolic.

With Ofcom, obviously the competition failed and it has been run again. It quite often happens that competitions fail for one reason or another. It is a pity and it wastes everybody’s time. In particular, one of the things I am most worried about is putting people off applying for public service. The longer that the process of appointments takes and the more often the competitions fail—which is not that often—all these things put people off applying. It is something that I worry about—that not enough people want to go into public service. The rewards are not great and the scrutiny can be very great and very disagreeable, so it is a problem.

The third one, the Charity Commission appointment that you brought up, is a great misfortune. I ran the Charity Commission for six years from



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2012 to 2018. It is an organisation I put a lot of time, effort and love into. I think it is a marvellous organisation. William Beveridge famously said that philanthropy is “a golden thread in the living tapestry of our national life”. I think that is right. Beveridge, after all, wrote the Beveridge report and helped create the welfare state, but he understood that philanthropy was unique to this country. We have a more important tradition of philanthropy than any other country, except perhaps for the United States. I am very sorry to see the Charity Commission stumble in its appointment of a new chair, because it needs a new chair. It has been without a chair for a year now, and it is a misfortune that that complication—

Q3 Chair: Yes, it is a misfortune. Frankly, this Committee views it as pretty appalling that we had a candidate come before us and four days later they had to resign because sufficient checks were not made.

We are going to focus first on Ofcom, which is probably the most important regulator in the UK, if we think about its role in the Online Safety Bill. It is more important, I would say, than even the Financial Conduct Authority because of its crucial part in British society, the British way of life and how we are going to protect our society going forward. Is it a huge failure that we have not, to this point, had a new chair appointed? You mentioned yourself the floating of names, and particularly that of Mr Dacre. Is that not a key reason why we have had to wait a year for this appointment to be made?

William Shawcross: There are lots of reasons why. I am certainly against the floating of names and I made that clear in my confirmation hearing before PACAC. I think it is a very bad thing to do. It suggests to the general public that decisions have already been made before competitions have been run, and that is completely improper. That must never be the case. It should never even be thought to be the case, and it discourages people from applying if they think it is a done deal.

Q4 Chair: Unfortunately, Mr Shawcross, no one is listening to you on that. We are, but I do not think No. 10 are listening to you, are they?

William Shawcross: You have picked out two very important cases, Ofcom and the Charity Commission. The failures of the competitions were for very different reasons, and it is a great pity, but it is not a tragedy in the state. We are getting on with it.

Q5 Chair: That does not really answer my question about whether or not you think that the floating of Mr Dacre’s name in particular has led to this year-long delay in getting a new chair of Ofcom. Do you believe that it has?

William Shawcross: I have said to you, Mr Chairman, that I think the floating of the names in any competition is a very bad thing. I made that clear before PACAC and I will make it clear to you again now. Names should not be floated. The names of candidates should not be revealed before the competition. The Government are allowed to have preferences,



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Ministers make the choices and the Government can choose, but that should not be done publicly in a way that looks as if the competition has been corrupt.

Q6 **Chair:** What should happen if they float names? Should there be some form of punishment, effectively, for those who decide to speak to the press?

William Shawcross: I do not know what sort of punishment you mean.

Chair: Sacking.

William Shawcross: Sacking Ministers?

Chair: Sacking those who are responsible for floating names.

William Shawcross: I don't know how that would be done, but that is your business, not mine, Sir.

Q7 **Chair:** Moving on to the Charity Commission chair, who do you think is ultimately responsible for the failure of that process?

William Shawcross: The Charity Commission is something I was deeply involved in in the past and have great affection for. It is also something that we are now involved in because OCPA has called in the papers from DCMS to look at what happened. I do not think it would be appropriate for me to comment in any detail on that. When we have looked through the papers and we have come up with a report, I will be very happy to come back to talk to you about it.

Q8 **Chair:** Who is ultimately responsible, though? Who should be held to account for the failure of this process? Is the civil servant? Is it the Minister? Who is it that you believe is responsible?

William Shawcross: I do not want to point fingers without having done the research myself. I am sure you have strong ideas about it and you do not need me to confirm, disconfirm or undermine them. I am going to do an investigation into what happened and then I would be very happy to come back to you.

Q9 **Chair:** What checks would you expect to be made before an appointment is made to the chair of the Charity Commission? Would you, for example, expect that the previous employer would be spoken to and references taken?

William Shawcross: That often happens. It does not always happen; I do not think it is compulsory, but it often happens. I do not know whether it happened in my case when I was appointed. I gave references and I think the individuals whom I gave were called by the Department.

Q10 **Chair:** Roughly speaking, how big is the charitable sector in this country?

William Shawcross: The charitable sector is huge. It is one of the great benefits for this country. It raises about £70 billion a year. There are about 180,000 charities. It is an extraordinary part of British life and one



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that should be cherished. That is what the Charity Commission does and it is a very important job.

Q11 **Chair:** So for the chair of the Charity Commission, with 180,000 charities and £70 billion, there were no references taken?

William Shawcross: I didn't say that. You are saying that; I don't know whether that is the case. I will tell you whether that is the case when I have done my report.

Q12 **Chair:** Hopefully we will have it confirmed in our second session whether or not references were taken. You would expect, would you not, in all instances, in such an important job, references to be taken? Back in the day I worked as a shelf stacker in Tesco and they took references for me, so why is it that you would not take references for a £70 billion industry?

William Shawcross: I have said to you that references certainly were taken in my case and I expect that they were in this case, but I do not know that yet. When I know, I will be very happy to come back and talk to you.

May I just say something else about references? References are much more difficult than they were some 10 or 20 years ago because people are frightened of data protection. I should not use the word "frightened"; people are concerned about data protection and therefore people find it more difficult to give the full and frank references that they might have done 20 years ago. That is an issue, not necessarily for your Committee, but in public life and in the private sector too. I have friends who work in the private sector and they can never get decent references any more because people are frightened of giving them. That is a real issue.

Q13 **Chair:** That is a fair point but it should not stop them from trying, should it?

William Shawcross: Of course.

Q14 **Chair:** In terms of these particular issues, if references were not taken, where does the responsibility lie for that? Is it with the Charity Commission or is it with DCMS with oversight? Surely the oversight role of DCMS should be to ask all those involved in the process if references had been taken rather than to take a "Scout's honour" approach—"Mr Thomas, will you please tell us if you have any difficulties? Have you been photographed with ladies' underwear, for instance?"

William Shawcross: I have said to you that I am not going to get into this particular case. As far as I am concerned it is sub judice in my position because I have to do an official investigation into it. Scout's honour, if you do not mind my saying so, is rather a wonderful tradition in this country.

Chair: Yes, and so is bob-a-job, but I do not normally put them in charge of a £70 billion industry.



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Q15 Kevin Brennan: Welcome, William, to the Committee. Thank you for being before us. Nearly 20 years ago I was a member of the then Public Administration Select Committee. I think the Commissioner for Public Appointments at the time was Dame Rennie Fritchie, one of your predecessors, and in more recent times we have had Peter Riddell. I have to say that they were both extremely helpful to this Committee in their roles, in helping us in our role to thoroughly scrutinise public appointments, the very reason your office was set up back in the 1990s. You seem a bit tetchy with us this morning; do you resent being asked these questions?

William Shawcross: I do not want to be tetchy at all.

Kevin Brennan: Am I misreading your mood?

William Shawcross: Yes, I am very happy to be here.

Q16 Kevin Brennan: Dame Rennie Fritchie and Peter Riddell were very helpful to this Committee—

William Shawcross: I hope to be also.

Kevin Brennan: And I wonder whether you would want to adopt their style, in seeing your role principally as ensuring that public appointments are done properly, thoroughly scrutinised and not done over the phone by Ministers in the way they used to be and in the way that some people think this Government is slipping into the habit of doing now.

It may not be a disaster for the state, but wouldn't any reasonable observer of what happened in the run-up to the appointment of the chair of the BBC say this? By the way, we on this Committee scrutinised him after his appointment and approved of the appointment, but the run-up to that, with the controversy about the touting of the name of Charles Moore, which came to this Committee's attention, was completely reprehensible. The way that names have been touted in the Ofcom appointment has been completely reprehensible and has come from the Government, as any reasonable individual can see if they have eyes in their head. This Committee have been sold a pup over the Charity Commission chair and made to look like fools and subsequently blamed by the Secretary of State for not having done our due diligence when that individual appeared before us. Shouldn't you, in your role, not be expressing a little more concern about what is going on in Government around public appointments? They may only be a few, but these are the ones that come before us. The failure rate and the delay rate so far are disastrous, aren't they?

William Shawcross: I quite agree with you. On your first point, I apologise if I appear tetchy, and I apologise, Mr Chairman, if you felt I was tetchy—I hope not. I was just trying to answer the Chair directly.

Kevin Brennan: I was misreading your mood.



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William Shawcross: I have great admiration for Peter Riddell. I talked to him several times before my appointment was accepted by PACAC and I know that he ran this job incredibly well. He regarded himself as a critical friend, I think, of the whole system. I think that is the way in which I should look at it. I certainly wish to work very closely with you all for however long I am here.

Going back to the examples you have mentioned, I was not here when the BBC appointment, nomination and competition took place. I was not here for the first part of Ofcom when Paul Dacre was the candidate. I am here now and the Ofcom competition is being re-run, as you know. I cannot really talk about that because it is in process at the moment but I hope it comes out with a successful result.

On the question of the Charity Commission, again, I feel constrained by the fact that I have to do a report on it and I do not want to speak ill of anybody without knowing the facts. I do not like speaking ill of people, particularly candidates. As I said earlier, it is very important that none of these processes should discourage people from coming into public service. One of the problems that we face—I have seen it in my first few months in this important job—is that of trying to attract more people from all over the country. It is very difficult.

Q17 **Kevin Brennan:** How many people would you expect to apply for a job like the chair of Ofcom?

William Shawcross: How many ought to apply?

Kevin Brennan: How many ought to be applying on the basis of what you just said—that people should want to apply for these jobs? Should it be more than nine?

William Shawcross: I do not know whether it should be, but it would be nice if it were.

Q18 **Kevin Brennan:** It is a pathetic number, isn't it? Again, any reasonable observer to an extremely important public appointment, which carries even greater importance with the online harms Bill coming through and the additional responsibilities Ofcom has taken on—I accept that someone would apply only if they were a highly qualified individual, but the fact that nine people applied to be chair of Ofcom, as I understand it, if that figure is correct, is pathetic, isn't it? Is that not something you should be concerned about and reading the riot act to Ministers about, given the fact that the Government's own people were leaking information that they had already decided who was going to get that job was stopping people of real talent, ability and diversity from applying for that job?

William Shawcross: I completely agree with that. I already said to the Chair that leaking names and references deters people from applying and that is very serious.

Q19 **Kevin Brennan:** Have you read the riot act to Ministers about it?



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William Shawcross: I have not spoken directly to Ministers about it yet, but I have spoken to senior civil servants about it and it is a very serious issue. I have said already to the Chair and I repeat to you, Sir, that one of my jobs must be to encourage more people to apply for all sorts of jobs, whether they are serious ones like Ofcom—big high-profile jobs—or whether they are small NHS appointments in country towns where people just simply do not want to apply. It is very difficult. You are quite right that one of the problems that puts people off is the allegation or appearance of ministerial interference, which discourages people. They think, “There is no point my applying; it will be a done deal.”

Q20 **Kevin Brennan:** Let me tell you: it is a reality; it is not an appearance or an allegation.

William Shawcross: It is not always a reality.

Q21 **Kevin Brennan:** It is a reality in these cases. What is your plan for making sure that the pool of talent is broadened in your term of office as commissioner?

William Shawcross: One of the things that I have to do is to concentrate on diversity, of course. That is a very, very important issue and one that I will work very hard on. Every study on diversity that has been made over the last few years shows that a diverse board, whether in the public or private sector, is always more effective than an un-diverse one. Increasing diversity is part of the law of this country and it is a law that I shall seek to apply as diligently and enthusiastically as I can.

Q22 **Kevin Brennan:** I know you have statistics on that; the Commissioner for Public Appointments collects them and so on. Are there similar statistics with regard to social background, class background or anything of that kind? Is that a concern for you?

William Shawcross: Yes, it is a concern, absolutely. I said at my PACAC hearing that I want to go out into different parts of the country, to provincial and regional areas, to talk to leaders of business and unions to encourage people to apply. Diversity of region is very important, diversity of class—if I can use that word—is important, and so is diversity of thought. We do not want just people from London applying for these national jobs. It is hugely important and it is very difficult but it is something that I shall put my mind to. I have not been able to get out much yet because of covid. I have spoken to the First Minister in Wales. They have serious issues with recruitment and I want to help them as much as possible. I asked if I could come and see them and they said, “No, you can’t,” so it was on Zoom.

Kevin Brennan: I share a constituency with him so I am sure you will be very welcome when restrictions relax.

