



Public Administration Select Committee

Oral evidence: [The Work of the First Civil Service Commissioner](#), HC 1041

Wednesday 12 February 2014

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Members present: [Mr Bernard Jenkin](#) (Chair); [Paul Flynn](#); [Robert Halfon](#); [David Heyes](#); [Lindsay Roy](#); [Mr Andrew Turner](#).

Questions 1-144

Witness: **Sir David Normington**, First Civil Service Commissioner and Commissioner for Public Appointments gave evidence.

Q1 Chair: Welcome to this session on the work of the First Civil Service Commissioner and the Commissioner for Public Appointments, who are one and the same: our witness before us this morning. Please could you identify yourself for the record?

Sir David Normington: I am Sir David Normington. I am, as you say, the First Civil Service Commissioner and the Commissioner for Public Appointments.

Q2 Chair: The hashtag for this session is rather ad hominem, I am afraid: #DavidNormington, for anybody who wants to follow us on Twitter. We will press ahead with our questions, which will be as brief as possible. If you can keep your answers crisp and short, that is very helpful as well. May I start by asking a general question: how do you combine the two roles? How does the combination of the two roles work, in your view?

Sir David Normington: I am contracted to do three days a week, and some parts of the week I spend more time on public appointments, and some on Civil Service appointments. It is worth saying, in answer to your question, that I oversee two different systems, and that can sometimes lead to confusion. As First Civil Service Commissioner, I am overseeing appointments to a non-politicised Civil Service. As Public Appointments Commissioner, I am overseeing ministerial appointments to boards of public bodies. They have different legal bases and different codes of practice, so sometimes I am a split personality, and sometimes there is confusion about which hat I am wearing. I am very clear about which hat I am wearing on particular occasions, but people who are listening to what I say are not always clear. I will keep trying to make that clear during my answers today.

Q3 Chair: On the question of your consultation on the commission's recruitment principles, your role is to interpret the legal requirement that selection for recruitment to the Civil Service must be on merit. You have described these recruitment principles as a "shift towards a principles-based approach to regulation". Could you explain what you mean by that?

Sir David Normington: The recruitment principles are the legal expression—our expression—of what "merit", "fairness" and "openness" mean. Those are the principles that we are required to uphold, i.e. that appointments must be on merit after a fair and open competition.

What we try to do, in a principles-based approach, is not to put rules in our principles that are not required to ensure those principles are met, so we are not trying to tie up Government Departments in lots of detail. We want them to use their discretion, but we want to test everything they do against whether it is furthering the aim of making appointments on merit. What we have tried to do, in the latest version of the recruitment principles, is to concentrate in one place all the must-dos so that Government Departments are in no doubt about what they must do to meet the recruitment principles, but leave them quite a lot of discretion to decide how to run a competition, get a good field, improve diversity and so on, because ultimately they are in charge of the recruitment process.

Q4 Chair: In your work, you will have observed the debate around Civil Service reform, and you will have read our report, *Truth to power: how Civil Service reform can succeed*, in which we argued that the plan, as published by the Government, and the one-year-on plan do not really address the relationship between Ministers and officials, and the strains in that relationship, or analyse in any fundamental way why some civil servants feel resistant to what Ministers want, or why Ministers feel that. What do you think about this debate?

Sir David Normington: The Civil Service Commission has not taken a view itself on whether there should be the kind of parliamentary commission or inquiry that you have called for. I personally, though, think that it would be a good idea. The reason for that is that, as the debate about the Civil Service has opened up over the past three years, we have found those issues in your report becoming matters of public debate: matters of leadership, accountability and trust. Whether the Government like it or not, those issues are out in the public and political debate. From the commission's point of view, we operate, if we can, on the basis of political consensus. There is a danger that that political consensus is under strain. I certainly think there would be advantage in having that discussion, debate and inquiry, hopefully leading to a political consensus on which we can all move forward.

Q5 Chair: So you feel that the Constitutional Reform and Governance Act represented a consensus that is now under discussion and strain.

Sir David Normington: It seems to be; I am disappointed by that. It is only a few years ago that it seemed as though the matter had been settled in the 2010 Act, and almost immediately afterwards, the debate begins to open up again. Therefore it is right to start debating and examining these questions again.

Q6 Chair: Why do you think this debate has opened up in the way it has?

Sir David Normington: There are various reasons for it. Ministers have been dissatisfied with the performance of the Civil Service. Some Government Departments have not performed well enough in fulfilling the Government's programme. There have obviously been some tensions and criticisms, some of them in private briefings to the press and so on. The issue of accountability, which is very complicated—it is not a clear cut issue about who is accountable—has become much under question. The idea that you can hold Secretaries of State accountable for everything done by their Department does not look like a sustainable position. All those things have started being in the public domain, and I say let's have a proper debate about them.

Q7 Chair: How has this strain on the consensus affected your work as First Civil Service Commissioner?

Sir David Normington: We have not felt that there is as much support for the Civil Service Commission as we might have expected, given the 2010 Act which, we thought, had settled the position. We have seen things such as questions about who appoints Permanent Secretaries and whether Secretaries of State should have more say, and we have seen the development of extended ministerial offices. They are all raising questions about the balance between what Ministers and civil servants do in a way that, when I took this job three years ago, I had not expected would happen. So the commission has felt more under scrutiny and under question, and has been in danger, occasionally, of getting into a defensive position when there are some very big questions out there about how you improve the competence of the Civil Service, which we—the commission and the Government—share.

Q8 Chair: The Commission is given a statutory role to protect the impartiality of the Civil Service. How much pressure do you think the Commission has come under to compromise that?

Sir David Normington: Not too much, in reality. The surrounding debate is questioning the consensus about whether an impartial or non-political Civil Service is the right model, but it would be going too far to say that the Government want to politicise the Civil Service. We have the Prime Minister's assurance, in front of your Liaison Committee, that he absolutely does not want to undermine the current model, so we do not feel under pressure in general terms, but some of the things that are on the table, such as the appointment of Permanent Secretaries, threaten to chip away at that.

Q9 Paul Flynn: You told us last year that the commission, in your words, "should not concede" on ministerial involvement on Permanent Secretary appointments because it was "fundamental" to the point of the Civil Service Commission. Is offering the Prime Minister a choice between candidates a concession on this vital point?

Sir David Normington: It is a small concession, but it is, in our view, not one that would put at risk the fundamental principle we are there to defend, because it is a long way short of what the Government want.

Q10 Paul Flynn: David Kennedy was approved unanimously by a high-powered Committee, won the approval of the senior civil servant, and was enthusiastically supported by the Secretary of State and the Chairman of the Select Committee. He was turned down, we were told, by the Prime Minister. Did you interpret that as politically motivated because he is not in favour of fracking and he seemed to be greener than the global-warming-denying Back-Bench Tory MPs?

Sir David Normington: What the Prime Minister said was that he wanted to have somebody with more commercial experience in that role, and I take that at face value.

Q11 Paul Flynn: You have seen the comment of Tim Yeo on the subject of his commercial experience, because he made the point that he had the support of both the green lobby and industry because of his involvement in the World Bank. He did have very strong qualifications in both the green lobby and in what is seen to be the commercial lobby.

Sir David Normington: That was why the Committee recommended him. This was a clear difference of view with the Prime Minister. The Committee not only recommended him, but reconsidered the list and still made the recommendation that he should be appointed. The Prime Minister, of course, is entirely within his rights and his legal powers to turn him down.

