

Public Administration and Constitutional Affairs Committee

Oral evidence: [Pre-Appointment hearings](#), HC 909

Tuesday 3 July 2018

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Watch the meeting

Members present: Sir Bernard Jenkin (Chair); Ronnie Cowan; Mr Marcus Fysh; Dame Cheryl Gillan; Kelvin Hopkins; Mr David Jones; David Morris.

Questions 136-218

Witness

[I](#): Oliver Dowden MP, Minister for Implementation

Examination of witness

Witness: Oliver Dowden MP

Q136 **Chair:** Can I welcome our witness to this hearing on pre-appointment hearings, and could you please identify yourself for the record?

Oliver Dowden: Yes. Oliver Dowden, Member of Parliament and Parliamentary Secretary in the Cabinet Office with responsibility for public appointments.

Q137 **Chair:** It is a great pleasure to welcome a former member of this Committee as a witness and as a Government Minister. We will plunge straight in and we will all ask short and crisp questions. If we can keep the answers short and crisp as well, I would be very grateful.

What does the Government think the purpose of pre-appointment hearings is?

Oliver Dowden: First, thank you for inviting me, Sir Bernard. For me, the starting point of all of this is the principles of public appointments, which are based on Nolan and which are outlined in the response to Grimstone; I am sure you are familiar with them. The anchor of it is ministerial responsibility, but then there is also a range of other things that should be taken into account in relation to public appointments—for example, selflessness, merit, openness and diversity.



HOUSE OF COMMONS

What the pre-appointment process can do is, sitting alongside the role of the Cabinet Office and the Commissioner for Public Appointments, and indeed the Ministers themselves making the appointments, is to scrutinise appointments to ensure that they fit with the principles of public appointments. That is particularly pertinent in respect of public appointments that have a regulatory role or a major impact on public life.

Q138 Chair: What do you think the effect on the quality of public appointments has been since the introduction of pre-appointment hearings?

Oliver Dowden: The first thing to say about pre-appointment hearings is it is worth noting that they have become an entrenched, de facto part of our unwritten constitution. They came in in 2007 under Gordon Brown, under a different Government, and have been adhered to by this Government so they are now an accepted part of the process in relation to certain public appointments. There is a soft pressure on all those involved, particularly the Ministers making the appointments, because they are aware that, alongside the appointments being scrutinised potentially by the Commissioner for Public Appointments—with the Cabinet Office taking notice as well—there is also this further scrutiny from Select Committees.

The net effect of that is, if you look post the beginning of 2017 when the Grimstone proposals came in, there has been only one public appointment—which I am sure we will come on to later—where there has been a negative recommendation from a Select Committee. That level of scrutiny adds to the process of ensuring that there is adherence to the principles of public appointment, but it sits alongside other bodies that take an interest in it as well.

Q139 Chair: What effect do you think pre-appointment hearings have on the preferred candidate's potential independence as an appointee once they are appointed, like an independent chairman of a public body?

Oliver Dowden: Something the principles that apply to public appointments deal with anyway is we would expect all appointees to public appointments to be independent as part of their role, but the fact that there is this additional scrutiny from the Select Committee is just another check on Ministers as they make the appointment, and also on the candidate to know that they will be subject to this additional scrutiny from the Committee. I see it as part of an armoury that sits alongside the Commission for Public Appointments and the Cabinet Office.

Q140 David Morris: What do the Government think the most important lessons are from the first 10 years of pre-appointment hearings?

Oliver Dowden: I dealt with this a little in my previous answer. The first point is that they are entrenched. The second lesson is that, by and large, they are creating a pressure on public appointments—those which are subject to pre-appointment scrutiny—to ensure that there is adherence to the principles of public appointments. Also, if you look at the outcomes across public appointments, we have a greater diversity—which is



HOUSE OF COMMONS

something that the Government are committed to, so I see that as a positive—and we see generally the appointments are accepted by both the Commissioner for Public Appointments and by the relevant scrutinising Select Committees, where they are subject to pre-appointment scrutiny.

Overall, it is a positive contribution, particularly in areas where public bodies have that regulatory role where it is important to have that additional assurance from the pre-appointment scrutiny process, and also roles that have a major impact on public life; if you look down the list—which we may come on to later—Ofcom and NHS England really have a big impact on public life.

Q141 **Chair:** I do not think you have answered that question, “The important lessons learned from the first 10 years of pre-appointment hearings are we have learned that we must—”. What do you think the system has learned from the scrutiny, the occasional rejection from this process?

Oliver Dowden: If the question is where we go from here—so the lessons turning into actions—there are a number of things. First, as I made clear in the written evidence, it is worth updating the list of appointments that are subject to scrutiny by the pre-appointment scrutiny process. That has become a little out of date in some respects, and it is worth looking afresh at that again to make sure it is sufficiently up to date. Also, in terms of the guidance as part of that, it will be worthwhile looking at the guidance again that we give to Government Departments as to how they conduct—

Q142 **Chair:** What is wrong with the guidance?

Oliver Dowden: First, it is worth clarifying the processes to which Departments should adhere, and I should put my hands up here on behalf of the Cabinet Office: we have had correspondence between you and the Chancellor of the Duchy of Lancaster. We ourselves have not adhered to the letter of what is required. If the Cabinet Office needs reminding of the principles, so too should all Government Department of what is involved in a pre-appointment scrutiny process. Also, it is worth looking at the process by which decisions are communicated between Ministers and Committees to provide some clarity as to, if a Committee makes a decision, the process by which the relevant Ministers and Departments respond to that decision.

We do not require wholesale change, just an updating of the principles and some of the appointments, and a reminder to Departments at the end of that process that they need to stick to the principles.

Q143 **Mr David Jones:** Developing that point, the Cabinet Office has issued guidance as to the actions that Departments should take and the information that they should supply to the relevant Committees. How well, by and large, do Departments follow that guidance?



HOUSE OF COMMONS

Oliver Dowden: By and large, they follow it well, and the fact that Select Committees will rapidly—and rightly—correct Ministers and Departments if they feel it is not followed, suggests that it tends to be an exception rather than the norm that they are not followed. As I said in my answer to Sir Bernard, there is probably a need, as part of updating this, to remind Departments of the need to adhere to it. Sometimes, with the churn in Whitehall—you have seen how Government Departments get renamed and responsibilities moved between Departments—there is a loss of corporate memory on one side or the other: first, that an appointment is subject to pre-appointment scrutiny or, secondly, on the process for doing so. There is a need to remind Departments. The fact that this Committee is looking into it has provided a useful trigger for the Cabinet Office to undertake that process.

Q144 **Mr David Jones:** The Cabinet Office is at the very centre of this process. What practical steps does the Office take to ensure that Departments are supported in following the guidance that the Cabinet Office itself has set?