William Shawcross: Perhaps I can see you too when I come up.

Kevin Brennan: It would be a pleasure.



Chair: Just do not bring your own booze.

Q23 **Damian Green:** A couple of times you have said you do not want people discouraged from coming forward. Is that happening? Is the quality of people applying going down?

William Shawcross: I am not in a position to say that. I do not think the quality of people is necessarily going down. There have been fewer applications during covid. The numbers of applicants are going down overall. That is a problem but I hope it is a short-term blip induced by covid. In particular, the number of women applying for public appointments in the last two years has gone down across the board. That is a serious issue and I am sure it is one that the Departments worry about too. I am sure the Permanent Secretary for DCMS will share my concern about that. It is something that I and Departments have to work together to encourage. I need to go out across the country and encourage people but I would not say the quality of people has gone down. I have no reason to say that.

Q24 **Damian Green:** I genuinely cannot understand why fewer women would apply through the covid period. What is your theory on that?

William Shawcross: I do not know that I have a proper theory, but I suppose because everybody has been constrained. For a lot of the time, they have had to stay at home, and women have probably assumed the burden of looking after families much more than men in many cases. That may be a reason. It is an important issue and something I want to look at, certainly.

Q25 **Damian Green:** Do you think what we have been discussing here—the ministerial floating of preferred candidates—is in the bloodstream of the application process now? Is that proving a discouragement?

William Shawcross: I certainly hope not. It is certainly in your bloodstream, and I am very conscious of it too. Anybody who works in Whitehall and Westminster is conscious of it, and rightly so. It is something that must be stopped. I have said that publicly and I will carry on doing so, and will say it directly to Ministers as well. It is an intellectual corruption of the system, which must not be tolerated, and it is completely against the Nolan principles, obviously.

Q26 **Damian Green:** But you cannot point to any direct evidence? Presumably people talk to you informally. Have you heard people saying, “I am not going to bother because I know there is a preferred candidate”? Or even worse, with whatever is coming up, “I know they will have a preferred candidate and I know it will not be me so I am not going to apply”?

William Shawcross: No one has said that to me but it is something I obviously need to do more research on. If I find any research that has already been done on that I will send it to the Committee.



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Q27 **Damian Green:** Are you planning something proactive on that? You make the point about not just individuals who may be discouraged but the need for greater diversity. I agree that enforcing diversity is quite difficult but do you have any powers to do that?

William Shawcross: I do not have any powers to enforce anything. I am here to see that the code is implemented. When I say I do not have any powers to enforce, I have powers to object if the Government does things that are incorrect, and I have already done that. Behind the scenes, I have engaged with Departments where I thought wrong things were being done with proposals for appointments and so on. That is a very useful role. But I have no powers to, in your words, "enforce" anything. It is a power of persuasion and advocacy.

Q28 **Damian Green:** You said you have already discussed with Departments things they were doing wrong. Can you enlarge on that?

William Shawcross: The things I was concerned about were not in total agreement with the code.

Q29 **Damian Green:** What sorts of things?

William Shawcross: It was just about the composition of panels and things like that.

Q30 **Damian Green:** In which Departments?

William Shawcross: If you do not mind, it is important to keep some conversations confidential. It worked. If it had not worked I would have gone public with it.

Q31 **Damian Green:** They have done what you have asked them to do in terms of composition of panels?

William Shawcross: Yes.

Q32 **Damian Green:** "Departments" suggests that more than one Whitehall Department was doing it.

William Shawcross: "Doing it" suggests malfeasance. I do not wish to suggest that. I just think there were mistakes being made and it is my job to point that out.

Q33 **Damian Green:** Indeed, that is an absolutely proper part of your job, but it is slightly disturbing if more than one Whitehall Department is getting its processes wrong.

William Shawcross: No, the Departments come to me and say, "Do you think this is okay?" Usually I say, "Yes". If I am concerned, I say, "Have you considered x or y?" They might say, "Yes, we have, and we still think that is all right." We will look at the code together and sometimes I will realise that my concern was misplaced and sometimes they realise that my concern was correct.



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I am not pointing a finger at the guilty men or women; I am just saying that is the process I have. You will see me again, I am sure, and tell me when you think I am failing, and I would be grateful for that. I have only been here for a few months, as you know, and it has been a difficult few months because of the continuation of covid. The job that I have is to advise and warn rather than to enforce. It is a hugely important job and I am very honoured to be doing it and honoured to be appearing before you.

- Q34 **Chair:** Thank you for that. What should happen when names are leaked? I touched on this before. You say that you just speak publicly and that is the ultimate thing that you can do. Your ultimate power effectively is to speak publicly. Is that enough?

William Shawcross: It may not always be enough, particularly once the names have been leaked, but it would be very wrong for me to allow a culture to develop in which that becomes normal. It must be the exception rather than the rule. You mentioned Charles Moore, who is a friend of mine, I should say, and Paul Dacre—their names were leaked. It is wrong. I have made that clear and I shall make it clearer.

- Q35 **Chair:** Do you think there is a role for this Committee in exploring when names are leaked in the DCMS sphere?

William Shawcross: You would have to ask the Permanent Secretary about that. DCMS is one of the Departments that has most public appointments and many of them are difficult ones, including the BBC and Ofcom. We have just done our annual audit of DCMS and it has come out of our audit extremely well. DCMS has the highest number of regulated appointments and the volume of—

- Q36 **Chair:** Sorry, Mr Shawcross; we do know the figures.

William Shawcross: Of course you do; I am so sorry.

Chair: We can only go by what we see, and from our viewpoint, what we have seen is a complete shambles around the appointments that are in the purview of this Committee. They are crucial appointments, as you have outlined yourself—the Charity Commission chair, but also, crucially, the position of Ofcom chair. They are huge appointments for the good of this country and they have been handled in such a way that this Committee is flabbergasted about the degree of such failings.

The British civil service used to be called the Rolls-Royce, did it not? When politicians were making mistakes the civil service was able to pick up the pieces and would glide the country through thick and thin. Is it now more a Reliant Robin than a Rolls-Royce, in its quality? We are seeing this writ large today with the email over the Downing Street party. Are these failures at the Department for Digital, Culture, Media and Sport another indication that there is a failure at the top of the civil service?

William Shawcross: At the top of the civil service? I am not competent to say that, but my own view is probably not at the top of the civil



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service. I do rather agree with you that there are a lot of failures in British public life that are important. It is my job to try to stop some of those failures, and it is your job too. We come at it from different points of view. On DCMS, I just would like to say that the work that we have done shows that DCMS is not a shambles; it is not catastrophic. Nearly all the appointments it does, it has done very well in the last year.

Q37 **Chair:** Forgive me; I am very sorry to talk across you here. You have also said that you detect failures lower down than the very top of the civil service when it comes to appointments. You said that less a minute ago.

William Shawcross: I did not say failures; I said there were issues in Departments that I have asked to discuss with them. A matter of concern to me does not necessarily mean a failure of the Department's. I have not come across serious failures. The two that you pick out for criticism of DCMS—the BBC and Ofcom—

Chair: Ofcom and the Charity Commission chair are the main two.

William Shawcross: All three are very important and very different organisations, and the reasons for the competitions going wrong are different in all those cases. I do not actually think that DCMS itself was to blame—certainly not for the Charity Commission failure, as far as I can see.

Q38 **Chair:** Does the Department not have an oversight role in that process?

William Shawcross: Yes, of course.

Q39 **Chair:** You are effectively speaking ahead of your own inquiry there, by saying that you do not think that the DCMS was to blame. It is an interesting point. I wonder why you have come to that conclusion when it has oversight over what the—

William Shawcross: You are right; I should not prejudge.

Chair: Well, you have.

William Shawcross: Thank you for tripping me up, Sir, in the nicest possible way.

Chair: We aim to please.

Q40 **Simon Jupp:** Earlier on, in evidence to my colleague Damian Green, you mentioned that some of the powers you have are based in persuasion and advocacy. Could you summarise the powers you do have to hold Ministers to hold account, please?

William Shawcross: The powers that I have are to say that something in the public appointments process is not in accordance with the code. My predecessor used those powers very astutely. Peter Riddell is a wonderful model to follow, and he is certainly somebody whose work I admire and whom I hope to emulate. He has been a very great public servant in this regard. My powers are to hold to account and to say, "This does not fit



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the code, Minister. It will be very problematic for you to go ahead in this way." That is a power of persuasion that is very important. Peter Riddell used it to great effect, and I hope I can too.

Q41 Simon Jupp: Do you feel constrained by the powers you have in the role that you currently hold?

William Shawcross: The powers are not as great as they were before the Grimstone report in 2016. Whether I feel constrained is irrelevant. The powers are less than they were up until that point, but there we are; I am dealing with the situation as it is.

Q42 Simon Jupp: Do you personally regret the changes in the powers that you hold as a result of that report?

William Shawcross: It is not whether I regret it or not; it is a change that has happened.

Q43 Simon Jupp: Would your role be more effective if those powers that were previously held by your role were still in place?

William Shawcross: I have not thought about that very greatly but if you would like me to come back to you with a written answer on that I would be very happy to.

Q44 Simon Jupp: That would be useful. Just for those of us who are particularly interested in those powers, could you outline any significant changes that that change in the appointment made?

William Shawcross: The most significant change—again, I will give you this in proper detail—is that my position is to advise and to seek consent, but none the less this is an important position. The fact that you are kind enough to want to see me suggests that you think it is a role that is important, and I mean to implement it as fully and as effectively as I can, in the spirit of Lord Nolan.

Can I read you a quote from Lord Nolan? He said this in 1997 in his Dimbleby lecture: "I believe that democracy works in this marvellous country because its actions are monitored by independent institutions and individuals. Our democracy is underpinned by the integrity and political neutrality of the civil service, the judges, the armed forces and the police. The members of these institutions must be prepared to protest against the misuse of powers." I think that is terrific. He said that in 1997 and it is still true today. That is why we are all here.

Q45 Simon Jupp: It may be still true today but of course since that time the powers that you hold have been watered down, as you have alluded to. You must have some personal thoughts on the impact of those changes. I realise that you said that covid has impacted on what you have been able to do since you were appointed, but surely you have reflected on the fact that what you are able to do generally has been rather constrained by those changes.



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William Shawcross: I am very happy with what I can do, and the fact that I can be here today in front of you and talking about these very difficult issues shows that before or after Grimstone, it is still important.

- Q46 **Simon Jupp:** If, for example, in the future there was discussion about the powers and influence that you hold within your role, and the previous powers were looked to be put back into your role, would you object or would you accept that?

William Shawcross: I would look at the situation very carefully and see why that was being discussed. I would be very happy to discuss that with you either privately later or in Committee like this.

- Q47 **Simon Jupp:** Since you have been appointed, have there been any discussions about your role, its powers and any changes that may occur in the future?

William Shawcross: No. There have been discussions about my role; I have had discussions with everybody. I talk to my excellent staff every day about my role and whether I can do this, whether I am entitled to that, or whether I make certain comments. It is a fascinating and difficult job.

- Q48 **Simon Jupp:** Let's go through some things that might be on your wish list of future powers that you may wish to hold. Should you be able, for example, to block appointments if due process, in your view, has not been followed properly by a Department or a Minister?

William Shawcross: What do you mean by "block"?

Simon Jupp: Saying, "That can't happen."

William Shawcross: That would mean legislation; that is up to Ministers. I cannot say whether I should or should not. That would be a big difference.

- Q49 **Simon Jupp:** Would that be beneficial to the role that you have?

William Shawcross: I do not know; I would have to think about that very carefully. Legislation like that is a hugely complicated—

Simon Jupp: I know, but I am giving you the opportunity to pitch for more powers. This is a great opportunity for you, if I may say so.

William Shawcross: It is very generous of you. I will come back to you on that. In the end, powers lie with Ministers and with Parliament. Civil servants like me should not have more powers. I think Parliament is what matters most and that is you, gentlemen and ladies. Ministers have rights too, but in the end it is Parliament that matters. I do not think unelected people like me should have huge powers.

Simon Jupp: It must be frustrating, for example, if your advice is dutifully ignored.



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William Shawcross: None of us likes our advice being ignored but sometimes we recognise that perhaps our advice was not as good as we thought it.

- Q50 **Simon Jupp:** You are obviously sitting in front of a parliamentary Committee at the moment. Do you think that Committees like this, which cover every single Department, should be allowed a stronger role in public appointments so that we can pursue and persuade Ministers in that way? Should this Committee, for example, or other Committees that sit in Parliament, have a stronger role in the public appointments process?

William Shawcross: A stronger role in what sense?

- Q51 **Simon Jupp:** In terms of assessing your work to say whether a person is suitable or not and advising. Should there be a stronger role for us in that role, do you think?

William Shawcross: Where would you wish to exert that role?