Q12 Paul Flynn: Is this not a clear case? Ed Davey said, “In four years at the head of the CCC, Kennedy’s intellectual rigour has won the support of both industry and the green lobby.” There hardly seems to be a case in which there is unanimity of view from the civil servants, the head of the civil servants and all the other people involved who were saying this person was the right man. The Prime Minister was under pressure from 100 global warming deniers and Back Benchers, and also Osborne and Cameron are keen on fracking now. That was the political imperative that decided it, because the man was an ideal candidate—so said all the other players in the business, except the Prime Minister. If this is not an example of political bias, where can we find one?

Sir David Normington: I do not think I should impute motives to the Prime Minister. He said what he said and he used his legal powers not to appoint. He did not exceed those powers; he was entirely within his rights to do so. I repeat to you that the independent appointments committee thought he was the best candidate.

Q13 Paul Flynn: What evidence would you require that would convince you that politicians had interfered in the traditional independence of the Civil Service?

Sir David Normington: I do not want to go beyond what I said, because our system is one in which the Prime Minister can exercise his power not to appoint. When he does, he has to explain why he took that decision. I do not think I should impute motives to him. What he said was that he believed Mr Kennedy did not have enough commercial experience, and I have to take that at face value.

Q14 Paul Flynn: The Prime Minister is not here, but you are. You are the custodian of the long-established, historic, independent role of the Civil Service, and we now see an example where a Prime Minister has overruled Civil Service opinion—powerful, unanimous Civil Service opinion—and gone with what looks like a political decision. I repeat: what

circumstances would convince you that the traditional rights of the Civil Service are being infringed and politicians are overstepping the mark? I cannot think of a case in which the evidence is so outstanding. There is oceanic evidence that this was a political decision.

Sir David Normington: We do not have a system in which an independent panel, or the Civil Service for that matter, can insist in contradiction to the Prime Minister. We have a system in which, ultimately, the Prime Minister, in law, appoints and can decide not to. We do not have a system in which, despite the weight of Civil Service opinion, the Civil Service can insist in contradiction to the Prime Minister. That is not the system we have.

Q15 Paul Flynn: You previously warned the Committee that Permanent Secretaries appointed by their Minister may be seen as personally associated with that Minister and less likely to speak truth unto power. How would the proposals in your consultation safeguard this?

Sir David Normington: We are consulting about two options; it is really important to say that. We are very keen to hear the Committee's views on these two options. To answer your question, they leave the decision about whom to put forward to the Prime Minister and what action to take before that is done with the independent panel.

The independent panel, under the second option, for instance, will put more than one candidate forward only in very limited circumstances. If, as often happens, there is a leading candidate, and that is the best candidate, the panel will put that person forward, just as it did with David Kennedy, in fact. It will put two names to the Prime Minister, in this case, only if there is a close call between those candidates, which sometimes happens. Most appointments are not like David Kennedy's; most of them are non-contentious. In most of them, people are seeking a sensible outcome to appoint the best person, and we are seeking a bit of give and take in this relationship where we can say to the Prime Minister, "The panel has got to this place. It has two candidates who in merit terms are very close; one offers this and one offers this. Let's have a conversation about which one and you can decide."

That does not happen very often, but it happens. In those limited circumstances, under option two that we are consulting about, we think that can be done. It can give the Prime Minister a little bit of flexibility about who is appointed without endangering the politicisation of the Civil Service, which the commission exists to defend.

Q16 Paul Flynn: What pressure have you had from the Government on your consultation?

Sir David Normington: On the consultation, no new pressure beyond their continued requests for us to concede ministerial choice. This has continued to be a request from the Minister and the Prime Minister.

Q17 Chair: Do you feel that comes from the whole Government, or just from bits of the Government?

Sir David Normington: I do not think the whole Government are very interested in this. There are some Ministers who are. It probably depends on whether you have made an appointment recently and whether you are satisfied with it, frankly.

Q18 Paul Flynn: There was an interesting conclusion in the IPPR research that the Cabinet Office commissioned: “direct support for Ministers in the UK is severely underpowered”. Is that something that influenced your conclusions?

Sir David Normington: Not on Permanent Secretary appointments, no. It was particularly addressing there the question of whether Ministers should have much more personal support, either through special advisers or what has now been called extended ministerial offices. I think it was addressing that. I do not think that recommendation affects our view of Permanent Secretary appointments.

Q19 Paul Flynn: It was not underpowered vis-à-vis the Permanent Secretaries.

Sir David Normington: No, not really. It does not go to the heart of who chooses the Permanent Secretary. I am on record as saying that the real issue is attracting strong people from diverse fields from whom we can choose excellent Permanent Secretaries. Some of the fields have not been very strong recently, and that is a much bigger issue than who chooses.

Q20 Paul Flynn: I will, finally, ask you again, for the third time: what circumstances would convince you that there had been undue political influence in an appointment of a Permanent Secretary?

Sir David Normington: The clear case would be if the Prime Minister, which is most unlikely, was appointing someone as Permanent Secretary with a very overt political background—a political donor and so on. That would be a sign that we were in completely different territory in terms of the politicisation of the Civil Service. We are not in that territory, and that is why the debate we are having is on the margins here. We are not really having a debate about the politicisation.

Q21 Lindsay Roy: Sir David, when the Prime Minister exercises his right of veto, does he have to explain why?

Sir David Normington: He does, and he did. He explained it to Parliament. As I say, he said he did not think he had the commercial skills. This is very, very difficult, because it puts the individual, who has been recommended and then vetoed, into the public domain. He had done nothing wrong apart from applying for a job, so it was a very difficult situation. I do not think you can have all the facts in the public domain.

Q22 Lindsay Roy: Presumably the panel thought he did have the right commercial skills.

Sir David Normington: Yes.

Q23 Chair: So this offering a choice to the Prime Minister is just at the margin of these present arrangements.

Sir David Normington: Yes.

Q24 Chair: Is it important? Why is it so important, then?

Sir David Normington: It is important because what it is showing is that the commission is prepared to be pragmatic when it does not put at risk the principle of merit. We have been characterised as being extremely unmoveable and rigid in our view; we are not.

Q25 Chair: Who has characterised you as rigid and unmoveable?

Sir David Normington: In the public debate, we are characterised sometimes by the politicians and so on as being unwilling to move and not recognising that Ministers have a legitimate role. We do not think that is true; we think that Ministers should be involved. We want to show that we are willing and able to engage properly, with the Prime Minister in this case, about appointments.

Q26 Chair: What would you say to people who suggest you might be weakening under pressure?

Sir David Normington: I do not think we are. I am expecting some people who respond to the consultation to say that we are. They can be assured that the commission exists to ensure that appointments to the Civil Service are of the best people to a non-political Civil Service. We will never weaken on that principle, and we would not have put these options forward if we thought they were doing that.

Q27 Chair: As you know, our September report gave you our full backing.

Sir David Normington: It did, and I was grateful for it.

Chair: We expect you to exercise your constitutional role as set out in the CRAG Act. Some might say that this may not be a very significant step, but it is putting you at the top of a slippery slope—that you are breaching the principle.

Sir David Normington: Some people are saying that. Again, we do not believe so. We have debated this very hard in the Commission. We have been very concerned not to be at the top of a slippery slope. You could argue that every step you take involving Ministers is a step towards that slippery slope, but I do not believe it is, because I believe that we are absolutely defending the principle of appointment on merit. We will not concede that until we are abolished or our legislation is changed. After all, it is not so long since Parliament gave us statutory underpinning, and we are not going to give away the principle.