Oliver Dowden: We have the Centre for Public Appointments, which sits within the Cabinet Office and reports to me initially as the junior Minister responsible. I meet the Centre for Public Appointments on a weekly basis to go through upcoming appointments, and we will look at the criteria for public appointments and the appointment panel. There is a general oversight there and a specific oversight from the Centre for Public Appointments. They will engage with Departments as they go through this process both to verify the principles of public appointments and to serve as a reminder of the need to adhere to the relevant principles in relation to pre-appointment scrutiny.

Q145 **Mr David Jones:** You acknowledged a few moments ago that the Cabinet Office itself had not adhered to the letter of what is required. There were two occasions when the Cabinet Office neglected to consult this Committee. What steps is the Cabinet Office taking to ensure that it follows its own guidance?

Oliver Dowden: That is a very good point and, once again, I would like to put on the record my apology, and the apology of the Chancellor of the Duchy of Lancaster, that we did not follow the correct procedure in relation to those. It has certainly been a very strong reminder—particularly given the words of the Chairman’s letter to us—that we need to ensure that we adhere to it. Off the back of that, both the Chancellor of the Duchy of Lancaster and I have gone back and checked in with the relevant people responsible for public appointments at the Centre for Public Appointments, and made it clear that we need to make sure we ourselves adhere to the principles. We are starting with ourselves and that will then in turn, as I said, be communicated when we reissue the guidance on pre-appointment scrutiny.

Q146 **Mr David Jones:** It is a case of, “Physician, heal thyself.”



HOUSE OF COMMONS

Oliver Dowden: I cannot do more than apologise for the fact that we made this mistake. It is embarrassing to us as the Department that is responsible for it, but all I can say is we have held our hands up. I am very happy to go into the details of specifically what went on with those two appointments, if you would like, but the overall message is: we messed up and we apologise for that.

Q147 **Chair:** Why did you mess up? Who failed to understand what, and why did they fail to understand whatever it is they failed to understand?

Oliver Dowden: If I take each one in turn. The first is the chair of HOLAC. A verbal conversation was held between officials about the HOLAC chair but the job description was not shared prior to the campaign launch and a formal request to set a date for a hearing was not made. That was an administrative—

Q148 **Chair:** Why did it happen? Did someone just forget?

Oliver Dowden: Having looked into it, I do not believe that it was a deliberate attempt to—

Q149 **Chair:** I am sure it was not. I am absolutely certain—and you have apologised very graciously, and we are very grateful for that—but we want you to show some penetrating understanding of why this failure occurred.

Oliver Dowden: I am afraid it is no more exciting than an administrative oversight. The processes—

Q150 **Chair:** That somebody forgot; it was not at the front of somebody's mind.

Oliver Dowden: I do not necessarily want to say “forgot”, because the proper administration process was not followed. Whether that is because two people are not clear as to who is doing it, or they have forgotten, the administrative process was not followed—

Q151 **Chair:** So there might be some divided responsibility—that it fell between stools.

Oliver Dowden: We have dealt with this; we are very clear now of these responsibilities and it will not happen again.

Q152 **Chair:** Who is accountable for making sure that this does not happen again?

Oliver Dowden: I am, and the Chancellor of the Duchy of Lancaster.

Q153 **Chair:** What lessons do you think other Departments take from this and how have you disseminated those lessons?

Oliver Dowden: We have not disseminated lessons yet because I do not want to repeatedly send missives to Departments. I would rather that I awaited the outcome of your inquiry and reflections, update the principles for pre-appointment scrutiny, then make sure those are properly



HOUSE OF COMMONS

disseminated to Departments, in writing, and we will follow it up through private offices to make sure that Ministers are made specifically aware of that. We will also make sure, through the CPA, that those principles are adhered to.

In broad terms, the challenge with some public appointments—which is also a challenge with other areas that are not core to a Department—is that when you have, for example, a Department where public appointments happen infrequently, they are sometimes not that familiar with the process. It is important to make sure they are familiar with the process; that is a responsibility that falls with the Cabinet Office and with—

Q154 Chair: What does the Cabinet Office do to keep reminding people, reinforcing in people's minds, so that as soon as they start in a public appointment they check the guidance or they ring somebody in the Cabinet Office to say, "Are we doing everything?" Parliament attaches a huge amount of importance to being consulted early in the process and it really does undermine confidence in the rather slapdash attitude of officials if they think, "Oh, it is just something that does not apply to me," or, "I do not know about this and it has not crossed my mind that I should do this." It suggests that this pre-appointment culture has not embedded itself.

Oliver Dowden: I will try to unpack a couple of answers to that. In terms of embedding, it certainly has. As I said, it was introduced in 2007. Nobody is questioning whether there is a role for pre-appointment scrutiny; the recommendations of Committees are taken very seriously. In terms of the actual mechanical process of ensuring that Committees are told well in advance and the appropriate information is communicated, I do not believe that it is an extensive problem, but there clearly are lapses. CPA engages on regulated appointments and, as part of that, I accept we do need to step up and ensure that these principles are adhered to. The correct process for doing that is that we look at the guidance on pre-appointment scrutiny, particularly in the light of recommendations from this Committee; we then reissue it, and, at the point of reissuing it, we are also clear about the importance of following it through. Then we can ensure that, as Departments have appointments, there is a formal mechanism for reminding, through the CPA, Government Departments of the need to adhere to the principles when one of their appointments is subject to pre-appointment scrutiny.

Q155 Chair: What would be useful is if you did us a note to summarise what you have done to make sure such a failure will not happen again in the Cabinet Office, or indeed, in any Government Department. Thank you very much.

Oliver Dowden: I would be delighted to do so. It probably makes sense to do it after the guidance but if you would like me to do so before I am very happy to.



HOUSE OF COMMONS

Chair: We would like to have something to refer to in our report.

Q156 **Dame Cheryl Gillan:** Apart from just now outside the Committee Room, when did you last meet the Commissioner for Public Appointments?

Oliver Dowden: I bump into Peter quite a bit around the parliamentary estate. I had a formal meeting with him when I was first appointed but there is an ongoing dialogue between his office and my private office. It is just outside here, but we—

Q157 **Dame Cheryl Gillan:** You have met him only once since you were appointed to this position?

Oliver Dowden: I have met him only once formally in a meeting where we have officials on both sides, but we are in regular contact because Peter and I are on the parliamentary estate, and so I—

Q158 **Dame Cheryl Gillan:** With respect, Minister, bumping into people is all well and good. I am asking, in discharging your duties, how often you meet him and what plans you have for regular meetings.

Oliver Dowden: I intend to meet him formally again—

Q159 **Dame Cheryl Gillan:** How often?

Oliver Dowden: At least three or four times a year it is worth doing to make sure we keep that relationship going. I am conscious that Mr Riddell is sitting behind me, but I am confident that we have a good working relationship and if he has any concerns as to the conduct of public appointments he will let me know very quickly. For example, I—

Q160 **Dame Cheryl Gillan:** How do you respond to his judgment that there is no obvious logic to which appointments are currently subject to pre-appointment hearings and which are not? For example, the Chief Inspector of Prisons and Probation is subject to it but the Independent Chief Inspector of Borders and Immigration is not.