Simon Jupp: At some point during the process of someone being found as the preferred candidate or appointed.

William Shawcross: Are you suggesting that the Committee should be able to block appointments or vote on them?

- Q52 **Simon Jupp:** No, I am not suggesting that. What I am saying is: do you think there should be a stronger role for Select Committees? You made a big point about the fact that you should not be able to block appointments yourself, and I agree with that, but I also wonder whether you think that Select Committees, as a wider bunch of parliamentarians, might be allowed to have a wider role within that remit.

William Shawcross: You can and you have said that people who have been appointed are not fit for the job. That has happened in recent history.

Simon Jupp: Obviously, our advice, much like yours, could be dutifully ignored.

William Shawcross: Your advice is advisory, as I understand it. If what you are suggesting is that the Committee should be a full stop and that after an appointment process has gone ahead and a candidate has been chosen and nominated by the Minister, then the Committee has not only a confirmatory hearing but also a possibility of rejecting it, I understand why you might want that, and it does happen; you have rejected candidates quite recently. I wonder whether that would put people off applying even more—yet another obstacle in the race.

It is a very challenging thing for many people to go through the whole public appointments process. If they have not spent time in Whitehall or in Westminster or in London, it is quite terrifying appearing before you. If they know that, having got through the whole public appointments



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process and been accepted by the Minister, they then have to be accepted by you, it is Becher's Brook for a third time.

- Q53 **Simon Jupp:** Maybe for particularly high-profile appointments—not for every single role that you assess, but things that are considered by this Committee, by the Department or by you as high-profile appointments. Surely, the people who are considered for those roles should be able to sit in front of us, like you are now, and be held to account on what they want to do in the role they are being considered for.

William Shawcross: They already do.

- Q54 **Simon Jupp:** You are saying that if the Committee had any further powers, that might put people off coming forward to sit in front of us.

William Shawcross: At the moment you are able, quite rightly, to interrogate and examine anybody in a public position, including me. You have done that with the BBC, obviously, and quite correctly. Whether you should have the right of veto is a much bigger question, and that is not for me. I am saying that for candidates, it might be Becher's Brook a third time. For many candidates, it is a very frightening process. That is one of the things that I worry about—that people are going to be put off and say, "Oh my God, it is too much." It should not be an unpleasant process. We should be encouraging people to serve this great country, not saying, "If you make the slightest mistake it is curtains for you."

Simon Jupp: Okay. Understood.

- Q55 **Chair:** When did you start your investigation into the non-appointment of the Charity Commission chair? Precisely when did you start it?

William Shawcross: We called for papers quite recently; I cannot tell you exactly, I am sorry. I have not started to investigate it. I have not looked at the papers myself yet.

- Q56 **Chair:** When did you first take an interest? Was it the day afterwards or a few days after?

William Shawcross: As I said to you at the beginning, I have been interested in the Charity Commission for the last 10 years.

- Q57 **Chair:** That is not answering the question, Mr Shawcross. When did you—

William Shawcross: I am not trying to avoid your question.

Chair: You could try answering it, which is very simple. When did you send your email to DCMS—to the Charity Commission—asking them for the papers? When did you do that?

William Shawcross: I do not know, I am sorry. I will find that. My staff sent the email out.

- Q58 **Chair:** How many people from the DCMS were on the assessment panel?



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William Shawcross: On the panel that chose the Charity Commission chair?

Chair: Yes. On the assessment panel itself.

William Shawcross: On the interview panel?

Chair: Yes.

William Shawcross: I do not know the answer to that. From DCMS itself?

Chair: From DCMS itself.

William Shawcross: I do not know the answer to that.

Q59 **Chair:** Who ran the recruitment process?

William Shawcross: DCMS.

Chair: But we do not know yet how many of the DCMS people were on the panel; we understand that it was two.

William Shawcross: I do not know.

Q60 **Chair:** Why, if that is the case, did you state to this Committee that you do not think they are to blame for this? If they ran the process and there were members of the DCMS on the assessment panel, why have you stated that they are not to blame?

William Shawcross: I do not want to get into this. As far as I am concerned it is sub judice. I am very happy to come back to you when I have done my report. I apologise.

Chair: I am just repeating your words to you, Mr Shawcross.

William Shawcross: I apologise for being difficult, if you think I am. I do not wish to be difficult. You are trying to push me into making judgments when I am not in a position to do so.

Q61 **Chair:** Mr Shawcross, with respect, you did make that judgment. The worry I have—I will be frank with you—is that you have already made your mind up and you have not even seen the papers yet.

William Shawcross: I have not made my mind up.

Q62 **Chair:** The problem I have is that you stated to this Committee that you do not think they are to blame despite the fact they ran the process and two DCMS people were on the assessment panel.

William Shawcross: I am sorry. I have not made up my mind. There are individuals involved in this process whom I do not wish to damage further, perhaps, by speaking publicly in this way. You are perfectly at liberty to challenge me, to attack me—whatever you wish.



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Chair: I am not attacking you. I am challenging your own statement; that is the point.

William Shawcross: I have said, on the basis of our report, which is a very detailed and considered report on DCMS, that DCMS is not, as you have said, shambolic.

Chair: From where we are sitting they certainly look shambolic.

Q63 **Clive Efford:** When the selected candidate for the chair of the Charity Commission had to step down, what action did you take in response to that immediately? That must have been quite a shock, particularly for somebody who held the post themselves.

William Shawcross: I do not think I took any action immediately. What action do you think I should have taken?

Q64 **Clive Efford:** Did you contact the DCMS, or did you instruct any of your staff to find out what had been going on?

William Shawcross: My staff certainly contacted the DCMS, yes, but it was all in the public domain very quickly.

Q65 **Clive Efford:** Are you clear that there is no fault at all with your team at all in that appointment process?

William Shawcross: Where do you think the fault might be?

Q66 **Clive Efford:** Were you party to any information that should have been passed on, for instance?

William Shawcross: Not to my knowledge.

Q67 **Clive Efford:** Have you asked those questions?

William Shawcross: Yes.

Q68 **Clive Efford:** In the process of appointing the chair of the Charity Commission, if you went back and reflected on it, do you think you might find any changes to that process that you might require, or perhaps even any changes to the powers or responsibilities that you have?

William Shawcross: I do not really understand the question; I am sorry.

Q69 **Clive Efford:** If you were to reflect on that process, is there anything you could learn from it? Let's put it simply like that.

William Shawcross: My appointment, or this?

Q70 **Clive Efford:** The process that we have just been through with the appointment of the chair of the Charity Commission. Do you think there are any lessons that we should learn from that process and the way that it has turned out?



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William Shawcross: I think the overall lesson—as I say, I do not want to get into the question of individuals—is transparency, transparency, transparency from everybody.

Q71 **Clive Efford:** From everybody. Given that you have just said to this Committee that you do not think DCMS was at fault—you have clearly made that statement—do you think you are now the right person to carry out any investigation into this process?

William Shawcross: Yes, I think I am the right person to gather the papers to see what happened. I am sorry if you thought my attempt to speak fairly about DCMS was inappropriate.

Q72 **Clive Efford:** I do not know what other conclusion you expect us to draw from that. You said that you do not think that DCMS is shambolic, you do not think that floating names should happen, you do not—

William Shawcross: Excuse me; those are two different issues. I am very much against the floating of names.

Q73 **Clive Efford:** I am just quoting what you said to us. But these things have still gone on, in spite of your views. Do you think there are any changes to your job that should be made to give you more influence—if that is the right word—or more powers to intervene in these processes than you currently have?

William Shawcross: That is a very generous question. When I have been there a bit longer—several of you have asked this question—I would love to come back to you and say, “These are the changes and the extra powers that I think I need,” if I come to that conclusion. I appreciate your offer.

Q74 **Clive Efford:** It is not an offer; I am just wondering what your thoughts are on the matter. Do you think that the current powers that civil servants have—the role that they have in these processes—need changing in any way?

William Shawcross: Not at the moment. As I have said to you, the leaking of names is intolerable and the delays are awful for candidates, in particular. One of my issues is candidate care. Candidates must be looked after. They have to be encouraged to come forward. I want to do everything I can to protect that.

Q75 **Clive Efford:** You gave an example earlier, albeit not a specific one, of where you had intervened and said that you had privately contacted Departments because you were concerned about whether things were in compliance with the code, and asked them to make changes. You had discussions with them and generally there were satisfactory outcomes. Were there any unsatisfactory outcomes where people did not listen to what you had to say?

William Shawcross: Not so far. I have only been there four months, but none at all.



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Q76 Clive Efford: You were also asked earlier by one of my colleagues about the fact that fewer people were applying for positions at the moment, and you seemed to put that down to covid. There have been some appointments that have been so openly politically charged. Do you think that is going to put a damper on some people applying, because they think it is not worth it?

William Shawcross: I think I have already said that. Yes, the idea that competitions are a done deal before you enter them puts people off.

Q77 Clive Efford: I am talking specifically about the issue of political bias. Do you think that that has had a negative impact on some candidates coming forward?

William Shawcross: My predecessor, Peter Riddell, whom you have all rightly praised, spoke to this. Only 10% of appointees and re-appointees had prior significant political activity in 2020-21. Peter Riddell said last year: "It is true that recently some roles have gone to those with obvious political sympathies but my role is to ensure the process that every candidate goes through is genuinely fair and open."

Q78 Clive Efford: I do not think that answers my point. I could give you the example of the current chairman of the BBC, who told us that he gave significant amounts of money to the Conservative party, and that he was no longer a member but was still working for a significant Conservative think tank right up until that appointment. That is not as clearcut as Peter Riddell's comment would suggest.

My question again: do you think that where overt political bias is evident in the process, that prevents some candidates coming forward, and that that could be adding to the problem of a lack of people coming forward to apply for jobs?

William Shawcross: I am not quite sure how you mean "political bias" is being shown in such cases.

Clive Efford: It is pretty obvious when you see the processes that have been taking place.

William Shawcross: As I said, only 10% of appointees and re-appointees have had significant political activity.

Clive Efford: I will leave it there.

Q79 Giles Watling: You mentioned that the public appointments process is daunting, and you also mentioned, as Clive Efford just said, that people are put off coming forward and you would like to encourage them.

William Shawcross: They may be, and I want to help them to come forward.

Giles Watling: I accept that; you want to encourage more people to come forward. What would you suggest would be a positive way of streamlining the process to make it less daunting and more appealing,



and make more people come forward?

William Shawcross: One of the things is that the process is much too slow. Three months is the ideal between the end of the advertisement and the actual appointment. I want to emphasise to Ministers all through Whitehall that that is the ideal. It should be not more than three months. It is very rarely as little as three months now. Sometimes it takes six months and, in the case of the Charity Commission, it has taken a year already. That is just completely unacceptable. We have to speed that up.

Q80 **Giles Watling:** We have talked extensively about the powers that you have or do not have, but what can you do to shorten that time, for instance?

William Shawcross: I can go round talking to Ministers individually and collectively and speak publicly, as I am to you, saying that this is a serious issue. A lot of people do not have a year to waste thinking, "Am I going to get a job or not?" Three months is bad enough, and it is hardly ever three months. When it comes to over a year, it is just awful. It is the power of persuasion that I have. You obviously have a much greater power than I have to criticise things when they go wrong, as you do.

Q81 **Giles Watling:** Do you feel that people are listening? Are you being listened to?

William Shawcross: Yes, I think so. I am listened to but then things intervene, and covid has made things much more difficult. I hope we are coming out of covid in the next three months and things will revert to something like normality and things then can go faster. I know covid slows everything down, but obviously it is not an excuse for all the delays. Speed, for the sake of candidate care if nothing else, is important.

Giles Watling: Thank you; I wanted to get that out in the open.

Q82 **John Nicolson:** I would like to go back to the question of the Charity Commission chair. The process has been a debacle; with the person concerned, who appeared before this Committee, information from the vetting process and discoveries were withheld from us. You spent the first half of your evidence saying that you did not want to prejudge this in any way and then you came out with the devastating line to the Chair—I wrote it down as you said it—"The DCMS is not to blame." You are conducting an inquiry into this and you have prejudged your own inquiry. What is the point of your inquiry?

William Shawcross: I apologise if you think that, and your colleagues have made that point. I apologise. I am not prejudging it.

Q83 **John Nicolson:** It is not a question of apologising. In a way, I am glad you said it; you have told the whole Committee what your view is before your inquiry, so we know what you think. You think that the DCMS is not to blame. Can you imagine being the judge in a court and saying before the trial begins, "Of course, the defendant is clearly innocent, but I am



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not prejudging in any way; let us proceed”?

William Shawcross: I have not started my inquiry. If I discover during the course of that inquiry that DCMS did make serious mistakes, that will be in my report.

Q84 **John Nicolson:** But nobody is going to take you seriously.