Q28 Chair: How much do you think Parliament envisaged you might be recommending or consulting on a step like this at the time the CRAG Act was being debated? Do you think this reflects the intention of Parliament?

Sir David Normington: That is very difficult to say. There will be some parliamentarians who will think this is a sensible step, some who do not and some who will want to go much further. I do not know the answer to your question, really.

Q29 Chair: Does it not strengthen the argument in favour of a parliamentary commission on the Civil Service to consider these matters before such a step is taken?

Sir David Normington: It would be much better if we were taking these small steps against the background of a settled position on the big issues of the Civil Service, so the answer to you is, yes, it would be better.

Q30 Mr Turner: Could I just ask you a question, which I think is dealing with one of your previous answers? Did you say that the Permanent Secretary could not possibly know about everything in his Department?

Sir David Normington: I do not think I did say that. If I did say that, I do not know what I was answering. No, I do not think I said that.

Q31 Mr Turner: Why do you think Ministers feel the need for an extended ministerial office?

Sir David Normington: It probably goes back to the IPPR report Mr Flynn was quoting from which, after all, was commissioned by the Minister for the Cabinet Office. That said, as you heard, that Ministers in the UK are very underpowered in the support they get, and that led to the proposal for an extended ministerial office.

Q32 Mr Turner: What impact do you think the introduction of extended ministerial offices would have on a Minister's relationship with the rest of his Department?

Sir David Normington: It puts it at risk, frankly. You are not going to get me to be enthusiastic about extended ministerial offices. It depends what they are like. Civil Service commissioners always believe that there is not really a problem in Ministers having some greater support from more special advisers and civil servants. What has happened is it has been turned into some sort of new device. It is a bit like a cabinet, really. The risk of a cabinet is that it could create around the Minister a lot of people and therefore separate the Minister from his Department. If you look at places like Australia, I believe that is what happens.

Q33 Mr Turner: The Cabinet Office has stipulated that a member of staff in each extended ministerial office will also report to the implementation unit in the Cabinet Office. What is your view on this?

Sir David Normington: I have always thought that if Ministers had to have somebody from the Cabinet Office in that office, it was something that might dissuade them from having an extended ministerial office. I think it is designed to try to prevent ministerial offices from becoming separated from the rest of the Government.

Q34 Chair: Can I just press on this? Why do you think Ministers go on and on about implementation? Why is there so much emphasis on implementation?

Sir David Normington: Because there is no point in being in government unless you carry through your policies and they can be implemented in reality.

Q35 Chair: But why do they feel things are not being implemented?

Sir David Normington: Because there are some examples of them not being implemented properly, I think.

Q36 Chair: Why do you think that occurs?

Sir David Normington: Sometimes because there is not the competence in the Civil Service to deliver those policies. Sometimes it is because the political objectives are not set clearly enough. There are all sorts of reasons.

Q37 Chair: So why are you not more sympathetic to Ministers who want more progress-chasers?

Sir David Normington: I am fine about Ministers having more progress-chasers. I am fine about having them more supported in their offices. They can do that now—they can have more civil servants; they can have more special advisers. I do not see why you have to turn it into something that becomes, if you are not careful, a device for separating the Minister from the civil servants, in which case there will be more distance between the Minister and the person who has to deliver the policies.

Q38 Chair: So you are worried about Ministers establishing a Department within the Department.

Sir David Normington: Yes, that is a risk. It depends what form these extended ministerial offices take. I have not seen any developing yet, so we will have to wait and see.

Q39 Chair: But doesn't, for example, the Department for Education already effectively have an EMO?

Sir David Normington: Not as I understand the design of offices. It does have some progress-chasers, but those progress-chasers, as I understand it, report to a civil servant. They do not form the ministerial office. They are part of the Civil Service management, which is there to deliver for the Secretary of State. That is what I understand.

Q40 Chair: That demonstrates why EMOs are, perhaps, unnecessary?

Sir David Normington: I personally believe that you ought to be able to achieve all you can without having EMOs, but we will have to see.

Q41 Mr Turner: Is there a contradiction between the requirement for selection on merit to the impartial Civil Service and the Government's new extended ministerial offices staffed by a mixture of civil servants, special advisers and external policy experts?

Sir David Normington: There could be, and that is why the commission has produced some new guidance about how civil servants are recruited to ministerial offices. One of the designs of an extended ministerial office, as I understand it, is that the civil servants are chosen by the Minister. That immediately raises the question of how they are going to choose them and on what basis, so it begins to erode the principle.

The Civil Service Commission has, therefore, produced some guidance to try to ensure that the person appointed is impartial and capable of filling the job, that the job is one that should be done by a civil servant if a civil servant is being put into it, and that it is for a time-limited period. Because we are worried about this, we have also said that somebody appointed in that way, which is effectively by exception from the rules of merit, cannot transfer to the permanent Civil Service. They can do it only for a time-limited period. Sorry, that it is a bit complicated, but it is all designed to address this worry we have that people will be brought in as civil servants without a test of their merit.

Q42 Mr Turner: I understand that, but you are saying that you, none the less, oppose these by ministerial selection, even though they may be there for a limited period of time.

Sir David Normington: Legally we cannot stop Ministers bringing these people in, so we have created an exception, but with some conditions attached to that exception to try to ensure that, if people are being brought into what are called Civil Service roles, there are tests of whether those are Civil Service roles and whether those people can operate as civil servants. If they cannot, they should be brought in as special advisers. We are concerned that this could blur the roles of special advisers and civil servants.

Q43 Mr Turner: Someone appointed to this new role could be a special adviser; what is the difference between a special adviser and a policy expert?

Sir David Normington: There are two types of people employed by Government Departments. By law, there can be only two types; there is either a civil servant or there is a special adviser. There is nobody in between.

In law, you have to bring them in as either a civil servant or a special adviser. If you want to bring in an expert, you have to decide whether they are a political expert or an expert who can fulfil a Civil Service role. The rules that we have put in place, which are in our consultation, are designed to try to ensure that people are not brought in as special advisers and called civil servants, and I suppose vice versa. Experts can be brought in now. Sometimes they can be brought in for short periods to bolster Departments that do not have that expertise. If these people are properly expert and they will be able to fulfil the Civil Service Code in terms of their impartiality and objectivity, they can be brought in as an exception from the requirements on merit, but as a civil servant appointed for a fixed period. There are some other conditions to make sure they remain civil servants. If that person is a political person, there is nothing wrong with bringing them in, but they should be brought in as a special adviser, and they can be now.

Q44 Mr Turner: I am trying to work out what it is now that you approve of and that you would not approve of. Is it who makes the appointment?

Sir David Normington: Yes, it is one of the main things. In extended ministerial offices, the Minister makes the appointment. Effectively, as I understand it, the Minister has withdrawn the delegation power that the Civil Service has to recruit so they can make the appointment themselves. They can do that in law and, being in that situation, we are

putting some requirements in there to ensure what we do not do is to mix up who is a political appointee and who is a Civil Service appointee, which is a risk.

Q45 Lindsay Roy: Exceptions at 23% seems an inordinately high number other than through fair and open competition. What criteria do you use to select them?

Sir David Normington: This is a complicated issue. The exceptions are mainly in Departments that do bulk recruitment at junior level, such as HMRC, DWP and so on. Every time we have examined those requirements and practices, it has seemed as though they are just misallocating those two exceptions, so we do not think it is 23%.