Oliver Dowden: Yes. He raises a good point, which is why we do need to look at updating the list. There are some principles to this, and if you go back to the Liaison Committee report of 2011, it set out some broad principles. We need a bit more clarity around this so, in updating this list, we will seek to do two things: first, we will make sure it fully reflects changes in Government Departments. Also, there are about five we have identified so far where there has been a subsequent bilateral agreement between a Government Department and a Select Committee to make an appointment subject to pre-appointment scrutiny. What we will also do is try to look at the list again and apply a principle, the best being that we want to make sure the principles of public appointments are adhered to. They are particularly relevant in relation to appointments to bodies which have a regulatory role. My tendency would be towards bodies that have a regulatory role or those that have a major impact on public life.

Q161 **Dame Cheryl Gillan:** Can I help you? In your written evidence you said, "The general principle underpinning the list is that it includes significant



HOUSE OF COMMONS

appointments and it consists mainly of regulators, chief inspectors and ombudsmen". What would be really helpful to the Committee is if you could define "significant appointments" and what the caveat mainly signifies, because that was in your written evidence.

Oliver Dowden: Yes. What I meant by that, as I said, is that the first bit deals with appointments that have a regulatory function and "significant" refers to appointments that have a major impact on public life. For example, if we look at the list, I would say an appointment such as the Chair of NHS England, which has huge influence over the administration of the NHS, is something that has a major impact on public life. Some have both. For example, the Chair of Ofcom has a regulatory role and has a major impact on public life. I will be looking at the list with those principles in mind.

Q162 **Dame Cheryl Gillan:** I presume that you are reviewing this list of appointments for the first time I think since 2013—is that right?

Oliver Dowden: That is correct, yes.

Q163 **Dame Cheryl Gillan:** How are you going to ensure as things progress that this will stay up to date? Do you think there should be an annual review? For example, your colleague, Minister Chris Skidmore, has estimated there is going to be something like 20 new public bodies following Brexit. How are you going to keep on top of this and make sure that this list is current and that you do not miss anything out?

Oliver Dowden: We may come on to Brexit in a moment. In terms of how we ensure this is up to date, it is important to understand that I don't believe that this list has become massively out of date, in the sense that we have only identified so far five appointments which are not on the list and should be.

Q164 **Dame Cheryl Gillan:** Can you list those for us?

Oliver Dowden: If you would just bear with me one moment, sorry.

Dame Cheryl Gillan: Sorry. It is just a natural sequitur to where we are in the questioning. I have tried to talk so that you would find it.

Oliver Dowden: Yes, of course it is. It is a perfectly legitimate question; it will just take me a while to get there. We believe that the appointments are the Chair of UK Research and Innovation, the Registrar of Consultant Lobbyists—which we have discussed—the Chair of the Office for Students, the Housing Ombudsman, the Chair of the Financial Conduct Authority and the Chair of the Pensions Regulator. As I said, this is not absolutely definitive because, as part of our process of updating it, we will engage with Departments, so I think—

Q165 **Dame Cheryl Gillan:** Not the Independent Chief Inspector of Borders and Immigration that I mentioned? Minister, what this is saying to me is that you have the right ideas and you are moving in the right direction, but you have not really tied down the policies and the principles, and it



really does need some attention to detail and some hardening—

Oliver Dowden: No, I quite agree, and I hope I have been open and honest about that. First, it is welcome that this Committee is looking into it. I think it should form part of a process. I am very keen to hear the recommendations of PACAC. We will also engage with Departments and through institutions such as the Liaison Committee. We will then ensure that, first, the list is up to date, and, secondly, that we have a process for ensuring it is kept up to date. My point in terms of whether we should do it every year is: does it change that much that it requires a formal process every year or is it more my responsibility as a Minister, and the Cabinet Office's responsibility, to make sure that this is kept up to date on an ongoing basis? I would not like this list to wait a whole year if a new appointment is created.

If I may, would you like me to address the Brexit point as well?

Dame Cheryl Gillan: Yes, I would.

Oliver Dowden: This is an important issue. The principle that has been set out by the Government, in macro terms, in relation to Brexit is that, as we take powers back, we will seek, as far as possible, to take them back into existing regulators or bodies so that we will not create a plethora of new bodies. It may be the case that there are some roles which cannot be subsumed in an obvious existing public body. For example, the Trade Remedies Authority does not have an obvious fit, so that will require a new body, but we have a clear presumption that new arm's length bodies should only be set up as a last resort. I would hope that we will not have a plethora of new appointments but then, once the new bodies have been decided upon, they will then be subject to the same principles as would apply to any body as to whether they should be subject to pre-appointment scrutiny. That is to say, do they tend towards having a regulatory function or do they have a major impact on public life?

Q166 **Dame Cheryl Gillan:** Is it around 20? Was Mr Skidmore right?

Oliver Dowden: There are three already identified. I do not want to give an absolute definitive answer, but 20 is at the high end. I suspect the way things are going it would be a smaller number than that, but that is subject to an ongoing process with DExEU.

Q167 **Dame Cheryl Gillan:** Finally in this section, how are you going to involve the Select Committees and the Select Committee system?

Oliver Dowden: We have our initial ideas about the principles and how we go about updating this. I will then take on board the report of this Committee, we will engage with the Liaison Committee then Government Departments and they, in turn—once we have an agreed governmental view as to the appointments which should be subject to pre-appointment scrutiny—will then need to engage with their relevant Select Committees. I want to make sure that, given that the Committee has rightly pointed



HOUSE OF COMMONS

out this list has not been significantly updated since 2013, it does provide us with an opportunity to look properly again and we should make sure we consult fully on it.

Dame Cheryl Gillan: Thank you.

Q168 **Ronnie Cowan:** What is your view of the evidence that we have received that Parliament should assert its ability to choose which posts it wants to scrutinise rather than rely on a Government-provided list?

Oliver Dowden: First, Parliament is absolutely free to summon any Minister or any chair or chief executive of a public body to appear before it. Select Committees can do that. This is a more narrow question of which appointments should be subject to pre-appointment scrutiny. The role of pre-appointment scrutiny is it sits within the principles of public appointments, and one of those is ministerial accountability; indeed, it is the first principle. In the end, Ministers have to be accountable for decisions they make to Parliament and for people that they appoint. Ultimately, it should be for Ministers to make the determination, while listening to the views of this Committee and others, as to—

Q169 **Ronnie Cowan:** Ultimately it is, anyway. Whoever comes up with the list, ultimately it will still be up to a Minister who they appoint. I am saying who decides what list for pre-appointment hearings?

Oliver Dowden: We will take guidance from relevant Select Committees, and particularly this Committee, but ultimately ministerial responsibility demands that Ministers will make the final decision. It forms part of a kit of—

Q170 **Ronnie Cowan:** Ministers will make the final decision; the question is who comes up for a pre-appointment hearing.

Oliver Dowden: As I said, I believe that ultimately Ministers need to make the decision as to which appointments are subject to this hearing because they—

Q171 **Ronnie Cowan:** Is there not the danger there that Ministers are saying, “These people do not require a pre-appointment hearing,” and that simply looks bad?