William Shawcross: I was responding, if I may say so, to the rather broad-brush attacks on DCMS that have been made in this Committee, which I do not think are fair.

Q85 **John Nicolson:** No, you were specifically answering the Chair’s question in the context of the Charity Commission chair debacle. That is when you said that.

William Shawcross: I have also said to the Chair, and throughout this session, that I cannot speak about the Charity Commission and I have already said too much. The reason I do not want to speak about it is because I have to do an investigation and there are individuals, who are not in this room, whom I do not wish to have hurt unduly by anything I say.

Q86 **John Nicolson:** That is a red herring.

William Shawcross: It is not a red herring.

Q87 **John Nicolson:** I think it is. What you said was is that the DCMS is not to blame.

William Shawcross: I did say that.

Q88 **John Nicolson:** You did say that, so you have told us your view.

William Shawcross: That is not my view. Let me qualify it, if you wish. On the basis of what I know so far, I do not think that DCMS is to blame.

Chair: You have only just sent the email so you have not seen the papers.

Q89 **John Nicolson:** You have now repeated it twice; you have said to the Chair, and now to me, that on the basis of what you know so far, you do not believe that DCMS is to blame. You do not think the DCMS is to blame. This disqualifies you from conducting any kind of report on this debacle.

William Shawcross: Thank you. I am sorry you feel that.

John Nicolson: I do not think any reasonable person would think otherwise on the basis of what you said.

William Shawcross: I apologise.

Q90 **John Nicolson:** I am not looking for an apology; I am highlighting the fact that you cannot be taken seriously now on this issue, given what you



said.

On the question of who applies for jobs, you have said that you are concerned about people being put off from applying, but isn't the problem that the criteria are narrowing? I will give you a specific example. Oliver Dowden, the then Secretary of State for DCMS, said he did not want anyone applying who was "seeking to burnish their woke credentials". Do you know what "woke credentials" are?

William Shawcross: No, I do not.

- Q91 **John Nicolson:** I think in this context he does not believe that people should remove statues of slavers and put them into context, as Edinburgh has done, for example, in a very prominent spot. He does not think that people should have a view on this and he does not think that gallery owners or gallery directors should be able to determine what they do with their own statues. Given that he said that, a whole group of people—probably a majority of people who have views on this subject—are disqualified from applying for a job in the Charity Commission as chair.

William Shawcross: I think that all public appointments should be made on the basis of merit and merit alone.

- Q92 **John Nicolson:** Clearly the former Secretary of State does not, so that will be having a dampening effect.

You spoke very highly of the BBC chair. He is a huge Tory donor, as we have heard. He got his job after donating substantial funds to the Conservative party. Does not giving large amounts of cash to a party—any party—before being appointed by that party to a grand position seem a little banana republic?

William Shawcross: I do not know much about the new chairman of the BBC. I think he has done his job well so far.

John Nicolson: You volunteered praise of him.

William Shawcross: I do not recall exactly what I said but I hear good things of him. As I said, I would have no reason to believe that he will not be a very good chair.

- Q93 **John Nicolson:** If you were looking from outwith this country, or indeed in parts of this country like Scotland, where the BBC is not always held in the highest standing—that is what the BBC itself acknowledges about Scotland—can you imagine hearing, first of all, that the director-general of the BBC is a former Conservative party candidate, and then, that the Government went out to try to find a BBC chair and chose somebody to join the Conservative director-general who is a Conservative party donor? Don't you think that will massively lessen the levels of trust in the BBC as an institution?

William Shawcross: Did you ask the chair these questions yourself?



John Nicolson: Yes, I did.

William Shawcross: What was his response?

John Nicolson: He basically said, "I am a grand fellow and I have given lots of money to lots of different organisations and I only gave a few hundred thousand pounds to the Conservative party" and implied that was not a huge amount in the context of his other giving.

William Shawcross: What conclusion did you come to, that he was not appointable?

Q94 **John Nicolson:** I came to the conclusion that I always do about these matters, that I do not think you should receive a public appointment from a political party to which you have given large amounts of money, regardless of the political party, and I am seeking your views on that.

William Shawcross: I think everything should be transparent, transparent, transparent, as I said, and if the fact that he gave a lot of money—I do not know how much it was—is clearly in the public record—

Q95 **John Nicolson:** The appointment was just coincidental.

William Shawcross: No, I do not know if it was coincidental or not. He obviously satisfied the Committee and the independent member on the Committee, and that is not for me now to judge. It was before my time that he was appointed.

Chair: That concludes our first panel. Thank you very much, Mr Shawcross, for attending today. We will take a short adjournment of two or three minutes as we set up and invite our next panellists to come before us.

William Shawcross: Thank you. I am sorry if you think I appear testy. I was just trying to express views. Anyway, I am not testy.

Chair: I certainly did not think you were testy. You were probably like me without coffee in the morning. Thank you very much.

William Shawcross: It is an honour and a pleasure and I will come back as soon as you wish me to.

Examination of witnesses

Witnesses: Sarah Healey, Polly Payne and Gemma Brough.

Q96 **Chair:** This is the Digital, Culture, Media and Sport Select Committee and this is a special hearing into public appointments in the DCMS. We are joined for our second panel by Sarah Healey, the Permanent Secretary at DCMS; Polly Payne, Director General, Culture, Sport and Civil Society at DCMS; and Gemma Brough, Deputy Director, Public Bodies,



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Appointments, Honours and Awards, DCMS. Thank you very much for joining us this morning. You must be relieved, Sarah, that William Shawcross has effectively already cleared you of any wrongdoing whatsoever when it comes to the shambles of the Charity Commission chair appointment.

Sarah Healey: We were very pleased that the Commissioner for Public Appointments requested the material on this particular appointment. We have supplied him with all those papers, as he has requested, and we look forward to receiving his comments on the process. I should start by saying, as the commissioner said, that DCMS conducts a very large number of public appointments. Last year we conducted 90 appointments overall during the course of the year, split half and half between appointments and re-appointments—

Q97 **Chair:** It is just bad luck that those that this Committee deals with have been utterly shambolic?

Sarah Healey: The outcome of the Charity Commission process was deeply disappointing for everybody involved. Martin Thomas has acknowledged—including, I believe, in writing to you—that he made an error of judgment in not disclosing an investigation that had been undertaken at a charity that he was chair of, and as a result of not disclosing that and that error of judgment, he resigned shortly after he—

Q98 **Chair:** On that point, Polly Payne, you were the joint chair of this panel. Did you take references for Mr Thomas from his previous charity? Yes or no.

Polly Payne: No, we did not take references.

Q99 **Chair:** Is there any particular reason for that?

Polly Payne: The DCMS departmental policy is not to take references.

Q100 **Chair:** Why is that?

Sarah Healey: It might be better if I answered that. To be completely honest with you, I think references are a bit of a red herring on this one. Everybody takes references from people who are suggested by candidates. We do not do proactive independent investigation into candidates and therefore—

Q101 **Chair:** Just to clarify, do they give you referees?

Sarah Healey: That is the way referencing works. As Polly has said, it is DCMS policy on public appointments that we do not routinely take references.

Q102 **Chair:** You do not talk to previous employers?

Sarah Healey: It is not an employment relationship, but can I just say something really clear about this particular instance? We have reflected on the experience of this appointment and it is the case that we could



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have checked with the Charity Commission on their records, on any charity that any of the shortlisted candidates were involved in, to see if anything was flagged. While that is not currently part of the formal appointment process—

Q103 Chair: Sarah, forgive me. I am absolutely astounded that your Department has not spoken to previous employers. You seem to do fewer checks for a £70 billion sector of the UK economy—180,000 charities—that has been without a chair for a year than you would if you were employing someone to do a paper round. You say you have done 90 appointments. How many of those did you take references for?

Sarah Healey: It is not departmental policy on public appointments to take references. The position across Government on the taking of references varies. My contention on referencing is that referencing in this instance would have taken references, as is completely normal in employment processes, from somebody suggested by the candidate. Increasingly, references are not seen as a helpful part of recruitment processes in the private sector broadly, because they tend to simply confirm the terms of someone's appointment.

Q104 Chair: You would find out whether or not the individual left under a cloud.

Sarah Healey: Not necessarily, because we would only speak to the people who they suggested referencing.

Q105 Chair: Why would you not speak to previous employers?

Sarah Healey: Because we do not take—the way referencing works in an employment relationship, which of course this is not, is that you take the references the people have suggested.

Q106 Chair: I would always take references from someone who employed someone else. For example, if I employ someone else from another MP, I will call that MP and I will say, "What is the situation here?"

Sarah Healey: That tends not to be the case. It tends to be the case that, for various reasons to do with data protection and other restraints, you take references from the people suggested by the candidate. If I could explain what checks we do think we need to make part of the formal process for the Charity Commission in future, we could have gone to the Charity Commission and asked them for any information related to the charities that the shortlisted candidates were associated with in any way. We could have let candidates know we were going to do that. While that has not up to now been a formal part of the DCMS process, with regard to appointments to the Charity Commission we do think it should be part of that process in future.

Q107 Chair: Will you do this retrospectively? You stated that you have made 90 appointments. Will you now go through those and apply exactly the same rules you are doing for the Charity Commission retrospectively to



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those employees? We are concerned as a Committee that proper checks have not been made—proper processes we would consider to be absolutely bog-standard in the private sector—and as a result there could be people in high positions in public life who, frankly, have got there by cooking up their CVs and without being in any way bona fide, and thereafter rely on a Scout's honour system when they come before your panel.

Sarah Healey: We will not be checking with the Charity Commission except for Charity Commission appointments.

Chair: I am asking about all the others.

Sarah Healey: All the others we would not check with the Charity Commission. I am saying in this instance, because it was a Charity Commission appointment, we would check about the charities the shortlisted candidates were associated with.

Q108 **Chair:** Maybe I am not making myself clear. I am not asking you to check a particular appointment with the Charity Commission if they are not involved with the Charity Commission. I am saying to you that if you recognise there are issues in the way this process was handled—you have done so; you have said so in front of this Committee—will you be applying those same lessons retrospectively to the other appointments you have made in the Department over the last year?

Sarah Healey: No.

Q109 **Chair:** Why is that? What risks do you run by so doing?

Sarah Healey: In most of those cases there is no such thing as the Charity Commission that you could run this kind of check with. I have set out for you the Department's position on references. We will obviously keep that under review but it is not currently likely to change. We will consider whether there are any other organisations that are similar to the Charity Commission—other regulators, for instance—where it would be worth doing these kinds of checks. We will not be going over every single public appointment and taking references, because we have not changed our policy on references, for precisely the reasons that I have set out to you already.

Q110 **Chair:** Have you restarted the process for the appointment of the chair of the Charity Commission?

Sarah Healey: Advice about the next steps is with Ministers at the moment.

Q111 **Chair:** When can we expect that?

Sarah Healey: Very soon.

Q112 **Chair:** What about the ongoing situation with Ofcom? We have come to the end of the deadline for applications and the Minister, when she came in front of us, stated that she was, if not minded to look at a potential



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extension to try to widen the field—we can discuss reasons why that would have to be the case but let us park that for the moment. What stage are we at now with that? Was any extra time allowed and did any applications come in late?

Sarah Healey: I believe we did extend the time period for applications but it has now closed.

Gemma Brough: It closed on 13 December.

Q113 **Chair:** What date did it move from? How long extra did you give?

Gemma Brough: I would have to check that.

Q114 **Chair:** It was about two weeks, wasn't it?

Gemma Brough: Something like that.

Q115 **Jane Stevenson:** Can you give the Committee a background of how the Department approaches an appointment when the Select Committee is going to be involved?

Sarah Healey: We approach all our appointments in accordance with the governance code for public appointments. That is our bible. We also take note of all the Cabinet Office guidance on the involvement of Select Committees, which sets out when we need to make sure you have the relevant information that you want and need in advance of a hearing.

The governance code sets out very clearly the approach we need to take to appointments more generally. We advertise appointments, we take Ministers' views throughout the process and feed them into the panel as is appropriate and set out by the code, and ultimately, we make a recommendation. The panel sets out for Ministers who has been found appointable via competition and then, depending on the particular body—it varies according to the legislation—it is for the relevant Minister to decide who to appoint from the list of appointable candidates.

Q116 **Jane Stevenson:** With the Select Committee-influenced decisions, are there more people involved? Are they different in any way?

Sarah Healey: Not particularly. There are various specific rules on how an advisory assessment panel, which is what the interview panel is called under the governance code, is established and set up. You asked earlier about the make-up of the panel for this particular appointment. I am very happy to talk a little bit about that, but my understanding—Gemma will correct me if I am wrong—is that at least one member is a departmental official and in addition there is an independent panel member and at least one other. Is that right?

Gemma Brough: There are no official rules, but yes.

Q117 **Jane Stevenson:** Who is making those decisions and how is that panel selected?