One of the problems is that there is a lot of misunderstanding about what is an exception, and there is a feeling that if you make a fixed-term appointment, which is quite common, that somehow equates with an exception, whereas in fact the exception is about how they are appointed. It is perfectly possible to appoint someone on a fixed-term appointment through a proper competition, and mainly HMRC and DWP are doing that. We say, well, they are not exceptions.

We think quite a lot of that number—it does concern us—is misallocation or miscounting. One of the things that we are trying to do in our document is to be much clearer about what an exception is so that when we come to audit, Departments are very clear when they have used the exceptions and when not.

Q46 Lindsay Roy: Are you saying that they have been appointed impartially and on merit?

Sir David Normington: I am saying that we believe that, every time we have investigated this, most of those are appointed on merit and impartially through fair competition, but they are being called exceptions because they are for fixed periods.

Q47 Lindsay Roy: What about the rest? What are the criteria?

Sir David Normington: There are a smaller number that are more senior appointments, some of which have to come to the commission for approval. In those cases, it is hard to tell, but I do not think those numbers are going up very much. There has always been that group of people.

Q48 Lindsay Roy: The key question is: if it is not on merit, what are the criteria?

Sir David Normington: Sometimes you need to bring somebody in quickly to do a job. If you are in a Department that has a failing project, sometimes the Department goes out and finds the best person it can to bring in to stabilise that project. Running a competition for three or four months is not the best way of dealing with that urgent situation. Many of the Whitehall-type exceptions we have are for those sorts of situations. We have the power to grant exceptions in those cases, and it would be very foolish of us not to allow that. Again, they are for fixed terms, so what you cannot do is bring them in like that and then make them permanent civil servants.

Q49 Lindsay Roy: Does the best not equate with merit?

Sir David Normington: They are meritorious appointments; it is just they have not gone through a fair and open competition. Remember, our legal thing is fair and open competition leading to an appointment on merit, but sometimes you have to make exceptions.

Lindsay Roy: Thank you for that clarification.

Q50 Chair: What is the problem Ministers have explained to you that EMOs are intended to resolve?

Sir David Normington: That they have neither enough support nor the ability to get things done. They feel, if they have more people in their offices who can get things done—

Q51 Chair: If not EMOs, what is your proposal to make Ministers feel more supported?

Sir David Normington: If you want to bring in experts, or if you need more civil servants or special advisers, you can do all that under the existing rules. That is my answer. The real answer to getting things done in the Department is to call in the Permanent Secretary and tell them to pull their finger out and get something done—use the management chain. That is the best way to do it. What you should not do is always try to find workarounds. It is absolutely key to get the machine working for you.

Q52 Chair: Why do you think Ministers do not trust their Permanent Secretaries to make the appointments that they want?

Sir David Normington: This is not a general problem we are talking about. There are some Departments where there is a level of distrust. I do not know why that distrust has grown up. Sometimes it is because the Department is not doing what the Minister wants quickly enough. It may be, sometimes, that they are telling the Minister things that the Minister does not really want to hear. I don't know. Unfortunately, I am not there; I am not able to do anything more than speculate about that.

Q53 Chair: How would EMOs resolve the problem of distrust?

Sir David Normington: I do not think they will. If there is a fundamental problem there, I do not think surrounding yourself with more people will help. It may make the Minister feel more confident about having people around him or her whom he can trust. It might open up another problem in relations between that office and the rest of the Department. Trust—and I keep using this word—is the basis on which Ministers and the Civil Service have to work together. If that breaks down, you have a Government machine that does not work properly.

Q54 Chair: So your concern is that more ministerial patronage—if we want to call it that—endangers the impartiality of the Civil Service around the Minister.

Sir David Normington: There is a risk of it.

Q55 Chair: Possible politicisation.

Sir David Normington: There is a risk.

Chair: On this question of politicisation, could we deal with the politicisation of public appointments at this point? It is slightly jumping around, but I know colleagues want to ask about this.

Q56 Paul Flynn: On public appointments, are candidates required to declare their party affiliation or just their political activity?

Sir David Normington: They are not required to declare their political affiliation. They are required to declare if they have been involved in political activity—if they are a donor or active campaigner for a party. Often, in the cases that come into the public domain, they are people who have been Cabinet Ministers or councillors, so it is absolutely clear.

Q57 Paul Flynn: Since the general election, we have seen a hike in the number of candidates who declared themselves to be Conservatives or Liberal Democrats, and a decline in those who declared themselves as Labour supporters. Is there a danger in this of politicisation and that people would be appointed while thinking, as Margaret Thatcher used to ask, “Are they one of us?”

Sir David Normington: We have not seen that much of a hike in declared Conservative supporters; we have seen a slight one. We have seen quite a decline in Labour activists.

Q58 Paul Flynn: Indeed, while, on the graph I have in front of me, which is the Commissioner for Public Appointments graph 2013, Labour was certainly predominant.

Sir David Normington: There has been a slight increase in Conservatives.

Paul Flynn: Slight, so that it has passed the Labour total. The Labour numbers have plummeted.

Chair: Shock.

Paul Flynn: Conservatives are warned of an era—of a dark age—to come. It will be something that will soon be reversed, I should imagine, in 2015. The one has passed the other.

Sir David Normington: The Conservative figure has gone ahead of the Labour figure for the first time since we started counting.

Q59 Chair: How many Labour appointees are there on public bodies, compared to Conservative appointees?

Sir David Normington: I do not know the exact figure, but about 3% of new appointments in the last year—

Q60 Chair: That is new appointments, but what about the existing reservoir of appointments?

Sir David Normington: I do not know that figure.

Q61 Chair: Given that the number of Labour appointments ran ahead of Conservative appointments for about 15 years, it would seem likely that there were far more Labour appointees in public bodies than Conservative appointees. Would you agree?

Sir David Normington: Yes.

Q62 Paul Flynn: I am simply seeking the truth. The Chairman is, as usual, abusing his position to make a political point, which I have no interest in at all. Who monitors the overall composition? Is it a concern if there is a sudden hike? One of the biggest changes has been in those who declare themselves supporters of some party that is not one of the three main parties, and one could speculate what that is.

Sir David Normington: Yes, it is all within a very small number. There are about 1,000 new appointments in the year, and we are talking about 90 where people have declared political activity. Some 3.3% are Conservatives; 3% Labour; 1% Liberal Democrat; and 1.7% other. They are quite small numbers.

To answer your question, though, it has always been the case—this is speaking with my other hat—that the bar against political appointees getting public appointments or positions on public boards has been much lower than it is for the Civil Service. There is still a test of merit for people who want to sit on public boards, but there is no bar on people who have declared political activity being on boards. If they pass the test of merit, which an independent panel tests quite hard, and, if in the nature of the job, political activity is no bar to doing that job well, those names go forward to the Minister, and the Minister makes the choice.

As you imply, this naturally swings around depending on which Government are in power. There is something self-fulfilling about this as well. Basically, when there is a Conservative Government, people who are Conservative sympathisers are more likely to think about coming into public bodies, and the same with Labour Governments. You see that swinging around in the figures quite a bit. There is political choice, though, at the end of the public appointments process, and there is the possibility, once people have passed the test of merit, of a political choice being made.

There is always the risk that this goes too far, but it is expecting a lot of a Government to appoint somebody to chair a public body who is totally opposed to their policies. That would be an absurd position.

Q63 Paul Flynn: There is a great decline in the percentage—from 19% to 9%—of those who declared any political affiliation. Is this a concern? Is it a good thing to have people who appear to be politically inert in government, rather than people who feel passionately motivated one way or another?