Oliver Dowden: No, because, first of all, there is already a list that is set, and secondly, in updating the list, we will engage in the ways that I describe: we will listen to the views of this Committee and to that of the Liaison Committee. Departments will engage with Select Committees. I hope that we will be able to reach a mutually agreed list that is satisfactory to this Committee and to each of the Committees that scrutinise appointments but, ultimately, because I believe that pre-appointment scrutiny forms part of the process of assurance on the principles of public appointments, that is a tool for a Minister—who is responsible for ensuring, ultimately, the principles are applied—and that the final call should lie with the Minister.



Q172 Mr Marcus Fysh: Going on a bit further from that, when do the Government think that Parliament should be formally involved, not just in scrutinising Ministers' choices but in approving or selecting the candidates, such as, for example, with the PHSO or the Office for Budget responsibility? There are lots of grey areas where Parliament is technically involved in the appointment as well.

Oliver Dowden: As you say, there is a very limited number of appointments where the involvement of Parliament goes beyond pre-appointment scrutiny and moves into the selection process. As you are aware, that has arisen for a variety of anomalous circumstances, which I believe go back to the 19th century, but also in certain circumstances where the Government believes it really has to entrench and vouch externally for the complete independence of a body.

This approach is not without risk, though, because if a Committee is scrutinising a public appointee, if they have had a role in appointing that person—I understand that there are ways of preventing conflicts—as a principle it is one that sits uncomfortably, so it should be very much the exception. That category will always be a very small number, either because we are obliged statutorily to do so or because a specific decision has been made to deeply entrench the external independence of the body in question.

Q173 Mr Marcus Fysh: There are some circumstances, are there not, whereby an approval is needed by a resolution of the House? Would it not be appropriate in those situations for a Committee to be involved because they would not have that conflict directly?

Oliver Dowden: Yes. The starting constitutional principle is that Parliament and Select Committees scrutinise and hold to account. We should be very reluctant to stray into the position—except in exceptional circumstances—where Parliament gets involved in direct selection and appointment, because that does start to blur the lines. It is properly conducted in relation to those limited appointments where it happens but, as a principle, I would be very wary of it.

Q174 Kelvin Hopkins: Your evidence to us, Mr Dowden, suggests that Ministers take seriously any concerns the Committee may raise about a candidate. However, some Committees' evidence to us suggests that they would disagree. How do you respond to that?

Oliver Dowden: They do take them seriously in two respects: you have heard evidence from other contributors to this inquiry that it creates a pressure on Government Departments and Ministers to adhere to the principles of public appointments because they are aware that the appointment will be subject to pre-appointment scrutiny. Secondly, that is then manifested by the fact that, since the Grimstone reforms have been introduced, there has been only one appointment that has been subject to negative scrutiny by a Select Committee, after quite a large number. In that case, ultimately, the Minister took an alternate decision



HOUSE OF COMMONS

to the Committee but candidates have, off the back of adverse scrutiny by a Committee, either decided to withdraw or a Minister has decided not to proceed with an appointment. It definitely has bite.

Q175 Kelvin Hopkins: When pre-appointment hearings were first proposed it was suggested that Committees would have an effective veto and that has clearly not happened, or at least in one very significant case you have mentioned. If I can move on to a second question: would you welcome a formal cooling-off period when private discussions can occur so Committees and Ministers do not feel rushed into making a public judgment?

Oliver Dowden: That is something I would like to reflect further on, and particularly in the light of whatever recommendations this Committee makes. The argument for doing something in that space is there is probably a need to update the guidance to provide clarity as to the process between the point at which a Select Committee decides that it is not going to support a candidate and the final decision by a Minister. It may be in that gap that one might want to look at some sort of cooling off period.

The only thing I would caution is that the big risk in all of this is there is immediately a question about the viability of a candidate if they are subject to an adverse finding by a Select Committee. Clarity for that candidate dictates that we move relatively swiftly. If candidates feel that the Minister has not come down decisively on their side pretty quickly, they should just withdraw anyway.

If we had some sort of cooling-off period I would look at it being of a very limited period. I am not completely close-minded to it, and that will form part of how we look at the guidance.

Q176 Kelvin Hopkins: That case of somebody withdrawing voluntarily has happened in one case that this Committee was involved with.

Oliver Dowden: Yes. If you had a long period of time whereby you had a Select Committee that had an adverse finding against a candidate and the Minister had a two-week or month-long cooling-off period, there is a real risk that the candidate in those circumstances would decide that they felt uncomfortable with this question over their head and would choose voluntarily to withdraw. That might not be an outcome that a Minister would like to happen, because, in their view, they are the correct appointee for the role.

Q177 Kelvin Hopkins: There has clearly been some drawing back from how pre-appointment hearings were first envisaged. Ministers have drawn back from that early suggestion that they have effective veto.

Oliver Dowden: If you look at the history of this, it has evolved over time. We have had the Grimstone review, we have had new principles off the back of it, so it is not fixed and, indeed, no doubt we will change



again a little our approach off the back of the recommendations of this Committee and the updating of the guidance.

Q178 Mr David Jones: To what extent do you believe that a Minister should be influenced by a unanimous cross-party recommendation from a Committee?

Oliver Dowden: Ministers should be influenced by any finding of a Committee. Pre-appointment scrutiny is an important part of the process of appointing candidates, who are subject to it, and sits alongside the Cabinet Office and the Commissioner of Public Appointments. If a Committee raises questions about a candidate that should weigh very heavily on a Minister's mind, and I believe it does. If it is unanimous, then it would probably add to that, but the fact that they have decided against a candidate in the first place is, in itself, a strong indication to Ministers.

Q179 Mr David Jones: You will be aware of the case I have in mind; that was the case of the appointment of the Charity Commission, where there was such a unanimous recommendation by the Committee and, notwithstanding that, the Secretary of State proceeded with the appointment and said that the Committee had provided no new information to suggest that the person in question was not a fit and proper person for that role. It seems that very little weight, if any at all, was placed by that Minister upon the recommendation of that Committee.

Oliver Dowden: It is consistent with the principles of public appointment that ultimately Ministers have to decide. I cannot speak for the mind of the Minister in question—you will have to ask the Minister that—but I believe that the appointment was conducted and that he had the right to do so, off the back of the principles of public appointment, to exercise his ministerial responsibility and decided that person was the best candidate.

These findings do weigh on Ministers' minds, as well as the fact that very few appointments have been subject to this adverse finding and, if there has been an adverse finding in the past, candidates have withdrawn or Ministers have decided not to proceed. In this case, the Minister in question, the Secretary of State for Culture, had every right under the principles of public appointments to exercise his ministerial responsibility and decide that, notwithstanding the findings of the Select Committee, he still believed that person was the best person to do the job and proceeded with the appointment.