Sarah Healey: Ultimately, Ministers agree the make-up of the advisory assessment panel. That is written down in the governance code on public appointments. Where there is a senior independent panel member, which is only for particularly significant appointments so it would definitely include the one scrutinised by this Committee, we check the senior independent panel member with the Commissioner for Public Appointments to make sure they are an acceptable senior independent panel member for that appointment. The rest of the make-up of the panel is suggested by officials and agreed by Ministers.

Q118 **Jane Stevenson:** Are the same people involved in the high-profile appointments as for every appointment? You did 90 appointments last year. Are there any senior people?

Sarah Healey: In broad terms—we do not apply an absolute science to this—for the most significant appointments, we would ensure that a more senior departmental official was involved than for less significant appointments, but we take all our appointments very seriously and we follow the governance code for all of them.

Q119 **Jane Stevenson:** My concern is that we have seen a string of poorly managed processes, or poorly resulting processes. We are only hearing about those, but for the rest of the appointments, how do we quantify how many of those have been successful and well-managed?

Sarah Healey: The commissioner referred to the OCPA audit of DCMS, which will be published in due course and will give you some further information about the way we have been running our appointments in accordance with the governance code.

Q120 **Jane Stevenson:** Will you look at this? We have to avoid these instances happening again. What do you think can shift about the way you choose the people involved in the process—or where do you think that process could be improved?

Sarah Healey: Our major priority with appointments at the moment is to reduce the amount of time they take. The commissioner referred to the fact that there is an aspiration in the code—it is not a strict rule but an aspiration—for it to be three months from the closure of the competition through to the announcement of the appointment. Competitions are in general taking longer than that at the moment, and that is something we would like to address, for all the reasons the commissioner set out in his evidence. Our best way of doing that is making sure we do as much work as possible in advance of the competition's starting to be able to meet that goal. That is something we are particularly focused on at the moment to reduce those delays, for the benefit of both candidates and organisations living with interim appointments or having no one in position for a period of time. We would like that to improve significantly.

Q121 **Jane Stevenson:** I am sorry to be slightly repetitive, but I am also astounded by the lack of background checks with previous employers.



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Sarah Healey: We do considerable due diligence on publicly available information. I have already set out what we are planning on doing. In the private sector, as part of employment processes—just as in Government, where it is used—referencing is based on references that are suggested by individuals who are going through a process. We keep under review whether we want to add them into the process, but at the moment we do not see a strong case for doing so. I do not know if it is worth setting out what due diligence we undertake.

Gemma Brough: We ask everyone for a conflict of interest form as we go through applications and we will not put the process forward unless we have that from the applicant. At the point of shortlisting, we do a lot of due diligence, searching for public information in the public domain. That will be checks on social media and checks of the director disqualification register, for example. We will check a number of registers. In the Charity Commission case, we looked at the public charities register.

We will then review that information and make sure that is available to the interview panel before they go into the interview. The point of that—it comes from the commissioner—is that everyone has a chance to reply, so they get to be able to explain the information about them that is in the public domain and that information is all put to Ministers. That does not rule anybody out. It is just to make sure Ministers are fully aware of any reputational risks out there that we find in that process for them to consider.

Q122 **Jane Stevenson:** A very long time ago I used to vet CVs and check them. Do you look back at people's CVs and do those standard qualifications checks? I do not understand why you would not be talking to former employers.

Sarah Healey: It is HR practice that you talk to former employers only after the point of appointment unless they have been put forward as a reference by the person who is being employed. That is standard practice. It is not the case that just in an employment process—

Q123 **Chair:** Did you do it in this instance?

Sarah Healey: No, because it is not—

Q124 **Chair:** So it is standard practice to do it but you did not do it.

Sarah Healey: Mr Thomas was not in an employment relationship with that charity but also, as I have said, it is not DCMS practice to take references, for precisely the reasons I have set out. However, we do check publicly available information about their records—

Q125 **Chair:** I still cannot get my head around exactly what you just stated there. Did you just state, effectively, that it is standard practice that once an appointment is made, then you take references from previous employers?



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Sarah Healey: In general, what happens in HR practice is that you check and get that employer to confirm whether or not they were employed at those dates—no more than that.

Q126 **Chair:** Was that done in this instance?

Sarah Healey: No.

Q127 **Chair:** Why was that not done?

Sarah Healey: It would not have turned up this information. Confirming when he was the chair of that organisation would not have turned up this information, just to be clear.

Q128 **Chair:** It would have done, wouldn't it, because there would have been an end date?

Sarah Healey: No, because we would have literally been asking facts.

Polly Payne: It is worth saying that Martin Thomas had been, or was a chair or trustee of 14 different charities as well as NHS Resolution, which he is currently chair of, as well as having a 20-year employment history in a number of institutions including the Bank of England, the European Commission and the European Central Bank, so there are a lot of past employers. We did not do those checks. We did not check with all of them on his employment dates.

Q129 **Chair:** Did you check with the last one? You did not, did you?

Polly Payne: We did not check with—he has a current employer, the NHS.

Q130 **Chair:** Yes, but you did not check with the one he was asked to leave?

Polly Payne: No, we did not, and that was not the last one.

Q131 **Jane Stevenson:** Will this change in the future? We can see that just because it is current practice does not mean it is immovable.

Sarah Healey: As I have set out, the change we are planning on making in this instance is that in future, with appointments regarding the Charity Commission, we will go to the Charity Commission and ask for any information they have on charities with which shortlisted applicants for positions on the board of the Charity Commission are or have been associated, and we will also consider whether a similar kind of thing could be done for some of the other regulators we are involved with.

Jane Stevenson: It seems a bit narrow just to limit it to the Charity Commission.

Q132 **Julie Elliott:** You have said numerous times that it is not the Department's practice to take references. Whose decision is that?

Sarah Healey: We could recommend a change and Ministers could ask us to institute a change.



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Q133 **Julie Elliott:** Whose decision has that been to not take references?

Sarah Healey: It has simply been internal practice. I could not tell you the origin of it.

Q134 **Julie Elliott:** You do not know who has made the decision but it is a policy you are going by. I have to say I have never come across this before—not taking references—in the public or private sector, quite frankly. If you do not know who has taken the decision and you keep saying it may change in the future, who would take the decision to change this policy that nobody knows where it has come from?

Sarah Healey: We would almost certainly advise Ministers about whether we thought a policy change—

Q135 **Julie Elliott:** So, you would change; it would be your decision.

Sarah Healey: We would advise Ministers about whether we thought a policy change was sensible.

Q136 **Julie Elliott:** A Minister would make a decision on your advice.

Sarah Healey: It does not sit under the code. The code says nothing about referencing. I say again, the issue here is you take references from the people who are suggested by the candidate, which is why—

Q137 **Julie Elliott:** That is the case of references forever, and references—

Sarah Healey: Indeed, so I am just not completely convinced that references are the crucial issue here or would have revealed any of this information, I have to say. We are not currently planning on changing it. We will obviously discuss with Ministers whether they would like us to change it. Were we to take references for every shortlisted candidate, we would take about 800 references a year, and I think we need to weigh up whether that is a good use of departmental resources, considering that we would simply be taking references from people who candidates have suggested we take references from.

Q138 **Julie Elliott:** A lot of information comes out from references.

Sarah Healey: Well, actually, not generally. Increasingly, references only really cover the facts of employment relationships because of data protection reasons.

Q139 **Julie Elliott:** If a reference only says that, that in itself rings alarm bells, so I have to disagree with you entirely. References give a lot of information, often by what they do not say as opposed to what they do say. From what we have heard here, the Committee is very concerned that you have a policy that we do not know where it has come from or who has made the decision to not take references.

Sarah Healey: To be clear, the practice really does vary across Government. Some Departments do and some Departments do not, and it is not required by the code.



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Q140 **Julie Elliott:** Whether it is required or not, I would like to place on the record that I am very concerned that DCMS does not take references on important positions.

We have said that in a single year it is around 400 appointments that the Department—

Sarah Healey: We are responsible for about 400 regulated appointments. In any one year, because people have terms of office that range between three and four years, it is about 100 or so—90 or 100.

Q141 **Julie Elliott:** What are the diversity statistics of those appointments?

Gemma Brough: We do reporting years in financial years. For the year to date, so from April to now, 48% of our appointments were made to females. That is against the Cabinet Office target of 50%. We had 19% of our appointments made to those from an ethnic minority background, against a Cabinet Office target of 14%. We had 6% of our appointments made to those with a declared disability. There is no Cabinet Office target we are measuring that against.

Q142 **Julie Elliott:** Do you do any statistics on the background that Mr Shawcross mentioned about the class or backgrounds of people getting these appointments?

Gemma Brough: We do not currently, but we are in discussion with the Cabinet Office about whether we could pilot that, because that is the kind of thing we would be interested in looking at.

Sarah Healey: We record whether they live outside London.

Gemma Brough: Yes, we do.

Q143 **Julie Elliott:** What percentage of people come from living outside London?

Gemma Brough: From April to date, 63% from outside London.

Q144 **Julie Elliott:** Do you break that down into whether it is commuting distance from London or whether it is outside commuting distance from London?

Gemma Brough: We have them broken down by region but I do not have them today.

Q145 **Julie Elliott:** Could you provide that information to the Committee?

Gemma Brough: I am sure I could.

Q146 **Julie Elliott:** What is the Department actively doing to ensure that appointments are not filled by the usual suspects?

Gemma Brough: On diversity, we supply data to Ministers for every single competition. Every time we go to them on any appointment, they get the data about that board's diversity make-up to make sure it is



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central to decision making, and that is something we have been commended on before by the Public Appointments Commissioner.

We also have a talent and outreach manager. For example, she offers feedback to every shortlisted candidate. For everyone who has been shortlisted but has not been appointed, she offers feedback and has a conversation with them and makes sure we are encouraging people to apply again.

We work with networks for each competition we run, such as Evenbreak and Women on Boards, so we make sure we are pushing those adverts out through those networks. We do promotional videos. For example, last year we did a promotional video with the Young Trustees Movement and the National Gallery as we were doing a campaign for the National Gallery. This year we have just started a public appointments newsletter. We want to broaden that out and have a website.

Q147 **Julie Elliott:** Who do you send it to?

Gemma Brough: Anyone who signs up to it. We very much encourage people to make other people aware of that. Anyone who signs up to it can see our current vacancies and speak to our talent and outreach manager about the role and get a bit more background about it.

Sarah Healey: We also advertise appointments in a very wide range of places, do we not? You mentioned Women on Boards, but we try to make that very broad to ensure it raises awareness in a range of places.

Q148 **Julie Elliott:** Do you keep statistics on where people have seen the advert?

Gemma Brough: I am not sure we have that data but I can certainly check.

Q149 **Julie Elliott:** Could you check? If you have that data, could you send it to us?

I think I am the longest-serving member of the Committee. We had the debacle of the Charity Commission chair. We unanimously turned down the appointment of the last Charity Commission chair, and Ministers agreed an hour afterwards that that person should be appointed. We have also looked extensively at how we can have more diversity in these very important positions. Over the six and a half years I have been on this Committee, we have still been faced with the usual suspects, so something is not working in this outreach work to get more diverse people applying and appointed. What do you think the Department can do to improve the position we are now in? It is a calamity of a position.

Sarah Healey: To be fair, Gemma read out the statistics earlier, and we are slightly below target on appointments of women. We touched on that earlier with the commissioner, and we are concerned to increase that number. We are exceeding the Cabinet Office target on people from an



ethnic minority background and we are very happy to give you the extra information on regions.

Q150 **Julie Elliott:** But diversity is not just gender and—

Sarah Healey: No, it is a range of things. As Gemma said, we are discussing with the Cabinet Office starting to be a pilot Department to collect information on social mobility so that we can ensure that we are tracking that and improving our performance on that. We keep under review all the time what we can do to try to improve the diversity of appointments and make sure we are exceeding those Cabinet Office benchmarks by even more than we are in some instances, and reaching them and exceeding them in others.

Q151 **Julie Elliott:** The Cabinet Office benchmarks are really just touching the surface. That will do nothing to bring forward people who are not the usual suspects. It might mean they are women or from an ethnic minority background, but they are probably still from a similar kind of profile. Certainly, from the people we have interviewed so far, that seems to be the pattern. From what I have seen when we have looked at this as a Committee, we do not seem to be getting below that—getting people from different backgrounds or different experiences—and that is what I am concerned about. What, as a Department, are you doing about that?

Thinking about the people involved in the things that are covered by DCMS, it is a huge range of people from all sorts of backgrounds, but the people in positions of responsibility and power do not seem to reflect that. I am concerned about what you are doing as a Department to break through that as opposed to hitting the Cabinet Office's targets. Important as they are, they do not give us any information about the real diversity of candidates. That is what I am trying to drive at. What are you doing on that?