Sir David Normington: We are talking only about party political affiliation. Most civil servants are not politically inert. They have views about politics, but they are not party

political. You can be very interested in public affairs, and very interested in politics, without having party affiliation. There is nothing wrong, as you know better than I do, with party affiliation. After all, this is public service, and people are entitled—we want more of them—to get involved in political parties. We do not want to create a barrier to people who have done good public service with a political tinge getting into public bodies.

Q64 Paul Flynn: Is there a practice of panels and candidates declaring whether they are members of the Freemasons?

Sir David Normington: Not that I know of, no.

Q65 Chair: Do you think there should be?

Sir David Normington: I don't know. I would have to think about that; I don't know.

Paul Flynn: We look forward to the result of your pondering on this issue.

Sir David Normington: I don't think Freemasonry is illegal, is it?

Q66 Chair: It certainly is not illegal, but nor are political parties.

Sir David Normington: True, but there is a lot of public interest in this issue of political affiliation. That is why, ever since my role has been in place, these figures on political affiliation and activism have been collected.

Chair: Members of Parliament are not required to declare whether they are Freemasons either.

Paul Flynn: They are in my party—well, they are in my area, I assure you. It is a question I was asked before I was appointed. It is not universal, but it is practised in advanced parties.

Q67 Robert Halfon: Can I take a completely opposite stance to Mr Flynn, in terms of the political appointments to public bodies? If you look at the published figures, between 2011 and 2012, 77% of appointees said that they supported the Labour party. I have no problem with what their political affiliation is, but surely you, as a guardian of this, should think that perhaps there are too many people from one political party being appointed to our public bodies.

Sir David Normington: I need to be absolutely clear about the figures. It is 77% of about 10% or 11%. Do you see what I mean? It is a small proportion.

Robert Halfon: 77% of appointees to public bodies.

Sir David Normington: No, because about 90% of appointments to public bodies do not declare political activity, so we are talking about only around 100 people, of which about 70 were Labour people.

Chair: Is this a bit of a storm in a teacup then?

Q68 Robert Halfon: There are 100 people to 100 bodies, and the picture that has been painted is that there has been a decline in the number of Labour appointees and that the Government are politicising public bodies. Yet, during the time of the coalition, in 2011-12, 77% of appointees said that they supported the Labour party. Last year, just 37% of those bodies were filled by people with right-of-centre affiliations. The figures also show that Labour supporters are three to four times more likely to be appointed to these bodies than Conservatives. Surely, far from being an imbalance, public bodies are too heavily weighted, and people from or linked to one particular party, particularly the Labour party, are being appointed predominantly, and that is something you should look at.

Sir David Normington: It is a fact that more people from the Labour party have been appointed to public appointments, and that has been a trend over 10 or 15 years.

Q69 Robert Halfon: I am talking post-coalition.

Sir David Normington: That continued until 2011-12, and then it has reversed. It is in the process of reversing.

Q70 Robert Halfon: Labour supporters are still three to four times more likely to be appointed. Public bodies are heavily weighted in favour of one political party over another. Surely that is wrong; it should be equal.

Sir David Normington: In the latest figures, it is equal. The Conservatives are just slightly ahead. I know you want me to say this is bad and this is good but, in fact, the test is whether the people can do the jobs. If they can, their political affiliation ought to be secondary to whether they can do the job.

Q71 Robert Halfon: Although it is now equalising, it still has not redressed the imbalance.

Sir David Normington: It will not have redressed the imbalance because, as the Chairman said, over a lot of years, there have been more Labour—

Q72 Robert Halfon: Yes, but, as I have said, I am not talking about pre-2010; I am talking about post-2010. Over three quarters of appointees will have attachments to the Labour party.

Sir David Normington: I am sorry, but I just have to correct you. It is 10%. In 2011-12, 10% of total appointments—only 10%, but 10% nevertheless—were people who declared Labour affiliations, compared with, in 2011-12, 1.8% Conservatives.

Q73 Robert Halfon: There have been surveys done, which have been published, that show this.

Sir David Normington: These are my figures and these are national statistics, so you can rely on them.

Q74 Robert Halfon: The other published figures show it is 77% of appointees, and you have acknowledged that yourself. Out of the 10%, it is still 70-odd percent.

Sir David Normington: Yes, but, sorry, I do not want to go on with this. About 90% of people appointed to public boards do not declare that they have engaged in political activity. It has sometimes been 85%, but it has been around that proportion. We are talking about the 10% or 15% who do. That has been in decline; it is now 9%. Within that, we have begun to see a shift from Labour to Conservative, but only recently.

Q75 Robert Halfon: Do not the figures show that it is a complete myth to say that there has been Tory politicisation of public service appointments?

Sir David Normington: I do not think you can prove that from the figures, so I am agreeing with you.

Q76 Chair: We are going to be discussing the role of women in both public appointments and the Civil Service. Of course, we do not want to accept that there are far more men around to apply for top jobs in public life than women. We are trying to change that. How legitimate is it for Conservative Ministers to insist of their Permanent Secretaries, “I am fed up with appointing Labour appointees to these public bodies. Please will you make sure we are attracting more applications from Conservatives?” How legitimate do you think that is?

Sir David Normington: That is not legitimate.

Chair: That is not legitimate, even if there is a clear imbalance among this small proportion of appointments.

Sir David Normington: No. Your question was, “Would you tell the Permanent Secretary to go out and find more Conservatives?” No, you would not do that.

Q77 Chair: We do it for women and ethnic minorities?

Sir David Normington: Yes, but 50-odd per cent. of the population are women, but that is not true of political affiliation, is it?

Q78 Mr Turner: But it is more than 10%.

Sir David Normington: You really cannot compare diversity in terms of gender, for instance, with political affiliation. I am not opposed to people with political affiliations sitting on boards. That is the real world.

Q79 Robert Halfon: Do you not think, if one political party has a predominance of people, that that balance should be redressed? Are you quite happy for it to be dominated by one political party?

Sir David Normington: I do not think that a trend towards politicisation in public appointments is a particularly good thing.

Q80 Chair: Then why did the Civil Service not stop it under the previous Labour Government?

Sir David Normington: I do not think it is a particularly good thing that one political party should be so predominant, but the rules allow for people to put their names forward, and there is no bar on people who are otherwise meritorious, but have political activity getting those jobs. That is the system and it has always been the system.

Q81 Chair: Why do we allow one category of appointments to be driven by demand when we do not allow it in the case of ethnic minorities, disabled people or women? Where is the consistency in this? If we want our public services to be representative of society as a whole, why are we tolerating a political bias?

Sir David Normington: We do want our public bodies to reflect the population, and the mix of gender, race and so on in the population. That is desirable, because those public bodies are generally doing things that affect the public. When you are talking about political affiliation of people on public boards, you are talking about public bodies to which the Government of the day have contracted out, effectively, their spending, delivery—to use that word again—and regulation. The Government of the day are entitled, first, to make sure there are good people on the boards but, actually, not to put a bar to having people with a political affiliation and political sympathy on there. That is the system we have, and that is the system I regulate. If Parliament wants to tell me to do otherwise, I will happily accept that.

I need to add that it is not just me doing this. Many of these appointments now come for pre-appointment scrutiny, so it is possible for Parliament to take a more active role.

Q82 Chair: We like to reach a unanimous view on these matters. We do not want to politicise these appointments.

Sir David Normington: Indeed so. When you are scrutinising my successor at some point, I hope you will want to insist that that person is not politically biased in any way. I do not think I could do my job if I was a political activist in some way, so Parliament is a very important defender of some of these principles.