Q180 Mr David Jones: In that particular case, the Chair of the relevant Select Committee took the trouble to have a private telephone conversation with the Minister, and he augmented the concerns that were set out by the Committee in a letter—which he made public—in which he referred to a number of matters that he contended should disqualify the candidate in question from the role for which he was applying. It does seem, in that particular case, to be frank, the Secretary of State treated the Committee and its Chair with a certain degree of contempt.



HOUSE OF COMMONS

Oliver Dowden: In terms of the guidance, it is pretty clear that it is for Ministers to decide whether or not to accept Committees' recommendations relating to appointments. He decided not to do so, and he was perfectly entitled to do so, in line with the Cabinet Office guidance. As I said in answer to Sir Bernard, when we come to looking at the overall guidance for pre-appointment scrutiny for public appointments, as issued by the Cabinet Office, it may be the case that we wish to provide a little more clarity as to the formal process that should be gone through so that both sides are clear about the process by which a decision is communicated between a Committee and a Minister. That is part of how we can look at evolving this process.

Q181 **Mr David Jones:** Would you expect such a decision by a Minister to remain very much an exceptional decision?

Oliver Dowden: It is for Ministers to decide whether or not to accept a Committee's recommendation. It should weigh very heavily on the mind of a Minister if a Select Committee has decided that it is not satisfied with a candidate but, ultimately, it is for the Minister to make that determination. I do not know that I would put it any differently to that.

Q182 **Mr David Jones:** Would you agree that, if this were to be repeated on too many occasions, it would rather make a mockery of the whole process of pre-appointment scrutiny by a Committee?

Oliver Dowden: It happens very rarely. This is the first time since the beginning of 2017 that there has been a rejection. If you look back at the appointments that have been subject to adverse findings prior to that, there have been a number of instances where candidates have withdrawn or the Minister has decided not to proceed. I would expect that pattern to continue in the future. The finding of the Committee should weigh heavily on the mind of the Minister. The Minister should neither be dismissive of the finding nor not take it into account but, ultimately, they have ministerial responsibility and they are accountable to Parliament for the decisions that they take.

Q183 **Dame Cheryl Gillan:** If you are so robustly defending the Minister's right to decide and that this should happen only rarely, why have you taken the view, as was recommended by the DCMS Committee, that that Minister should not have to defend that judgment in a 90-minute debate on the Floor of the House?

Oliver Dowden: An urgent question can be raised by the Chair of the Committee, or any other Member of Parliament, and it is for the Speaker to determine whether that merits a discussion on the Floor of the House.

Q184 **Dame Cheryl Gillan:** Surely this process should not depend on somebody tabling a UQ and the Speaker deciding whether or not to grant it? Surely, to give integrity to this and to back up the weight of your belief that this will happen only rarely, you should build that safeguard in? Otherwise, as David Jones says, it makes a mockery of pre-scrutiny hearings.



HOUSE OF COMMONS

Oliver Dowden: I do believe that these findings weigh heavily on Ministers' minds. If it moves through a—

Q185 **Dame Cheryl Gillan:** Not heavily enough, it would appear.

Oliver Dowden: Yes. May I just deal with the point about moving to a 90-minute debate? My other concern with that would relate to this risk that candidates are left hanging. You are well aware of the pressures on parliamentary time; presumably it would for the Government to determine a slot for that debate to happen. We could find ourselves in the situation where are looking at a few weeks later before Parliament can debate it.

Secondly, we are already asking a lot of candidates. Certainly from my experience, both when I had some involvement in public appointments in No. 10 and my experience now, the biggest challenge with public appointments is getting good people to apply in the first place. They are certainly not doing it for money. It takes up a huge amount of time and they have a high public profile that they may not welcome. We are already having a further level of intrusive scrutiny, which I believe is justified, in relation to pre-appointment scrutiny. If that candidate then is subject to having their appointment questioned not by the members of an expert Committee but the whole of Parliament there is also a risk that there is a further deterrent in terms of candidates coming forward.

Q186 **Dame Cheryl Gillan:** What evidence do you have for that?

Oliver Dowden: The evidence I have is how difficult it is to get good candidates in the first place and concerns raised by candidates about the level of public scrutiny that they are already under. That is a concern. The timing is a concern.

Q187 **Dame Cheryl Gillan:** Do you have a set of evidence as to how many people apply for all the jobs say over the past five years? Do you have a list? Can you prove that you do have a shortage of good candidates?

Oliver Dowden: I would be very happy to provide that to the Committee in written evidence.

Q188 **Dame Cheryl Gillan:** I presume that we will find positions where we have had no applications from candidates. That is the impression you are giving.

Oliver Dowden: What I can say to you is that in respect of appointments that cross my desk, as a Minister with responsibility for public appointments, it is frequently a conversation that we have, which is, "How can we attract high calibre candidates?" I will see a list from a Department and we will go back to them and say, "Can you have another look at this list?" For example, you will see where often if a list is extended then it is because we have taken a view that we do not have that. Certainly the conversations that I know that the CPA had and that I



have often are that the biggest challenge Ministers have is finding a good person to do it in the first place.

Q189 Dame Cheryl Gillan: The fact that you cannot find good people should not then put the very process of pre-appointment hearings, where a Select Committee that is expert in the subject has a look at a candidate—it will have been with great difficulty they produce a negative report about a candidate, then the Minister just says, “I am terribly sorry, I do not think we can get any good candidates so I am going to appoint this one”.

Oliver Dowden: I am sure that I agree with your premise in that if you look back on the record so far there have been plenty of occasions where, as a result of an adverse finding, a candidate has withdrawn or a Minister has decided not to proceed. There has been only one case since 2017 where there has been an adverse finding and in that instance the Minister in question decided to proceed, which was his right, in exercising ministerial responsibility. We would have to have more evidence to reach that conclusion is my viewpoint.

Q190 Dame Cheryl Gillan: It is about accountability. You are resisting the process of Parliament playing a role. If this is such a rare occasion then surely it merits what the DCMS Committee recommended and the Minister should then back up his or her judgment in a public forum where it can be scrutinised because otherwise what is the point of a Select Committee making a recommendation if it is going to be overturned?

Oliver Dowden: On the point of the Select Committee making recommendations, first of all the process in itself tightens up the application of the principles and makes sure it is a robust process and I think the Committee has had evidence from others that believe that is the case. Secondly, an adverse finding has resulted in candidates not proceeding to be appointed.

I would just be reluctant off the back of the first adverse finding, post-Grimstone, where the Minister in question has decided to proceed in any event—I do not believe that is a sufficient evidence base to change the system.

Q191 Dame Cheryl Gillan: You are quite happy excluding Parliament from that and allowing the Minister to take the final decision and not be publicly scrutinised.

Oliver Dowden: I do not believe Parliament is excluded because, first of all, it is Parliament that has made a determination through a Select Committee. Secondly, and I accept your reservations about it but it remains the case, Parliament is perfectly at liberty for an urgent question be put in and there can be a parliamentary debate. If it passes a significance threshold, the Speaker can make that summation of significance enough to warrant an urgent question. In addition, the Committee themselves are perfectly at liberty to summon any Minister, whenever they so choose. It is perfectly within the powers of the



HOUSE OF COMMONS

Committee the very next day to summon that Minister before them to account for the determination that they have made. Committees already have that power.