Sarah Healey: We have set out in detail everything we are currently doing. I am very happy to reflect, on the basis of your comments, on whether there is more we should be doing. We know that the Secretary of State in particular is very committed to making all DCMS sectors accessible, and I am sure she would agree that it is therefore very important that people who sit on boards are also from a very wide range of backgrounds.

Q152 **Chair:** In our first session, we heard from Mr Shawcross, who praised DCMS for many of its appointments—obviously not the ones that this Committee gets to see but many of the other ones down the line. Let us take that as a given for a moment. If that is the case, Ms Payne, why is it that the process that you personally were joint chair of failed so badly?

Polly Payne: First, I want to be very clear that the process the advisory assessment panel went through was absolutely in line with, and did not fail, the governance code on public appointments. We absolutely adhered to that code and did everything set out—



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Chair: He resigned four days later.

Polly Payne: He did resign four days later, and as Martin Thomas said at the time, he apologised for his error of judgment during the application process. He made an apology for his error of judgment. It was not a failure of the process.

Q153 **Chair:** So no responsibility lies on you or the other panel members, you think? Are you not to blame for the fact that this Committee had to interview someone who then resigned four days later, having been pictured holding ladies' underwear and sending that picture to a fellow member of staff?

Polly Payne: As Sarah has said, we are looking at the lessons learned and we will be changing in future. We plan to change our approach to Charity Commission board appointments. We apologise for the waste of this Committee's time. It was not anything any of us would have wanted.

Q154 **Chair:** That is very kind. That is a novel thing, that someone from DCMS has apologised, because we certainly did not get that from the Secretary of State at oral questions the other day. In fact, we got the fact that apparently we approved his appointment, or something called the Joint Committee process, whatever that is, approved Mr Thomas's appointment. I put it to you that learning lessons indicates to me that you were in charge of a failed process. Were you in charge of a failed process? What personal responsibility are you going to take for that?

Polly Payne: I do not think it was a failed process, in that it adhered to the code—

Q155 **Chair:** We are going around in circles. He resigned four days later. It has clearly failed.

Polly Payne: Yes, there is a failure in that he did resign four days later, as you say, and we are looking at what the next steps should be. I do not think that that means that the process itself failed. The job of the panel that I chair, the advisory assessment panel, is to look at candidates, to shortlist them, to interview them and to tell Ministers who the appointable candidates are. In this case we came up with seven appointable candidates for Ministers to choose from.

Q156 **Chair:** Excuse me, is there no price for failure in your Department?

Sarah Healey: I have already said that we have reviewed the process here and we are going to make a change in future. As Polly said, we all deeply regret the fact that the Committee's time was not effectively used in this way and that we do not currently have a permanent chair for the Charity Commission. Nobody wanted that outcome. All that Polly is doing is setting out that the process that we are supposed to run according to the governance code, was run in accordance with that code.

Q157 **Simon Jupp:** With six working days before papers were due in front of this Committee in relation to the chair of the Charity Commission and the



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preferred candidate, the Secretary of State was before us and indicated that she had no preferred candidate at that time. At which point in this process would you expect the Secretary of State to have indicated to you that she had a preferred candidate, or that a Minister had a preferred candidate?

Sarah Healey: Once the Minister had had a chance to review all of the information put in front of them and, indeed, as is permitted by the code, speak to candidates if she would like to do so.

Q158 **Simon Jupp:** That seems quite tight in terms of timeframe, if I may say so. You are shrugging your shoulders, but six working days does not seem like much time.

Sarah Healey: We were keen to try to get the appointment confirmed before Christmas. It was a short space of time but once the Secretary of State had made her decision, we moved to the Select Committee hearing as quickly as possible.

Q159 **Simon Jupp:** More generally, though, is that sort of timeframe—that six working days before those papers were due before us, there was no preferred candidate—usual?

Sarah Healey: It is possible that Ministers can make up their minds at any point during the process once they have enough information in front of them.

Q160 **Simon Jupp:** The day before the Secretary of State could say—

Sarah Healey: They were still considering which candidate they preferred.

Q161 **Simon Jupp:** What does that do in terms of any disarray behind the scenes for the appointment of that role? That must put a spanner in the works, to use a political phrase.

Sarah Healey: We are very used to running these appointments, as I say. We run a lot of processes in the course of a year and it is Ministers' prerogative to make decisions on the advice that they receive.

Q162 **Simon Jupp:** Do you coach them along? Do you say, "Come on, Minister, I need to have an answer now"?

Sarah Healey: Of course, as I said earlier, we are conscious that we are very, very keen that appointments are made in a more timely manner than some of them have been in recent times, and we want to meet as much as possible the aspiration—the three-month process—that the commissioner set out.

Q163 **Simon Jupp:** I appreciate that the Secretary of State was appointed by the Prime Minister not long before this process. Was that part of the issue here? Was that change in political appointment also a factor?



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Sarah Healey: It is inevitably the case that a variety of issues, including reshuffles and elections and so on, can slow down or delay decision making simply because Ministers quite rightly want to ensure that they are up to speed with any particular situation before they make a decision of that nature.

Q164 **Simon Jupp:** Did this decision take longer than most?

Sarah Healey: Not particularly.

Q165 **Simon Jupp:** In the last session William Shawcross discussed the powers that he has in his role as persuasion and advocacy, and he is obviously part of informal discussions within the Department regarding appointments and everything else. When it comes to informal discussions, how much of that goes on with Ministers? Is there a lot of that when you are discussing the pathway to appointing someone into a public role?

Sarah Healey: We have regular conversations with Ministers about appointments, and a regular catch-up meeting with the Secretary of State on appointments, as you would expect and as is set down in the code. They receive regular information and advice about ongoing appointments processes in their Departments.

Q166 **Simon Jupp:** Are they minuted or informal?

Sarah Healey: Civil servants keep records of discussions in DCMS with Ministers, routinely.

Q167 **Simon Jupp:** In relation to these specific meetings where you are—

Sarah Healey: I believe we have minutes of meetings with the Secretary of State on all matters like this. We routinely take minutes of meetings with Ministers. That is our job.

Q168 **Simon Jupp:** Naturally, but I am asking whether there are ever informal meetings where it is just a discussion, perhaps around the water cooler, in DCMS. I presume you have them.

Sarah Healey: We talk of nothing but public appointments around the water cooler in DCMS.

Q169 **Simon Jupp:** It sounds like a fun place to work. There obviously are informal discussions that go on between Ministers. Do Ministers suggest potential applicants?

Sarah Healey: The governance code on public appointments specifically sets out that Ministers should suggest candidates for public appointments. It is included in the code.

Q170 **Simon Jupp:** Yes. In your experience, how many of the names put forward by Ministers end up in the shortlist, longlist or whatever list you may have for such a role?



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Sarah Healey: I am sorry, I could not possibly give you a percentage on that. We obviously look carefully at all applicants.

Q171 **Simon Jupp:** Is it a regular occurrence?

Sarah Healey: It says throughout here that, "Before a competition opens, Ministers and other stakeholders should be asked for names of individuals who should be approached. As a competition closes, Ministers should be consulted on the quality and diversity of the field... Ministers should also be invited to provide their views to the Advisory Assessment Panel on candidates at all stages of a competition. Departments should ensure there is sufficient opportunity for Ministers to engage with the chair of the board the role is being appointed to... Ministers should be provided with a choice of appointable candidates... Ministers must be given an opportunity to meet candidates before and/or after interviews."

It is very, very clear in the code that Ministers, because they are accountable—in fact, the first principle of public appointments is ministerial responsibility: "The ultimate responsibility for appointments and thus the selection of those appointed rests with Ministers who are accountable to Parliament." Ministers, to us, are absolutely front and centre of the way that we run appointments processes, because we do so in accordance with the code. We will take Ministers' views about candidates early on. We will obviously take views and then they will be fed into the assessment panel.

Q172 **Simon Jupp:** In your experience of running these processes, has that ever created problems within a Department when you are trying to assess potential applicants and having names thrown at you constantly? Does that add to the workload?

Sarah Healey: I would not describe it as names thrown at me. The job of civil servants is to manage things according to the codes of practice that are set out for the way that things are done, so I would not ever consider that doing so was a burden. It is the fundamental of what we are here for.

Q173 **Giles Watling:** You have made it absolutely clear that you do everything absolutely by the book, following the code of practice, and I understand that. If I could give you a magic wand and ask what you would do to improve the process, because we have had issues with process, what would you come up with? What would you like and what would your ask be?

Sarah Healey: I have already said that our focus is on how we can implement the code as well as we possibly can and make sure, for instance, that we address some of the delays to appointments that have been seen. We are very conscious, as Ms Elliott set out, of improving diversity in public appointments and ensuring timeliness and quality. That is our focus. It is not for me to set out policy changes to the code. First, it is not even in the purview of my Department, because it is owned by the Cabinet Office.



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Q174 Giles Watling: There you are in the frontline doing the job, interpreting the code and doing the very best you can, and I accept that. We talked about this when I was questioning Mr Shawcross. If you could streamline it and make it more efficient—I have an example here from when the appointment of the new Information Commissioner began. This Committee was told about it on 22 February and we were told it should take five or six weeks, and it was pushed back and pushed back. Eventually it was pushed back to August, then it was after the summer recess. You will probably remember that. Then it came up that the hold-up was in No. 10 and you expected a response from No. 10. When does No. 10 get involved in the process and how long do you expect to wait?

Sarah Healey: I am not sure where the information on No. 10 came from. The code is also clear that a range of stakeholders should be consulted at the appropriate times during the process. That includes No. 10. Not only does the Prime Minister directly appoint quite a lot of the appointments that DCMS is responsible for, but inevitably, because they are important appointments in public life, the Prime Minister takes an interest in some of our appointments, and that is wholly appropriate.

In fact, the Grimstone review that preceded the establishment of this particular code on public appointments specifically sets out that it is wholly appropriate for the Prime Minister to take an interest in those kinds of things. We therefore consult No. 10 and want to get hold of its views and let our Ministers know what those are. Again, that is part of following the process I set out.

Q175 Giles Watling: Of course you do, but you just said the very words “at the appropriate point”. Who decides that? Is that you?

Sarah Healey: Generally it varies depending on the particular appointment. Gemma’s team meet No. 10 regularly so they can indicate where it would like to feed in views. That is quite normal.

Q176 Giles Watling: I will absolutely accept that. Do you have No. 10 in mind when recommendations on preferred candidates are made?

Sarah Healey: The code is clear that the job of the advisory assessment panel is to assess candidates against the published criteria and to let Ministers know who has met those criteria and therefore who is appointable. Indeed, the code indicates that as far as possible Ministers should be given a choice of appointable candidates. That is the goal that we have with our advisory assessment panels. Those are only partly made up of civil servants; generally, as I set out earlier, they have one civil servant, one departmental official plus other members. They do their jobs according to what they have been asked to do.

Q177 Giles Watling: It is a very tricky thing that you have to do. Do you find yourself having to second-guess what No. 10 might be thinking?

Sarah Healey: We ask what No. 10 is thinking. We do not do any second-guessing. It is wholly appropriate for No. 10 to feed in views and



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for the panel to do its job according to assessing against the criteria as set out, following the civil service code at all times.

Q178 **Giles Watling:** It was unfair of me to ask you that. And you have no problem with those communications.

Moving on, sometimes names get trailed in public, which can halt the process, can upset the process and can possibly invalidate the process. At what point does the trailing of high-profile names invalidate the process, in your opinion?

Sarah Healey: That is not something that it is appropriate for me to comment on, there being a measure of invalidation. You have heard what the commissioner has said about the trailing of names and I do not have anything to add.

Q179 **Clive Efford:** In the past we have heard from Ministers indicating their disappointment about the diversity of candidates. Where do you think the problem lies with that and why are we, or why are you, failing to attract a wider diversity of candidates?

Sarah Healey: I would be speculating, to be totally honest. Gemma, is there any evidence that we can back up? I do not want to make things up about why that is driven. I am sure some of it is about awareness, and some of it is about appreciating what the role is. Do you have any more access to what research there is, Gemma?

Clive Efford: Sorry, before you move on, that is an absolutely hopeless answer.

Sarah Healey: I am sorry. I do not want to point to anything that is not evidence based and I wondered if Gemma had any good evidence on why.

Clive Efford: My question is based on public statements by Ministers that they are dissatisfied with this. You are the senior civil servant in the Department and you do not seem to have done much about it.

Sarah Healey: Gemma set out earlier all of the things that we have done to improve the diversity of candidates. I totally recognise what you said earlier that that is not everything but it has resulted in the appointment of more diverse candidates than there used to be for public appointments, so I would not say it was nothing. Is it enough? It is never enough until we have a properly broad and representative set of people on our boards.

Q180 **Clive Efford:** Before you move on to Gemma, what is the role of headhunters in these public appointments? Do you use those organisations?

Sarah Healey: We sometimes use headhunters. We do not always use headhunters.