Q83 Robert Halfon: Have you read the Policy Exchange publication on the appointments to public bodies by Michael Pinto-Duschinsky?

Sir David Normington: I do not think I have read it; I may have done. He talked to me about it beforehand, so I am not sure. I need to be reminded.

Q84 Robert Halfon: Going back to the figures I gave, in that report, which I strongly recommend you have a look at, as it looks at this very issue that we are discussing, it says, “Figures issued by the office of the Commissioner for Public Appointments 2011/2012” showed that “77% of politically active quango appointees last year were Labour supporters.” What I am not clear about is: are you saying that they have that wrong?

Sir David Normington: No, because he says 77% of politically active people, but only about 10% of appointees to public boards are politically active. It is 77% of the 10%, roughly. He is not wrong; it is just the way he has used it.

Q85 Robert Halfon: It is still a huge figure.

Sir David Normington: It is a huge figure but, I am sorry, it is a sensationalised figure, because it is 77% of 10%. It creates a headline, but I am afraid it is not 77%.

Q86 Robert Halfon: How many people does the 77% represent, then?

Sir David Normington: I can only tell you in new appointments, but it will represent about 77 appointments, because we are talking about 100 to 150 people who declare political activity out of about 1,000.

Q87 Robert Halfon: It is still quite a lot of people.

Sir David Normington: It is still quite a lot of people, yes, but it is not dishonourable to have been involved in political activity. The test is whether they can do the job, not whether they are politically active.

Robert Halfon: I have not said that; what I have said is that there should be a fair balance. Of the people who are politically active, three quarters of them should not necessarily be from one party.

Chair: I think we have exhausted this. We are likely to return to this subject at some stage.

Sir David Normington: I am sure you will.

Chair: We will move to Civil Service pay and skills.

Q88 Lindsay Roy: David, you said recently that the Civil Service was “recruiting with one hand tied behind its back”. What changes do you see in how the Civil Service recruits?

Sir David Normington: I was particularly referring to the ambition to bring in, at senior level, people to fill skill gaps the Civil Service has in particular areas of expertise in digital issues, finance and so on. The Civil Service and Ministers have that ambition, but very often they then do not put in place the requirements that will attract the best people from outside to do those jobs. Very often, you end up making appointments of civil servants despite the fact that you have had an external competition.

The reason is not just pay, but it is partly pay. Sometimes the pay levels that are on offer are just not competitive in the market. It is very frustrating when you are overseeing an external competition and you know that we are not going to be able to appoint somebody from outside because the salary on offer is uncompetitive. This is not a plea for a general uplift in pay; it is a plea for much more flexibility. If you want the best people, you will have to go out and buy them.

Q89 Lindsay Roy: So this is an appeal for recruitment of external expertise.

Sir David Normington: Sometimes. In the long term, we would like to see a better balance between people brought up and developed in those skills inside, and people brought in from outside. At the moment, some of these skills are in short supply within the Civil Service, so there is more external recruitment than would be desirable in the long term.

Q90 Lindsay Roy: Are the Government giving high enough priority to this objective?

Sir David Normington: It is giving priority. A lot of the Civil Service reform programme—the really good bits—is about this issue. You do not create, inside, the kind of people we are talking about overnight, so you have to go on recruiting from outside. The bit they are not giving enough priority to is, if you are going to go out there, advertising it in a way and with the terms and conditions that will attract the best people.

Q91 Lindsay Roy: So it is about getting the balance right.

Sir David Normington: Yes, it is about getting the balance right.

Q92 Lindsay Roy: Lord Adonis criticised Civil Service training. He said they were very able people, but poorly trained. Surely if they are such very able people, they can be retrained and acquire these competencies and skills. What is being done about that?

Sir David Normington: You can train people. In my experience as a civil servant, there was very intensive development of project management skills. There was a new programme to attract people in and train them as finance professionals—in other words, to get them in as graduates and, instead of them being generalist civil servants, train them as specialists from a young age. There is quite a lot of that going on, but it takes time, because it is not just about training; it is about the experience you then give these people.

Some of the incentives in the Civil Service are not to do those really tough jobs leading big projects. Some of the incentives are to do other things: work in a ministerial office or work on a Bill. Those are really important things, but we need better incentives to get people to take those really tough delivery jobs.

Q93 Lindsay Roy: So is there an underpinning problem of generating transformational or cultural change? To what extent is that the issue?

Sir David Normington: There is an issue there. There is tremendous effort going on to try to bring that change about. There is a frustration that it is not happening quickly enough, but they are trying.

Q94 Chair: Moving on to the Civil Service Code, can you explain your relationship to the code?

Sir David Normington: We have a legal responsibility to help Government Departments to promote and uphold the code. We also hear complaints from civil servants that the code has been breached.

Q95 Chair: Or from members of the public?

Sir David Normington: No, we only have powers—

Q96 Chair: So, if an MP writes to you about a breach of the code, that is not in your remit.

Sir David Normington: Not unless it is on behalf of a civil servant.

Q97 Chair: That is a bit odd, isn't it?

Sir David Normington: It is, in a way. There was an amendment when the Bill was going through to this effect—to widen it. It was defeated, so our power is very limited to the Civil Service.

Q98 Chair: If a member of the public or a Member of Parliament thinks a civil servant has breached the code, what does he or she do?

Sir David Normington: They have to take it up with either the Head of the Civil Service or the Minister. They do write to me, and I try to deal with it in as helpful a way as possible, but I cannot investigate unless it is a Civil Service complaint.

Q99 Chair: So, in fact, you refer it to the Head of the Civil Service?

Sir David Normington: Yes, I would do.

Q100 Chair: Do you think Damian McBride breached the code?

Sir David Normington: Very probably, yes. He did lots of things, didn't he? I have not investigated it, but I do not think it would take very long to discover that he had.

Q101 Chair: I think he would accept that he had broken the code. To what extent do you think spads are often breaching the code by leaking or briefing? They are covered by the code, aren't they?

Sir David Normington: Yes, that bit of the code. They are not covered by the code's requirements on impartiality and objectivity, but integrity and honesty, yes, and indeed all the things that go with that.

Q102 Chair: Do you think briefing is fundamentally dishonest?

Sir David Normington: Do you mean briefing the media or briefing external—

Chair: I suppose there are briefings and briefings, but backhand briefings are presumably not part of the code. You cannot be briefing behind somebody else's back or against another Minister or official. That would be a breach of the code.

Sir David Normington: Yes, and that applies to civil servants and special advisers. Whoever is doing it, it is a breach of the code.

Q103 Chair: Unfortunately Ministers do it too sometimes, don't they?
Sir David Normington: Yes, but they are covered by their own code.

Chair: That is a relief.

Q104 Paul Flynn: Are you concerned that Ministers' conduct now is such that they can obtain absolution by resignation; that, if they resign, they are not investigated? I am thinking of Liam Fox, because we are still not clear what his activities were. He was the Defence Secretary and, by resigning, the adviser on the ministerial code actually resigned as well, because he thought he should not have been involved. We exchanged the Rottweiler for a poodle. The actual job seems to have disappeared now; there is no supervision of bad conduct by Ministers, who can be over the hills and far away.

Chair: Does this fall within your scope?

Sir David Normington: Fortunately no. I should not be tempted into this area at all.

Chair: I am terribly sorry, Mr Flynn. You made your point.

Paul Flynn: I was just provoked by the political line that the Chairman was taking and felt retaliation was appropriate.