The point of disagreement I would have is at this stage is whether it warrants an automatic debate in Parliament, and that is for the reasons that I set out previously.

Q192 Mr Marcus Fysh: I was just thinking structurally. When, if a suitable candidate could not be found, would a Minister think that they have to think about whether the structure of having such a public body was in fact even appropriate? When would that function be taken back in-house? My concern is that equality in these quangos is a real issue because it is quite hard for the public to have confidence that everything is always working correctly within them. There are usually complaints processes that go through huge iterations, and then the level where a Minister gets involved in looking more closely at things that have gone wrong in public bodies has a pretty high bar. I think quality in those who manage them is incredibly important. So if you cannot find good quality when would you think, if it is appropriate, to continue having such a public body?

Oliver Dowden: First of all, often one can underestimate the importance of these bodies. For example, Ofcom and NHS England are tremendously powerful organisations that exercise powers that impact on the lives of pretty much every subject in the country.

If a suitable candidate cannot be found the first thing that Ministers can and sometimes do is to rerun the process to see if they can get better candidates. I think what the Cabinet Office also needs to do, and I see this as part of my role as a Minister and it fits in with diversity—diversity is not just ensuring that we have gender and ethnic and disability diversity, which are very important, but the strength of diversity is that you have different perspectives—is to go out there and try to get candidates that have different perspectives and make the case for public appointments.

I want to send a very clear message, as the Minister responsible for public appointments, that the Government is very much open for public appointments. People should feel they should apply. I spend quite a lot of time trying to engage around this issue as do officials, particularly in the Centre for Public Appointments, to go out there and sell the message. That includes regional diversity. For example there had been events in Edinburgh, Birmingham and Bristol—I am not saying that Scotland is a region; Scotland is a country—and in addition to that I have also spoken at plenty of events with chairs of public bodies and so on and challenged them to think about their succession planning and how they go out there and make the case. Part of the challenge is demonstrating that a public appointment is a route for you. Historically far too often public appointments have been dominated by the same old faces where they rotate between different public bodies.



HOUSE OF COMMONS

We have taken significant steps to start to correct that but I still think it is a journey and we need public bodies to reflect the nation that they serve. I think that is both morally the right thing to do—these are taxpayer-funded organisations so they should be led by people that reflect the country—and also practically the right thing to do because diversity gives different perspectives and strengthens the decision making of those bodies. I have been very keen to go out, say that message to people, and say that Government is open for public appointments, but I do believe that there is more that we need to do in this space.

Q193 **Chair:** A summary. There have been, I count, seven negative Committee reports but on only two occasions has the Government accepted that negative report. It does suggest there is, as my colleague said, a degree of contempt for the way that Committees are conducting these inquiries or the way they are cross-examining or scrutinising or what they think their role is. What are Select Committees doing wrong in your view that invalidates their opinion on these decisions?

Oliver Dowden: The first thing I would observe is that there are three ways where they can have an impact and I have said this ad nauseam. I will not say it again. I would have said that it does influence the process itself. In addition to a Minister rejecting a candidate, candidates can also withdraw and I believe there are more circumstances where candidates have chosen to withdraw. I think the fact that a candidate has chosen to withdraw—I do not know the details of these because they happened before I was a Minister—can be the case that that is a gracious way of essentially accepting the recommendation of the Committee.

Q194 **Chair:** That has happened on one occasion. I make the point that as my colleague, Mr Hopkins said, the original idea was that pre-appointment hearings would effectively be a veto and this is very far from that.

Oliver Dowden: I think the reason that it is not a veto is that the Government believe, in accordance with the principles of public appointments, in the primacy of ministerial accountability and that is ministerial accountability to Parliament for the appointments that they have made. Ministers ultimately are appointing individuals to run these major organisations.

I think it is important that if a Minister believes that the candidate in question is the best candidate, notwithstanding the finding of a Select Committee, they should be able to proceed with that, but I believe the findings should, and I think they do, weigh heavily on the minds of Ministers.

Q195 **Kelvin Hopkins:** Mr Dowden, your written evidence says that the implementation of the Grimstone reforms “strengthened...the public appointments process”. What is your evidence for that?

Oliver Dowden: The first thing to say is that one of the key recommendations that we put into Grimstone was diversity and the



diversity figures have continued to improve so that is a good indication that Grimstone is working. Secondly, if you look at the written evidence provided to the Committee by the Commissioner himself, he has said that many of the concerns raised by the Committee and others about Grimstone have not materialised and this is because of the attitudes of Ministers and Departments and the safeguards introduced post-Grimstone.

The argument was often made that this was an attempt by Ministers to politicise or possibly re-politicise public appointments. Again, I do not believe that the evidence bears that out. According to the latest figures for over 1,000 public appointments in the most recent period it is roughly even between 4.9% Conservative and 4.8% Labour. Overall, we are making more progress towards our stated objective for diversity and some of the concerns have been flagged by this Committee and others, as the Commissioner has said, have not materialised so overall I am satisfied the Grimstone reforms are working.

Q196 Kelvin Hopkins: Our predecessor Committee report concluded that “the Grimstone Review threatens to undermine the entire basis of independent appointments. Rather than build on Sir David’s work”—Sir David Normington—“it effectively demolishes the safeguards built up by Lord Nolan. The Government’s adoption of the Grimstone proposals is very worrying.” That is fairly strong criticism. How do you respond to that?

Oliver Dowden: I would respond on the basis of what has happened since. Those were legitimate concerns for the Committee to raise and I understand how seriously they made them but, as the Commissioner has said, many of those concerns have not materialised; indeed, others have not materialised. Public appointments are becoming more diverse and there has not been this risk that people have been concerned about that the appointments have become more politicised. There is not the evidence of that and both the proportion of candidates declaring a political affiliation remains very low and it is pretty much even between the political parties or the two main political parties.

Q197 Kelvin Hopkins: Just briefly, how have the Grimstone reforms changed the nature of people being appointed? Have you some evidence of specifics?

Oliver Dowden: It has led to appointments becoming more diverse. Now currently 49% of appointments have gone to women, 10% go to ethnic minorities—clearly there is more to do in respect of that—and 6% go to people with disabilities—again there is more to do in that regard. The figures are moving in the correct direction so that is the positive.

The negative concern was that this would lead to greater politicisation, but the only evidence does not bear that out. There is a roughly equal proportion between the two main political parties and it is a significant minority of those that are appointed who declare political affiliation. I think overall there is a welcome clarity post-Grimstone, which is that



HOUSE OF COMMONS

ministerial accountability lies at the heart of public appointments but they must be conducted in accordance with the principles of public appointments based on Nolan: selflessness, integrity, merit, openness, diversity assurance and fairness.

