



## Public Administration and Constitutional Affairs Committee

### Oral evidence: [The work of the Commissioner for Public Appointments, HC 119](#)

Thursday 8 October 2020

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Members present: Mr William Wragg (Chair); Jackie Doyle-Price; Mr David Jones; David Mundell; Lloyd Russell-Moyle; Karin Smyth.

Questions 1 - 37

### Witness

I: Rt Hon Peter Riddell CBE, Commissioner for Public Appointments.

Written evidence from witnesses:

- [Add names of witnesses and hyperlink to submissions]



## Examination of witness

Witness: Rt Hon Peter Riddell CBE.

Q1 **Chair:** Good afternoon and welcome to a hybrid public meeting of the Public Administration and Constitutional Affairs Committee. I am in a Committee Room in the Palace of Westminster with the small number of staff required to facilitate the meeting, suitably socially distanced from one another of course.

Our witness today is Peter Riddell, the Commissioner for Public Appointments. Peter, the Committee first saw you at our first public session, which seems a very long time ago but was in fact in February. It is good to have you with us in a virtual capacity today. Your tenure as commissioner comes to an end in April next year. Do you have any general reflections on your experiences as Commissioner for Public Appointments?

**Peter Riddell:** We could deal with the specific area of Covid later, if you like; it might be interesting for the Committee to hear what has happened on appointments during Covid. I will leave that to one side for the moment.

My general reflections are positive, in the sense that there has been a new code since January 2017. My small team has worked closely with Departments to ensure that it is working. There have been improvements in procedure and practice. We introduced a new system of audit and compliance, which I discussed with the Committee seven months ago. That has been going well, and that is positive.

There has also been progress on diversity. I had hoped to have my annual report in front of the Committee by now, but because of Covid there were delays in collecting the data. However, I can give sneak previews because this week we got some of the headline figures, which show that certainly in gender terms, and with ethnic minorities, there has been progress over the last reporting year, so that is positive.

To go back to when I had my pre-appointment hearing four and a half years ago, the frustrations have been the political upheavals and turmoil. We have had two general elections, one national referendum, a pandemic and three Prime Ministers, and I have dealt with seven Ministers for public appointments, including five since July last year.

One accepts that as perhaps an act of God or whatever, but it has certainly been disruptive. It has undoubtedly been frustrating. It has meant that, together with the churn in Ministers in Departments, competitions have taken much longer than I desired. I discussed with you at the earlier session the fact that our review of the length of time for competitions showed that over half missed the three-month guideline, most of them by a substantial margin. That of course was made worse by the political upheaval, and more recently by the pandemic. That is one thing.

The second thing that is frustrating is that, on the broader desire to achieve more diversity, the churning of Ministers has meant that there has not been



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leadership and momentum at the centre. It has not been about policy because policy has been fairly consistent.

The new Minister comes in, they take time to pick up the brief, and there is no real follow-through and development. That is frustrating, and some things that I wished to happen—for example, developing mentoring schemes and so on—have not happened or have belatedly happened. That has been a disappointment.

**Q2 Chair:** In very general terms, if there is one thing that you now know that you wish you had known at the start of your tenure, what would it be?

**Peter Riddell:** Probably like everyone on the Committee, I wish I had known what was going to happen in politics at the time. More substantively, the thing that has struck me particularly has been the impact of the departmental structure. It is very decentralised. Both the good points and the bad points in public appointments are very related to how individual Departments perform, particularly if there is not necessarily a strong lead from the centre because of the churn. It has meant that there have been quite big variations in Departments. One of the priorities for my team has been trying to raise performance, just in terms of how fair it is to candidates for appointments and so on. That has been quite difficult with some Departments.

**Q3 Chair:** If there was a tip that you might leave for your successor, what would it be?

**Peter Riddell:** A tip to the successor would be that it is a different job from the one my four predecessors had, because of the different code. I am not part of the process of appointment. I do not sit on interview panels; therefore, I am not even indirectly involved with appointing people. I am a regulator. That is a combination of working behind the scenes to anticipate problems—I am consulted formally on things, and informally I talk to Departments—as well as willingness to be public some of the time.

I am public in two ways. I am on Twitter and I strongly advise my successor to be on Twitter, partly to provide reassurance and to explain. For example, when the controversy over the BBC and Ofcom developed about 12 days ago, there were a number of things on Twitter saying, “What is the regulator doing about it?” I was able to explain the limits, as well as what I actually could do. You have to be willing to be partly a public figure in that way. That is one aspect.

The other public aspect is the willingness to air criticisms when justified. It is a combination of operating informally privately to seek change, which is very important, and the successes there are successes that are not known; and also being willing, if necessary, to do things publicly.

**Q4 Chair:** You mentioned it in your opening remarks, so could you give a quick overview of the effect that Covid-19 has had on your office’s work?