Q105 Chair: Understood. In a way, the code seems a little bit toothless if somebody, a former civil servant—in this case it was a special adviser—

Sir David Normington: He had been a civil servant, of course.

Chair: —should admit that he has broken the code, and then nothing happens. What do you think we should do about this?

Sir David Normington: We are talking about something that is quite a while ago.

Chair: I know, but it is an example.

Sir David Normington: The first responsibility for enforcing the Civil Service Code is the Civil Service management, so the Head of the Civil Service, the Cabinet Secretary and/or the heads of Department should be enforcing that code, and they should be doing it with the support of the Government. That clearly did not happen in Damian McBride's case.

Q106 Chair: So there needs to be a new mechanism to support Permanent Secretaries in that role.

Sir David Normington: They should be fulfilling that role. There are some very difficult cases, and I imagine Damian McBride's case is a difficult case where it is hard to do that. I do not know precisely what happened at the time. I think, actually, one of the things was an insistence that he became a special advisor, but I am right at the limits of my knowledge.

Q107 Chair: Yes, and we are not going to cross-examine him or give him an opportunity to reply, so I do not want to indict him in this Committee for anything he may or

may not have done. In principle, though, I think you are saying that it should be possible for anybody to complain to you about a breach of the Civil Service Code. That would seem to be a reasonable function for you to undertake.

David Normington: I am perfectly prepared to consider that, because I do think sometimes it is very restrictive just to be from civil servants. I do not quite know what I am letting myself in for.

Q108 Chair: It is a matter for Parliament, but you are expressing a sense that there is a lacuna in the enforcement of the code at the moment.

David Normington: There is a gap, yes.

Chair: That is very helpful; thank you very much. We are possibly going to do an inquiry that covers aspects of the code.

Q109 David Heyes: You are not doing very well in tackling the low representation of women in senior jobs in the Civil Service. In fact, at the most senior level, you are doing very badly indeed. Why is that?

David Normington: At Permanent Secretary level, it is currently about a quarter of appointments who are women. It is not good enough. We had a run of—not this year, but the previous year—nine straight appointments at Permanent Secretary level that went to men. I am glad to say that, in the last four, three have gone to women, so that is a small step in the right direction.

David Heyes: After a very large step.

David Normington: After a large step, yes. This is something I talk about with the Head of the Civil Service and others quite a lot. A lot of work has gone into trying to develop the pipelines of people at the levels below in the Civil Service—women with the capability and the motivation to be Permanent Secretary. I think that is bearing fruit. Over a number of years, the proportion of women in the Senior Civil Service, which is the feeder grade to these top jobs, has gone up quite significantly. It is now 36% of women in the Senior Civil Service, and at the level below that it is 42%, and of course overall it is 53%. Yes, it is tapering, but it is getting better.

Q110 David Heyes: But it is not getting better, is it? It is getting worse.

David Normington: At Permanent Secretary level, it has got worse, but only at that level. It has not got worse at the other levels. When we talk about Permanent Secretaries, it is quite a small number, so it is affected very sharply by swings one way and another. But it is not good enough. We have not had many women applicants for those jobs. We do not get many women applicants from outside for those jobs, because there are not so many women in senior posts outside. It is a problem.

Q111 David Heyes: I accept what you say—that there are fairly marginal improvements in women at the lower levels in the Senior Civil Service and that that is your recruitment pool for the more senior jobs—but the situation has actually got dramatically

worse. That is not working as a feed-through from below; it is clearly not working. There are obstacles in the way. What are those obstacles and, most importantly, what are you doing about it?

David Normington: There still are not enough women in that pool feeding the top level.

David Heyes: But it has been increased, at the same time as the most senior level has been diminishing.

David Normington: What I was going to say was, just up to 2010, there was a big increase in the number of women in Permanent Secretary posts. We had a period where, actually, of new appointments, the majority were women, and in the main Departments in Whitehall we had 50% of women. What that did was to take a lot of the best women out of the pool and to leave the pool below with people with less experience. A lot of work is going on to ensure that there is development of the people at the next level so that they can compete for the jobs, and that is what is going on in the Civil Service. I think it will bear fruit. Actually, the Director of Public Prosecutions, the head of DCMS, and the Second Permanent Secretary at the Treasury are all evidence that the work being done to develop the next generation of women Permanent Secretaries is just beginning to bear fruit.

Q112 David Heyes: Can you describe to me the actions that have taken place? You have had discussions with the Head of the Civil Service, and a lot of talk about this. You are on record as saying how disappointed you are, so clearly you understand that it is a major problem. I just want to understand what actions have been taken, other than bringing more people in at a lower level.

David Normington: The action is for the Civil Service, and for the Civil Service management. What they are doing is working with the women who are talented at director and director-general level. They are giving them training in what it is like to be a Permanent Secretary. In other words, there is positive action going on to build the capability and confidence of women in that group so that they have the ability to compete for jobs; because in the end, of course, it has to be an appointment on merit, and we need to make sure that the women are able to compete on equal terms. That is what is going on. All I do is to make sure that we have panels that are properly diverse in terms of gender, that we describe the jobs in a way that attracts men and women, and also that when we are going outside—which we often are, in Permanent Secretary appointments—we are casting the net as wide as possible. If you look only in particular sectors—the private sector being one, of course—there are very few senior female executives in many private sector jobs. There are many more in the charitable sector and in other parts of the public sector, so casting the net as widely as possible helps.

David Heyes: I do not doubt for a moment your sincerity and your commitment to doing something about this, but I have been a member of this Committee and its predecessor Committees for more than 12 years now, and I have heard this same argument recounted over and over again. It is the same story that is trotted out every time.

Q113 Chair: May I ask a question? Do you think the Civil Service has a woman problem?

David Normington: I do not think so.

Q114 Chair: Do you think women in the Civil Service feel discriminated against?

David Normington: I do not think so, but I should not speak for them. Probably you ought to ask them.

Q115 Chair: Did you ever have gender awareness training, which is what they give people in modern corporations these days?

David Normington: We had some diversity and equal opportunities training. We did not have gender awareness training as such, no.

Q116 Chair: Are you aware of gender awareness training programmes in the Civil Service today?

David Normington: I do not think so; I do not know. I do not think there is specific training on gender awareness, but I may be wrong. I do not think so. There was a lot of work that went on regarding unconscious bias in selection and development when I was in the Civil Service, which was about how you try to examine the biases you did not know you had that you brought to the table when you were making selections.

Q117 Chair: When you are sifting CVs for senior appointments, is the panel aware of the sex of the applicants?

David Normington: Yes.

Q118 Chair: Why do you think it is necessary that they should be aware of the sex of the applicants?

David Normington: I just think it is not very practical or realistic not to know who is there in front of you and what they have done. You could take away all reference to gender, but I really do not think that is real. It is better to work on making sure that the panel is treating people fairly.

Q119 Chair: In selecting candidates, we found it can make quite a dramatic difference.

David Normington: Can it? Well, I stand corrected, but I am still very sceptical about it.

Q120 David Heyes: You have the same problem in relation to public appointments. There are not enough women coming through and not enough women being appointed. What are the numbers? What proportion of the total number of public appointments are women?

David Normington: It is around a third. Just over 30% of members of public boards are women, but when you look at new appointments, which is what we count, and reappointments, in the last year, it was 35.6% of appointments who were women, which is a bit better than the previous year. The other thing to say is that the one thing I have taken encouragement from, which is quite related to the current debate about whether people should be reappointed, is that there has been a trend towards appointing more women through new appointments. When you take new appointments and strip out the reappointments, 40% of new appointments are women.