Q198 Kelvin Hopkins: One of my colleagues I know wanted to put a question about diversity but given the Grimstone reform strengthened Ministers' influence over public appointments, why does the Government disagree with our other witnesses that Parliament's scrutiny of them should be strengthened too?

Oliver Dowden: I think for the reasons that I set out the pre-appointment scrutiny process is largely working well. There has been only one negative or one appointment that has been called into question by a Select Committee, so at this stage I am not convinced of the need for a further structural change.

Q199 Ronnie Cowan: Earlier on you said: "You know diversity continues to improve". I confess I do not. The numbers you gave me recently are interesting. You said: "49% of appointments are for women". Do you know what sort of appointments those were and how many that was as opposed to a percentage?

Oliver Dowden: That is in 2016-17 and is of new public appointments. I will have to write to you on the absolute numbers but I think there is roughly about 1,000 public appointments a year, so that will be around 500 that have gone to women. It is worth noting that that is up from 34% in 2011-12 so there has been an improvement. Clearly we want to ensure that we move to parity and that is set out in the "Public Appointments Diversity Action Plan" but I believe that we are moving in the right direction.

Q200 Ronnie Cowan: Do we know what appointments those were? What level of appointment were they?

Oliver Dowden: That is across all appointments, all new public appointments.

Q201 Ronnie Cowan: What I am looking towards here is that historically we have managed to manipulate those figures to make it look as if we are for parity between men and women, when in actual fact the women are getting the junior positions. Is that still the case?

Oliver Dowden: That is the overall figure. I know that there have been issues in relation to more senior appointments and that is something that we will need to continue to work on but I do take it as good news overall. If you have gone from 34% women in 2011-12 to 49% going to women in 2016-17 I think it is reasonable to say that that is evidence of an improvement, however cynical one might be about it.

Q202 Ronnie Cowan: It is certainly an improvement if the 50/50 that we were looking for is across the most senior appointments. Do you have evidence



HOUSE OF COMMONS

of that and likewise the 10% for ethnic and the 6% for disability? What level of appointment are we making? Are we paying lip service to this? Are we seriously addressing the issue?

Oliver Dowden: I do not believe we are paying lip service to it. I think all public appointments are important and the fact that—

Q203 **Ronnie Cowan:** Some are more important than others, yes.

Oliver Dowden: If one tries to breakdown what one counts as a senior public appointment, one gets into all sorts of definitional questions. The objective fact is, how many public appointments are made—

Q204 **Ronnie Cowan:** You could look at the wage structure, it is usually a good indication as to what we would consider to be more senior.

Oliver Dowden: You could do although I must say my experience, when I look at upcoming public appointments, is that there is huge variety in the wages being offered. Often they reflect historical anomalies. They don't necessarily correlate perfectly to the seniority of appointments. I would not take that necessarily as that good an indicator. The clearest indicator, which does not involve any subjectivity, is to take the totality of public appointments and ask what proportion go to women. As I said, 49% go to women and 10% go to ethnic minorities. We have more to do in order to meet our 2022 targets but I believe that we are on the right trajectory. I do think there is an issue though in relation to disabilities, which is why I asked Lord Holmes to conduct a review into what we can do to break down barriers for people with disabilities.

Q205 **Ronnie Cowan:** For the diversity aspect, Peter Riddell has said that we tend to have a London-based great and the good, and you mentioned earlier on when you were taking events around the United Kingdom. What were those events about?

Oliver Dowden: First of all, I agree with the point made by the Commissioner for Public Appointments. We are on a journey on this, in that if you go back historically there was a real tendency for it to be the so-called great and the good. I might even say the liberal metropolitan elite were dominating public appointments. I believe that when we talk about diversity we should not just talk about indicators of female, ethnic and disability because if those are all just people who come from a very privileged small group it is not genuine diversity. There is a moral case for diversity but there is also the practical case in ensuring different perspectives, which means that I do want to broaden diversity to ensure that we look at different parts of the United Kingdom and people from different socioeconomic backgrounds.

In terms of the events, it is about either me or officials in my Department going out, getting together groups of people and either saying to chairs of public bodies, "What are you doing within your public bodies to get that greater diversity? We are here to help with that," or having roadshow-type events where again we are essentially going out—I do not



HOUSE OF COMMONS

know if evangelising is quite the right word—and making the case that public appointments are open for everyone. I think it still remains the case that people do not see themselves doing public appointments. For example, there is change in relation to the NHS boards and so on at a more regional level. With national public appointments we need to be demonstrating that as long as people have the relevant qualifications that is all that is required, and frequently that may be in the case of, say, financial experience for some of the specific roles. Demonstrating that anyone can go for public appointments I think is very important.

Q206 Ronnie Cowan: Nicky Morgan suggested to us that in her experience Departments often choose from the same pool of “the usual suspects” to sit on interview panels. Traditionally panels have been guilty of maybe promoting their own or recruiting their own if you went to the same university, you have got the same background. Sometimes in an interview situation that is the most comfortable thing to do. What, if anything, does the Centre for Public Appointments do to monitor that situation?

Oliver Dowden: I agree with you that there is a risk of a self-perpetuating elite, for want of a better word. For example, I am going to be meeting shortly the principal executive search agencies who are on the Government framework, preferred recruitment agencies, to understand from them what they are doing to promote diversity in terms of the candidates that they are recommending when they go out to executive search.

I recently spoke at the Public Chairs’ Forum, which is an event focused solely on how we can make our boards as representative of the public as possible. I spoke at the launch of the Inclusive Boards annual report. We had an event in Edinburgh, the so-called Changing the Chemistry event, which set out the importance of diversity in all its forms. I contributed to that. We have events in Birmingham and Bristol as well, which have been attended by members of the CPA. I think the key thing is getting the message out there that the Government are open to public appointments. I think it is better than it was—

Q207 Ronnie Cowan: But those events are changing the pool of people who are applying for the jobs. What are you doing about changing the makeup of the interview panels?

Oliver Dowden: The interview panels are principally selected by the Department in question. They should be ensuring that interview panels are as diverse as possible. Certainly for appointments that cross my desk, and I know the appointments that go to the CPA, if we see an all-white male selection panel, for example, we will ask, “Is that justified? Is there no one else that you could get on that panel?” As you rightly say, to get the strength from diversity you need to have a diversity of views in terms of the appointment panel itself as well.

Q208 Ronnie Cowan: Does the ability to do that vary from Department to



HOUSE OF COMMONS

Department? Are some better than others?

Oliver Dowden: It is the role of the Cabinet Office to work with Government Departments through the CPA to ensure that that is pushed. I believe that all Ministers understand the importance of diversity but clearly the challenge is to make sure that that is then put into practice in terms of both the appointment panels and the appointees themselves. That is certainly a role that we, as Cabinet Office, have taken on championing, which is why I launched this Diversity and Inclusion Strategy, the "Public Appointments Diversity Action Plan" back last year and why I have made a point of going out there and selling that message. Indeed it is something that, prior to even knowing about this Select Committee, I was already working with the team on further events that we can hold and things that we can do to raise the profile of public appointments because, again, another challenge is people even knowing about them in the first place. We have a list of public appointments but do people know that it is out there?