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Q181 **Clive Efford:** In the Ofcom appointment, for instance?

Sarah Healey: Headhunters were used in the rerunning of the Ofcom process. The code sets out that Ministers need to agree if we are going to use headhunters. We have not used them extensively. We used them for the ICO appointment and we are using them for this Ofcom competition.

Gemma Brough: The code is clear that use of headhunters should be exceptional.

Q182 **Clive Efford:** Why was it exceptional in the Ofcom case?

Sarah Healey: We tend to think it is useful particularly where a competition has specific skills that we do not frequently recruit for. The ICO is a good example of that because data protection is quite specialist.

Q183 **Clive Efford:** Could it be that there is a problem with the organisations or bodies or companies, or whatever you call them, that we go to to do this headhunting?

Sarah Healey: We very rarely use headhunters, so I would not put any of the issues at the door of headhunters.

Q184 **Clive Efford:** You would not?

Sarah Healey: Because we almost never use them.

Q185 **Clive Efford:** Are you satisfied with the diversity of people who have applied for the Ofcom position?

Sarah Healey: I do not think that we can say that there is a systemic issue with headhunters on the basis of just a couple of competitions, when obviously we run so many appointments without using headhunters.

Q186 **Clive Efford:** Without giving any names away or anything, or any detailed information, are you happy with the pool of people who have applied for the Ofcom position?

Sarah Healey: We have had a number of applications and I am sure that we are happy to set that out once Ministers have been able to take a view. We have had more applications than we had for the previous competition.

Q187 **Clive Efford:** What would you say is the diversity within your Department? Has that changed at all in recent years? Has it improved?

Sarah Healey: We have significantly increased the number of people from an ethnic minority background in more senior roles in DCMS. We have significantly improved our gender pay gap, eliminating it on one of the measures. We have a senior staff made up very heavily of women—over 50%. So yes, we have focused on improving diversity in DCMS. We are very excited about opening our office in Manchester, which will enable us to draw people from a broader range of backgrounds than we have



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been able to do with offices only in London, which is all we have had up until more recently.

Q188 **Clive Efford:** London is not diverse?

Sarah Healey: It is diverse but it is different. We want to draw people from all over the country and we are excited about opening our offices in other parts of the country.

Q189 **Clive Efford:** On this issue about the chair of the Charity Commission, if a charity has a senior trustee that it disciplines, as in this case, what is the responsibility of that charity to report that to the Charity Commission or anywhere else?

Sarah Healey: I might ask Polly to come in here.

Polly Payne: If there is a serious problem in a charity with a trustee or a chair, it gets reported to the Charity Commission, as it was in the instance that you are referring to.

Q190 **Clive Efford:** What does the Charity Commission then have to do with it? For instance, if that person happened to be applying to be chair of the Charity Commission, what would you expect the Charity Commission to do with that information?

Polly Payne: As set out earlier by the Chair, we have over 170,000 regulated charities. Unfortunately, there are a number of these instances of problems. They get dealt with in an appropriate way, depending on how severe they are and the seriousness. There is obviously a lot of confidentiality around these issues, both for the people who have been, sometimes wrongly, accused of issues, and also quite often for the staff or the volunteers in the charity. The Charity Commission has to be very careful about that confidentiality and has various systems in place.

When somebody has been involved in one of these instances for a role on the Charity Commission board, as in this case, as Sarah has said, we will now be doing checks to ensure that we would find out about that information that was held by the Charity Commission. We have to be quite careful about this. Under the regulatory code and under various data protection measures, we need to be careful about getting this information.

Q191 **Clive Efford:** It is a curious process, is it not, that no one spotted that this had happened—that this charity had investigated this individual and had reported it to the Charity Commission—and made the link between that and the fact that this person was applying to be chair of the Charity Commission? No one brought it up.

Polly Payne: No, no one brought it up. As I said, Martin was or is the chair or trustee of 14 different charities and the Charity Commission regulates over 170,000 charities.

Q192 **Clive Efford:** So what is the purpose of a charity reporting it to the



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Charity Commission? So what?

Polly Payne: The Charity Commission, as the regulator, can ensure that it has been properly dealt with and can investigate if there were any concerns that it was not dealt with. That is set out in statute. That is the duty of the Charity Commission.

Q193 **Clive Efford:** Yes, but wouldn't the ones that were not reported to the Charity Commission worry you more about whether they were being dealt with? Is it not an indication that it is being dealt with, that they have reported it? That is not an answer, is it? What is the purpose of reporting to the Charity Commission that someone has been found guilty of the offence that that particular person carried out? What is the purpose? Why do we do this? Is it to protect children? Is it to protect women from abuse? What is the purpose of reporting it to the Charity Commission and what does the Charity Commission do with that information when it gets it?

Polly Payne: For a detailed answer you need to talk to the head of the Charity Commission, Helen Stephenson, but the Charity Commission is a regulator and will regulate charities as set out in statute, most recently in the Charities Act 2011. There are a number of different reasons why you need to have a regulator of charities. As the Chair has said, you are looking at 170,000 charities with over £81 billion-worth of charitable income, so it is very important that they are properly regulated. But it is a complex and difficult area. I am afraid I have come briefed to talk about the appointments today.

Q194 **Clive Efford:** But it is germane to that appointment because people must have known that this individual was applying for that post. It must have been the talk of the Charity Commission. It was trailed in the media that this was the likely person to end up chairing the commission, and a lightbulb never went off anywhere to say, "Hang on a minute, we've got this being reported to us about this individual."

Polly Payne: As I said, we do not share with anyone, including the Charity Commission, who we are interviewing, for obvious reasons of confidentiality. At the point of the appointment, no, the Charity Commission did not flag this to us.

Sarah Healey: There are a very large number of these kinds of incidents reported to the Charity Commission every year.

Clive Efford: I will leave it there.

Q195 **Kevin Brennan:** Thanks, everyone, for giving evidence this morning. Permanent Secretary, I am interested in the business of references. I am very open-minded on what you said about references. Presumably there are Permanent Secretaries in the Government who would come before a parliamentary Select Committee and say that references are important and necessary. You told us that some Departments have references but that it is the departmental policy. What is that all about?



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Sarah Healey: That is a very good point, and we are aware of which other Departments do take up references.

Q196 **Kevin Brennan:** Which are they?

Sarah Healey: Is it DEFRA that takes references?

Gemma Brough: DEFRA does not take references.

Sarah Healey: It is a good suggestion, and we will talk to the public appointments teams in those Departments about how they handle this, both in terms of volume but also making sure that they are useful documents and add value.

Q197 **Kevin Brennan:** When I was a Government Minister it astounded me that I could not go into another Department to meet my ministerial colleagues with my pass, as a Minister of the UK Government. It was not good enough to go into another Department to talk to my colleagues.

Sarah Healey: A lot has changed since then.

Q198 **Kevin Brennan:** Can you do that now?

Sarah Healey: Yes, there are cross-Government passes. It is a great innovation.

Q199 **Kevin Brennan:** That is a great innovation. It is a classic example, is it not, of departmental siloism that in one part of Government you think that references are outdated and ineffective and in another part—

Sarah Healey: It is not a bad—

Q200 **Kevin Brennan:** Should there not be a cross-Government policy on references for public appointments?

Sarah Healey: No, because different Departments are appointing for a vast range of different kinds of organisations.

Q201 **Kevin Brennan:** Why is not important to take references for the Charity Commission but it is for the farmers' protection commissioner or whatever?

Sarah Healey: Also, one of the strengths of Government and the civil service in my view—I am going to offer an opinion here—

Kevin Brennan: That is very dangerous.

Sarah Healey: —is that different Departments can do things in different ways and learn from each other. As I have said, I think it is a good point, and we will talk to other Departments about how they approach this and how they make sure that they are value-adding as part of the process before we devote the kind of resourcing that we would be devoting to taking them up.

Kevin Brennan: I think it is shambolic that the Government does not



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have a single policy on references, but that is my opinion and you have your opinion.

Sarah Healey: We will let the Cabinet Office know.

Q202 **Kevin Brennan:** On the Charity Commission appointment itself—I am not saying this is effective because it is not. When political candidates are interviewed, they are always asked—certainly we are in our party—“Is there anything that you want to tell us about yourself that might bring reputational damage to the Labour party?”

Sarah Healey: Correct.

Kevin Brennan: Perhaps I should ask you, Polly. Was that question asked of the successful candidate and the others who were deemed above the line during the process, or was that part of that form that you talked about?

Polly Payne: Martin Thomas was asked that question and he did not declare anything that could lead to embarrassment, hence his apology for this error of judgment. He has apologised for that.

Q203 **Kevin Brennan:** You said that there were seven appointable candidates deemed able to be appointed who were set before Ministers. Are the other six still interested?

Polly Payne: We have not asked them. I talked to all of them when it was decided who was appointed and we are asking our Ministers, as Sarah said, what they wish to do next. One option would be to choose one of the other six appointable candidates; another option would be to rerun the competition.

Q204 **Kevin Brennan:** It seems like quite a large number. Is it usual that you put that number over the line and put them in front of Ministers? Is there a reason why that happened in this case?

Polly Payne: We had a strong field. We were pleased by the strength of the field and we had some strong candidates. The code is very clear that we should work to have as many appointable as possible. We want to have strong fields so we were pleased that we had the strength of field that led us to be able to give Ministers a choice of seven candidates.

Q205 **Kevin Brennan:** Was it a bit of an outlier compared to other appointments? What is the average number you put in front of Ministers?

Sarah Healey: I do not know how many; Polly would know. I know that the previous commissioner wrote to this Committee about the appointment of the chair of the BBC. I was the chair of the panel for that appointment. Five candidates were put to Ministers in that instance. It varies.

Q206 **Kevin Brennan:** In your experience, what is the average, just out of interest?



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Sarah Healey: It depends on the number who are shortlisted.

Q207 **Kevin Brennan:** I am not expecting you to have a figure. Could you tell us? We would be interested to know.

Sarah Healey: We will always try to give a choice. Obviously, a choice is more than one up to—seven is probably towards the top end, because of the number of people who we would normally shortlist.

Q208 **Kevin Brennan:** Would you be able to tell the Committee what the average has been in recent years? I do not want to put an unnecessary burden on you, but if it is a figure that could be easily dragged up—

Sarah Healey: That is not data that we would have.

Q209 **Kevin Brennan:** In which case, anecdotally, what would your rough estimate be? I will not hold you to it. You must know. Is it two; is it five?

Sarah Healey: An average of around three to four.

Kevin Brennan: That is all I was looking for; thank you.

Sarah Healey: That is my very rough estimate.

Q210 **Kevin Brennan:** Let me turn to the issue of the Ofcom chair appointment. How long has this been going on now?

Sarah Healey: I could not tell you exactly when the first competition started but it must have been March or April last year.

Q211 **Kevin Brennan:** It is so long ago it is hard to remember, is it not? Do you have the date, Gemma, for when it started?

Gemma Brough: I do not have the date for the last campaign in front of me, no, sorry.

Kevin Brennan: In the last one in 2017, I am told the applications closed on 29 September 2017.

Sarah Healey: February 2021.

Q212 **Kevin Brennan:** Since February, so it is almost a year that this has been going on.

For the appointment in 2017, according to the briefing that I have seen, the applications closed on 29 September 2017. The sift took place on 13 October 2017. The final interview date was 3 November 2017 and the successful candidate was appointed on 29 November 2017, exactly two months after the applications had closed. This process has been an abject failure this time around, hasn't it?

Sarah Healey: I set out earlier that one of our priorities is to improve the timeliness of processes. Obviously it is well documented—

Q213 **Kevin Brennan:** I would expect you to say that as the Permanent



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Secretary, but it has been an abject failure, hasn't it?

Sarah Healey: —and the previous Secretary of State wrote to this Committee setting out why he wanted to rerun the competition. The commissioner confirmed to you that was being done quite properly, in accordance with the code. I don't have anything else.

Q214 **Kevin Brennan:** Yes. That is another matter, because the Grimstone review, which of course is the basis of the code, which you have referred to, was in itself highly controversial at the time. The recommendation of the Public Administration and Constitutional Affairs Select Committee to the Government was that it should not be adopted, for exactly this reason. The process we are seeing here is a direct result of the watering down of the role, isn't it? We have seen the pathetic shambles of a role that is left. I am not talking about individuals here; I am talking about the role that is left, compared with the previous role of the Public Appointments Commissioner that was occupied and originally set up under the Nolan principles.

What we see is the pathetic, shambolic remnants of that important role becoming simply an impotent commentator on public appointments as a result of the Grimstone review, which the Public Administration and Constitutional Affairs Select Committee warned at the time would lead to undue interference in the process, a loss of public confidence in the public appointments process and the sorts of delays and abject failures that we have seen in the last 12 months or so. Isn't that a fair assessment of where we are?