Q121 Chair: In public bodies?

David Normington: In public bodies.

Q122 David Heyes: But there seems to be a trend with reappointments in favour of getting rid of women. There have been some high-profile cases recently.

David Normington: That may be so, but it is only a few cases that have hit the headlines. Overall, the figures show that just a fraction under 40% of new appointments to public bodies in the last year have been women, and that is a very, very good figure.

Q123 Chair: Is that reflecting 40% of applicants, or are we still in a situation where, in fact, most applicants are men?

David Normington: Generally, you get fewer women applicants for public appointments, but it varies so much from sector to sector and job to job. We have not got a complete dearth of women applying. If we could sustain it at 40%—and it is sustaining that is required—it would be a major breakthrough in terms of public bodies.

Q124 David Heyes: But the Government are on record as having a target of 50% by next year.

David Normington: Yes.

Q125 David Heyes: Are you saying that that is a hopeless aspiration?

David Normington: It is a good aspiration, but it is going to be very hard to achieve. If they can get over 40%, that will be a big breakthrough. This Government take a lot of criticism, but the Government have given a lot of leadership on this issue in trying to get more women into public bodies.

Q126 Chair: The Cabinet Office appoints 50% of women to public appointments, but the Treasury has not appointed any women to public appointments. Does it have very few to appoint anyway?

David Normington: It has few to appoint, and you see that it often appoints from a financial sector that is dominated by men. It is often to do with the sectors from which it is recruiting.

Q127 Chair: Even the MOD manages 17% of women to public appointments.

David Normington: Yes, but that is very low, isn't it? That is the same issue again.

Q128 Chair: What do you think are the barriers for getting women into public appointments?

David Normington: Some of it is about the fact that the number of women in senior roles in other sectors is quite low. We work quite hard on how you describe the types of skills and competencies you are looking for for those roles. If you say—this is very common—“We are looking for people who have senior board-level experience in the private sector,”

you will not get many women, because there are not many. You have to look harder for how you bring on to boards different kinds of experience. It does not always have to be senior management experience. You might want consumers' experience; you might want people who have experience of the healthcare sector. You just have to think more broadly about what you are looking for, and we do a lot of work with Departments on trying to get them to loosen up their advertising and requirements.

Q129 Chair: How confident are you that the 50% target is achievable?

David Normington: I think it is going to be very, very difficult. As Mr Heyes said, it does not look attainable within one year, but the figures are moving in the right direction. What that 50% figure has done is to pin the Government's colours very clearly to that aspiration, and it is having an effect through the Civil Service. We see Government Departments making much greater efforts as a result.

Q130 Chair: What assessment have you made of the overall effect that the presumption against reappointment has had on a) women, and b) the quality of management of public bodies?

David Normington: That new policy was brought out fairly recently. It appears to be having some positive impact on the numbers of women appointed, but we have not done any assessment of what it is doing to the competence of public boards, because clearly it is not desirable if everybody turns over on a public board. Three years is a very short time, actually.

Q131 Chair: If you take the Charity Commission, for example, Suzi Leather did two three-year terms. It is a very, very demanding role, and it is intended that the present chair of the Charity Commission should do only one three-year term. It seems that he will hardly have got his feet under the table in such a complicated role. Do you think a hard and fast rule against reappointment is sensible? How sensible is it to have this hard and fast rule?

David Normington: I do not think you should have a hard and fast rule. My understanding of the Government's position is that you should not automatically reappoint; you should assess whether you should reappoint on the basis of the performance of the individual, which is clearly a sensible thing to do, and the overall composition of the board. When it was introduced, I had understood it to be just making sure that this automatic rolling over of people was avoided, and that is clearly sensible.

Q132 Chair: So it is not automatic reappointment.

David Normington: No.

Q133 Chair: That is right; okay. There has been some criticism of guidance published by the Centre for Public Appointments as "dumbing down", because it has apparently been trying to attract more female applicants by dumbing down. I would have thought the opposite would be the case, knowing most of the women in my life, but what is your comment on that?

David Normington: I really do not believe it is dumbing down. It is addressing the point that I am very concerned about: if you put very restrictive conditions in your recruitment

advertising, you just put women off. Women often have done things that they can bring to the table. They might not have served at the senior level in the private sector, but they almost certainly have compensating skills. All I think the guidance is saying is that you need to think more broadly about what makes for an effective board, and what kinds of skills you should bring on to a board.

Q134 Chair: So you are saying that by being over-prescriptive about skills and experience, it actually indirectly discriminates against women who might have had more restrictive career opportunities.

David Normington: Yes, it may, and there is evidence that women are more likely to take seriously what is in an advert than men. Men are more likely to take the chance that they will be able to prove that they can do it, and women are more likely to be put off. Therefore, if you put a list of restrictions, women will say, “I am going to rule myself out for that; I obviously will not get it,” and you send the wrong message. You can do lots by getting your advertising right, and then you can test people’s merit. You can get them in front of you and find out what they have done, not what they have not.

Q135 Chair: Finally, I just have to ask about your new role in the role of press regulation. Could you just describe to us what that is?

David Normington: It is a quite limited role. My job, under the royal charter, is to appoint the appointments committee, which then has the job of appointing the body that is going to oversee press regulation. It is not to appoint that body; it is to appoint the appointments committee, and that is what I have done. I have selected the appointments committee, but it then, under the royal charter, makes the appointment.

Q136 Chair: It sounds like “I’ve danced with a man who’s danced with a girl who’s danced with the Prince of Wales.”

David Normington: I did not design this system, but as a responsible public official, I thought that since this had all-party support, I ought to do what I was requested to do.

Q137 Chair: A concern has been expressed that your taking on this role somehow compromises your independence in other matters. How do you respond to that?

David Normington: I do not think so. I am doing only what I do normally, which is to make sure that there is a proper appointments committee in place to make the appointment. There is a royal charter and it has all-party support. I would not have done it if this had been just something that the Government asked me to do.

Q138 Chair: How much extra money have you been given to undertake this role?

David Normington: We actually have been given some extra money.

Q139 Chair: Not you personally, I expect.

David Normington: I have got nothing personally out of this, except quite a lot of grief. My office, which is supporting the appointments committee in running the competition and so on, has actually been given around a quarter of a million pounds.

Q140 Chair: Was there any conditionality attached to the money?

David Normington: No, except that we have to run the appointment process.

Q141 Chair: And the appointment process will cost a quarter of a million pounds.

David Normington: It may not. I hope it will not.

Q142 Chair: Will you give back anything else?

David Normington: Yes, we will only draw down what we need.

Q143 Paul Flynn: Can we ask what criteria you will apply for the people that you will recommend to go ahead? You will have some choice on it. What will you be seeking?

David Normington: Just to be clear, I have simply put in place an appointments committee. The appointments committee, last Sunday, advertised for the chairman of what is called the recognition panel. That is a public advert. There lies behind it a specification for the job, and that is all public. I can make it available to you and the Committee if you would like. We are looking for the qualities of resilience and judgment, the ability to explain what this recognition panel does and so on—the kind of things you would expect.

Q144 Paul Flynn: And the ability to soak up a lot of grief?

David Normington: I think the word “resilience” probably is the polite description. It is quite a tough role.

Paul Flynn: Good luck.

Chair: Very good. Thank you very much indeed for appearing before us, and thank you for your work. Our thanks to your staff for the work they do, and particularly to the public appointments assessors, who sit on so many of the appointment panels and ensure that public appointments are made in good faith. I would like to thank you for appearing before us today.