Q209 **Ronnie Cowan:** Presumably—and I am giving you an opportunity to blow your own trumpet here—the Cabinet Office already have this fixed.

Oliver Dowden: Fixed? I believe in Kaizen, as they say: continuous improvement.

Ronnie Cowan: Sorted.

Oliver Dowden: It is very difficult for the Cabinet Office, because we do not have that many public appointments to have meaningful statistics because they will vary from year to year. If you take it on a three-year basis—I should caution to say we have made only 30 appointments over the past three years, so you may question the statistical significance of this—60% of those new appointments did go to women. Again, we have not published the BAME number because you get so small that you end up being able to identify the candidates themselves but about 10% are BAME. We are trying to lead from the front on this.

Q210 **Ronnie Cowan:** I thought you were just going to say yes.

Oliver Dowden: I wanted someone to be arrogant on behalf of the Cabinet Office.

Q211 **Dame Cheryl Gillan:** I just wanted to dig a little further into the disabilities area. What accommodation have you made for hidden disabilities? You will appreciate that I am talking about autism.

Oliver Dowden: This is one of the challenges that I have asked Lord Holmes to grapple with in the work that he is doing. As you rightly identified, one of the biggest challenges is to get people to declare disabilities in the first place. All the evidence suggests that they are very much under-declared. That is one of the challenges that I have asked Lord Holmes to look into as part of the review and that is the starting point. It is difficult. We know from our experience as Members of Parliament that some people with disabilities do not wish to be classified



as disabled and will not declare it. That is precisely why I have asked Lord Holmes to do it and I should say with Lord Holmes this is not a tick-box exercise. I have genuinely met with him. I have been very impressed with him and his background and his commitment to this and I have said to him, "Look, I am not asking for a great thick report that is going to sit on a Minister's shelf. I want practical recommendations as to how we can improve this process," and it is precisely that that they are looking into.

Q212 Dame Cheryl Gillan: Thank you very much, I need that reassurance particularly about autism because many people are very high-functioning Asperger's and are quite capable—in fact, are almost desirable to discharge some of these appointments. There needs to be a positive message coming out of this for people that perhaps would not consider themselves public appointment material but in fact they would be people that would discharge the job in an excellent fashion. If autism could be placed in that context with an encouraging message I would be most grateful.

Oliver Dowden: Yes, certainly, and I will make sure I relay that to Lord Holmes and also in our response to his report we specifically recognise issues around autism. As you say, all of us can think of jobs where people are in a way more suited for doing particularly specialist skills so it should not always be seen in a negative light.

Q213 Chair: Why do you think fewer women apply for the chair roles in public appointments than men and what are you doing about it?

Oliver Dowden: It is a good question, why it happened. I think to a certain extent it is symptomatic of changes that we are trying to achieve across the whole of corporate life as a Government. For example, we are looking at disclosing the gender pay gap and so on and looking at understanding why it is that sometimes women do not push themselves forward for those roles.

In terms of what we are doing about it, I have a personal commitment to it. We have a strategy here, an action plan, which we are working towards. We have set a clear target for increasing that diversity. I am trying to go out there and say as a Minister with responsibility for public appointments, "We are open. We need you and we need good women just as we need good men to fill these roles". I think the trend is broadly improving but I do not for a minute doubt that we have a lot more work to do but I think it is only by combination, and I believe this is from the top down. If you look at the stance that the Prime Minister has taken. She personally has taken a clear interest in this and is pushing it as an overall Government agenda.

I particularly take an interest in major public bodies and the lead roles in those. I and my officials will always question if we have a short list that is not sufficiently diverse. It is both a combination of using the pulpit for making the case and also challenging lists to ensure that that happens. I



HOUSE OF COMMONS

think because the Government has made such a priority of this Ministers do understand it but it is a work in progress.

Q214 Chair: The final question I have is about what the Cabinet Officers learned from the controversy over Toby Young's appointment to the Office for Students, about the conduct of due diligence and making sure that the panel has a due diligence. Obviously this was not an appointment subject to a pre-appointment hearing but it is germane to public appointments. What has the Government learned from that episode?

Oliver Dowden: We took very seriously the recommendations of the Commissioner for Public Appointments and the weakness that he identified in the consistency of the due diligence done and his recommendation that a more thorough due diligence was needed on the tripwire basis. Off the back of that we have been working on improving due diligence, making sure that due diligence is more extensive. The Centre for Public Appointments has taken this on board and reinforced it across Departments, reminding them of the need to do this within their public appointments process. We said that this includes driving home the importance of ensuring panels and Ministers have sufficient information to assess candidates and wider consideration being given to things for example such as social media, which, as was reported at the time, a search of social media could have identified some of these issues.

We are also mindful of what the Commissioner said, which is that there is no hard and fast rule so Departments and, ultimately, Ministers have to exercise their own judgment using their knowledge of the body, the role in question and the context of it. We are reminding them of it, pointing them to what Sir Peter Riddell said in his report but we have certainly taken it on board.

Q215 Chair: Who is responsible for ensuring that the panel has access to the due diligence?

Oliver Dowden: Again this is something that we can be reminded of in respect of pre-appointments scrutiny but that is a relatively small number. In the end Ministers are responsible for the appointments that they make. They need to make sure that the appointments that they make are consistent with the principles of public appointments and indeed wider recommendations including from the Commissioner for Public Appointments. The Minister is responsible for ensuring that the due diligence is done by the Department. The Cabinet Office is responsible for ensuring that the requirement for due diligence is communicated to Ministers who are making those decisions and officials who are making those decisions, principally through the Cabinet Office itself, so that they understand it. That is the sort of breakdown.

Q216 Chair: I appreciate that Ministers are accountable but Ministers cannot be personally responsible for conducting due diligence.

Oliver Dowden: No, of course not.



HOUSE OF COMMONS

Q217 **Chair:** Who should the Minister expect to be responsible for carrying out the due diligence on candidates for public appointments?

Oliver Dowden: Due diligence sits alongside a range of other things that they should be asking of their officials who are conducting the recruitment on—

Q218 **Chair:** I think you are answering the question in a rather roundabout sort of way. You are saying the officials who are conducting the recruitment are responsible for conducting the due diligence and making sure that—

Oliver Dowden: Of course the Minister is accountable for that but the point I was going to make, and forgive me if I am being slightly circuitous about it, is that they should be mindful of other responsibilities such as the diversity that we have discussed but also ensuring that they see job descriptions before they go out so they are engaged in terms of what they are expecting from the appointment. In public appointments work they have to have early and proper engagement from Ministers, which is something that we try to encourage through the Cabinet Office, and those Ministers should be clear to their officials as to what is required. Clearly one of the requirements is due diligence but that will be communicated directly to officials through the Centre for Public Appointments.

Chair: Thank you very much. We have given you a good run and I hope you will find our report useful.

Oliver Dowden: I look forward to it. Thank you for inviting me.