Sarah Healey: It is simply not for me to comment on. We follow the code as it is set out and agreed by Ministers. An independent review was commissioned by Government and accepted by Ministers in setting up the governance code for public appointments. Ministers are accountable for the appointments that are set out and accountable to Parliament, indeed, for the performance of the organisations that people are appointed to. I don't have any further comment.

Kevin Brennan: I think we need full-fat Nolan, not diet Nolan, which is what we are on now and which is resulting in this mess.

Q215 **John Nicolson:** Thank you for joining us. From the tenor of the questions we have listened to hitherto, I think we all feel that there is something chaotic at the heart of the Department. The Charity Commission chair, as we know, lasted only a week after the Victoria's Secret photos emerged. The Ofcom chair failed his interview and you had to change the description of the job and then he stormed off in a huff. Taking an overview of this—these are very senior appointments, not like the many hundreds of junior appointments you talk about—what do you think has gone wrong? What lessons have you personally learned from this?

Sarah Healey: Polly set out earlier that we have reflected on lessons learned from the Charity Commission appointment in particular. That is



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why we changed the checks that we will make in future, consulting the Charity Commission about evidence on charities associated with shortlisted candidates.

On Ofcom, it is completely consistent with the code—as the previous commissioner wrote to this Committee to set out—for Ministers to take a view that they have not been presented a strong enough field of candidates to choose from and to ask for the process to be rerun. That is what has happened in this instance.

Q216 John Nicolson: But they wouldn't normally change the job description, would they?

Sarah Healey: It is completely open to Ministers to agree a job description. There were small changes made, some of which are wholly consistent with similar job descriptions for similar roles across Government.

Q217 John Nicolson: You have mentioned the code constantly throughout your evidence. Do you ever feel like screaming and breaking free of the code?

Sarah Healey: No.

Q218 John Nicolson: You are happy?

Sarah Healey: I feel like doing my job professionally and to the best of my ability and leading my Department in its excellent work to try to do these public appointments efficiently and effectively. I am very grateful for everything that Gemma and her team and other departmental officials do in order to try to make that work as effectively as possible.

Q219 John Nicolson: It is just that the code seems quite flawed. I hope I don't hear about the code for a long, long time.

Women for Women, as we have discovered, contacted the Charity Commission, didn't they, before the appointment? You have confirmed that was not relayed to the DCMS. Can I just confirm that?

Polly Payne: The charity had been in contact with the Charity Commission a number of times as the investigation was first reported and then the outcome was reported to the Charity Commission, so there were a number of different instances, but no, the Charity Commission did not raise, as far as I know, with the Department the particular issues.

Q220 John Nicolson: So the Secretary of State did not know that the applicant had sent pictures from Victoria's Secret and that these pictures and this fact had been reported by the charity concerned, Women for Women, to the Charity Commission?

Polly Payne: The Secretary of State was not aware. I think there are different issues. I am not sure that the pictures were part of the investigation that was reported to the Charity Commission. It is important



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to know that they were two separate issues, but I am not sure about that.

Q221 John Nicolson: I am interested in the fact that a group of candidates go before the Secretary of State to make a decision because I certainly did not feel, after Mr Thomas's appearance, that this was the best candidate in the whole of the United Kingdom for this job. It is interesting that he was the best out of seven, as far as the Secretary of State was concerned. That does not fill me with confidence about the quality of the shortlist. You have said, Ms Healey, and I quote you, "It is wholly appropriate for No. 10 to feed in its views." What role, if any, did No. 10 play in the appointment of Mr Thomas?

Sarah Healey: I am sorry, I know you don't want to hear about the code, but it played the role set out for stakeholders in the code, which is that it should be consulted on appointments and its views should be fed in, so it played that role, as it does with other appointments that we pursue.

Q222 John Nicolson: Did No. 10 express a view on Mr Thomas's appointment?

Sarah Healey: I don't think it is appropriate for me to get into—

John Nicolson: You can't tell us that?

Sarah Healey: —different candidates that views were expressed about.

Q223 John Nicolson: I am just trying to imagine the conversation that would go on in the Secretary of State's office. We have seven candidates. One of them, Mr Thomas, is a pal of the Prime Minister. I am trying to imagine how the Secretary of State would react. "Secretary of State, here is a group of candidates and here is the Prime Minister's pal. Which one do you think you would prefer for this appointment?"

Sarah Healey: Candidates being known to Ministers is an acknowledged part of the process. In fact, they are encouraged to suggest people they know who they think would be appropriate for an appointment. It is the job of the advisory assessment panel to judge whether candidates are appointable to a role and then Ministers can decide. As you know, Mr Thomas's appointment was welcomed within the charitable sector, obviously before this information became known, which he had not declared.

Q224 John Nicolson: Not by Women for Women it wasn't.

Sarah Healey: He had not declared to the panel this particular issue.

Q225 John Nicolson: Last week the Secretary of State chose to apportion blame to this Committee for Mr Thomas's appointment. She implied that we could have vetoed him and, if we had vetoed him, that that would have had some effect on his appointment. Can you just confirm for those watching who are not familiar with the code that that is untrue? We have no power of veto.



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Sarah Healey: The role of the Select Committee is set out separately from the code, in a separate document. It is the case that on this particular appointment—and indeed all DCMS appointments that come before the Select Committee—there is no veto.

Q226 **John Nicolson:** Thank you. So what the Secretary of State implied last week was once again inaccurate.

Finally, topicals, as Mr Speaker would say. For those watching, you are a civil servant and the civil service is deeply proud of its political independence and adherence to the law. Would you have emailed DCMS staff, inviting them for law-breaking drinks in the middle of lockdown?

Sarah Healey: DCMS staff at all times followed coronavirus regulations and guidance, including on working at home and gathering for only work purposes.

Q227 **John Nicolson:** So you wouldn't have issued that invitation?

Sarah Healey: We followed those rules all the time. Until more is known about this, I couldn't possibly comment on that specific incident.

John Nicolson: It is just that one has the feeling, watching the news headlines, that the current Prime Minister is somehow corrupting the civil service in the way he has tainted so many people and institutions throughout his career. As the son of a civil servant, I hate to say it. Thank you.

Q228 **Chair:** Thank you. Just to clarify what the Secretary of State stated in front of this Committee when it comes to our supposed power of veto, she said that this Committee has no veto over appointments; it never has and it never will.

When it comes to due diligence, Gemma, what you described looked like basically a social media trawl. Is that a fair reflection?

Gemma Brough: I would say it is broader than that. As I said, we reach out and we get a conflict of interest form, we review all public statements and we check publicly available registers. So no, I would say it is broader than that.

Q229 **Chair:** Okay, so a conflict of interest form and public statements. You can get that through Google, I presume, and then Companies House and that sort of thing?

Gemma Brough: Yes, the regular sort of director disqualification registers and so on that you would expect.

Q230 **Chair:** Polly Payne mentioned at the start a thing where Mr Thomas, for instance, was asked, "Is there anything you wish to declare?"—a sort of Scout's honour type of system, so to speak.

Gemma Brough: Martin Thomas was asked that, yes.



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Sarah Healey: As well as filling in the conflict of interest forms and so on.

Chair: Yes, we have that. That is fine.

Polly Payne: I also asked Martin Thomas if there were any further things he wanted to say about his conflicts of interest. I also asked him whether—given that the interview happens after the form is filled in—there was anything that happened in the interim that we needed to know about. I also—

Q231 **Chair:** There is often quite a delay these days, isn't there, in terms of appointments?

Polly Payne: There can be a delay.

Chair: So you can get very much older before the actual appointment date.

Polly Payne: I also asked him about the seven principles of public life and whether he would feel able to comply with them.

Q232 **Chair:** Sarah, should we be provided with the due diligence report as part of pre-appointment papers given to the Committee, given the episode of the appointment of the chair of the Charity Commission?

Sarah Healey: It wouldn't be normal for us to supply the panel report to the Committee.

Q233 **Chair:** No, it isn't normal, but will you do so in future?

Sarah Healey: We will follow the guidance, but I think we would be concerned about providing panel reports.

Q234 **Chair:** Why would you be concerned?

Sarah Healey: Just due to information that is private to candidates. I think we would probably want to consult with—

Q235 **Chair:** But it is all in the public domain.

Sarah Healey: We would also probably want to consult the commissioner about it, because obviously we are a little bit concerned, precisely as he said, about making sure that we are not creating extra barriers.

Q236 **Chair:** Will you supply parts of the due diligence that is in the public domain to this Committee?

Gemma Brough: I think the information that you already receive as part of your paperwork is the summary of the conflicts of interest, so we do provide that to you already as part of your paperwork.

Q237 **Chair:** Yes, but you don't supply the due diligence, as you put it, that you do on the candidates to this Committee before it examines the witnesses



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in question.

Sarah Healey: No.

Q238 **Chair:** No, okay. What I am asking you is whether that should be the case.

Sarah Healey: We can reflect on that, but I would obviously be concerned that we are not trying to rerun the process.

Q239 **Chair:** We are not trying to do that, but to give the Committee the information it requires.

Interestingly, you obviously get on with the current Secretary of State. We saw you here with the current Secretary of State. You were helping her a great deal, and that is a very good job to do as Permanent Secretary, particularly one who is so new to the role. The previous Secretary of State was less enamoured of yourself, Sarah, particularly over Pelotons. You stated in a conference speech, "I have a Peloton and I can just get on my bike whenever I have a teeny bit of time", obviously not watching the fate of Mr Big in "And Just Like That". Oliver Dowden, in his Conservative party conference speech, then stated, "People need to get off their Pelotons and back to their desks." Do you take that as a jibe at yourself and the work-at-home culture at DCMS? Do you think the work-at-home culture basically is—at least in part—responsible for the failings that this Committee is having to examine today?

Sarah Healey: I think that DCMS staff have at all times worked extremely hard during the pandemic and have adapted to working from home guidance, which was issued by the Government to encourage people to work at home where they can. We have always had some people in the office—and some people not in the office—where their work has required them to be in. We will continue with office-based working as a core part of DCMS activity.

I think the Department has done some extraordinary work during the course of the pandemic on culture recovery and on supporting sectors in distress, and I am incredibly proud of what they have achieved. I know that the previous Secretary of State was also extremely grateful and thankful for their incredibly hard work, which he expressed to me on multiple occasions.

Q240 **Chair:** What percentage of DCMS staff are currently working from home?

Sarah Healey: Currently we are under a "work from home if you can" instruction, so I would say a very considerable percentage.

Q241 **Chair:** The majority are working from home?

Sarah Healey: Yes.

Q242 **Chair:** Did you take umbrage at the jibe from Mr Dowden when he said you need to get off your Pelotons and back to your desks?



Sarah Healey: I don't really have anything to say about that, other than that I know that the former Secretary of State was very grateful to the Department for everything that it did. Clearly, ultimately, lockdown has been an incredibly difficult experience for a very wide range of people, where they have had to cope with looking after their children at home and with not being able to see family and friends. I am so grateful for everything DCMS staff have done to work very, very hard during that period, during a time when a lot of the sectors that we are responsible for have been under enormous pressure. We have really felt that and felt the importance of stepping up to support Ministers to make decisions to help them.

Q243 **Chair:** Finally, what is your overarching reflection, as Permanent Secretary, on the failures of this process, in particular the one in which we had someone in front of us who then had to resign four days later? What is the real lesson that you draw from this, that you take forward and assure this Committee that there will be no repetition?

Sarah Healey: Sorry, on my previous answer, I should also say that I think staff have really appreciated—during the times we have been able to—going back to working from the office and are looking forward to doing so when possible.

On my reflections, I will return to what I said earlier in this hearing. We are obviously disappointed in what happened with the Charity Commission appointment and have reflected, as Polly said, on lessons learned and how we might change processes in future. As I reflected more generally, we are obviously keen to maintain a culture of continuous improvement on public appointments and in particular to improve the timeliness of those appointments and reduce the delays, because they are difficult for candidates. We need to make sure that we do, recognising that these are important appointments. Rightly, a lot of people have views about them and want to feed those in. That is totally appropriate, so some delays will occur, but we want to do our best to try to reduce the amount of time they are taking.

Q244 **Chair:** But you won't be taking references?

Sarah Healey: As I say, we continue to reflect on processes. As Mr Brennan suggested, I will have a word with my colleagues, as I speak to them often, about what benefit they get when they use them in their processes.

Q245 **Chair:** Is it an active choice of yours that references aren't taken? Can you change it or is that for the Secretary of State?

Sarah Healey: I don't think I have ever had placed in front of me a piece of paper saying, "Do you think we should or shouldn't?" As I say, we will reflect and we will gather good practice and experiences from other Departments for the future.

Chair: Thank you. We look forward to our next session when we have



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you in front of us so that we can find out precisely what the reflections result in. Hopefully we will have a speeding up of the processes and high-quality candidates in front of us soon. That concludes this session.