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**Peter Riddell:** Absolutely. I have two people directly working for me in my office, and there are some part time. We have operated, like everyone else, virtually, although I met up with the two of them a couple of weeks ago, basically to thank them and as a personal thing.

It has worked pretty well. We have been able to process casework, deal with complaints and deal with Departments. A lot of that is by email and by telephone conversation anyway, and that has worked pretty well.

The minuses are in outreach work, in meetings where I would have been personally, for example to encourage greater diversity, and going round Departments. They have not happened. That has been a frustration. It is what you experience at Westminster. You do not bump into colleagues as much as you would, and there is a natural obvious benefit in that.

In the operation of the system, there was a hiatus in April, like everything else. In May, we began to pick up. Some Departments were doing things virtually, with remote interviews and remote assessments. We discussed it with Departments. I wrote to all permanent secretaries who make appointments at the end of May, encouraging them to revive the process and to take forward and look at initiatives that have been very successful in remote interviews and so on. I was very pleased with the response.

The gap in the system was quite short-lived. My worry was that by now we would have a big backlog, and the whole system would be clogged up. That was my worry, but in fact it has not really occurred at all. There have been delays. It takes longer when you are doing it virtually. Ministers' time has, understandably, been preoccupied with Covid, but there have been fewer problems than I would have said in late spring. I praise Departments for their ability to innovate and look at remote learning. The feedback we get is that it has gone down quite well with candidates.

Q5 **Mr Jones:** Mr Riddell, as you are aware, the Government are going to run a recruitment competition for your successor, and will seek the views of this Committee. Recalling the job specification when you made your application, would you make any differences to the essential or the desirable criteria?

**Peter Riddell:** The Cabinet Office have been very kind in sharing with me the draft job spec, for which I am very grateful to them. I am pretty happy with what they have on that. There is nothing I would strongly disagree with at all. The glosses I would have would be emphasising the point about being able to operate publicly as well as privately. It is not just a behind the scenes thing. You are not part of the process.

They rightly emphasise the need for personal credibility and integrity. I think it is very important to be seen to be independent. It is absolutely crucial for the job that you are seen to be independent and trusted by MPs of all parties, and the public generally. As I said, that involves willingness to take a public profile. I would perhaps put a little more emphasis on willingness to be accountable to Parliament. I regard that as a central part,



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not just appearing in front of this Committee, but having contact with other Committees over appointments. For example, on the BBC, I have already contacted the Chair of the DCMS Committee. When there was a controversy over the Office for Students two and a half years ago, I dealt with Robert Halfon on Education. I would emphasise that aspect a bit more. It is in the criteria. I would just add a gloss on it, and the public aspect.

A desirable criterion is experience of senior recruitment. Up to a point; remember, I am not involved in interviewing or recruiting myself. I do not regard that as essential. I have had, in various ways since I left journalism, experience in that, but I regard it as much less important than being able to operate in Whitehall, which is the essence of my job.

**Q6 Mr Jones:** Are there any other skills that you would regard as either essential or desirable?

**Peter Riddell:** If I could redefine skills a little bit, Mr Jones, I would regard it as quite important that it is a job for someone who does not have further ambitions. If you are going to be independent—there are probably some of those around Westminster, too—you haven't to be looking at another job. I think that is quite important. It is pretty good for someone who is near the end of their career.

It partly fits in with what is supposed to be a two-days-a-week job. Like most public sector jobs, it is a bit more than that. I would not have someone who is still making their career, but someone who could be a bit detached. That is quite important. In practice, I would look for that, as well as the point on independence and the ability to understand Whitehall and Westminster.

**Q7 Mr Jones:** You undoubtedly recall your own pre-appointment hearing. Are there any questions you would like to suggest that we ask your potential successor at that pre-appointment hearing?

**Peter Riddell:** My potential successor will at least not have the problem I had, which was that at the same time as I was being appointed a new code had just been launched on the world. The Committee was rightly concerned with the new code, and how I would be able to handle it. I had a double whammy on that, which was quite right. The Committee wanted to see how I would handle it, and they had doubts about the code then.

They need to understand how a candidate would handle Government Departments on the often tricky issues that have been developing—we may discuss some of them later—where you have Ministers and special advisers who are quite determined to influence and direct the outcome of appointments. How would the candidate handle those practical things? In other words, how worldly wise would they be in doing those things? I think it is quite an important thing, as well as the essence of being independent and having sufficient experience to understand how power works.

**Q8 David Mundell:** Peter, one of your responsibilities is to act as a champion of diversity, and you referenced that in your opening remarks. How can the



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Government ensure that they attract a diverse range of applicants for your position?

**Peter Riddell:** I agree entirely with some of what they said in the job spec; you use social networks properly. It is partly, putting it very crudely, banging the drum a bit and making sure that people are aware that a vacancy is occurring. It is not just the Cabinet Office website. Those who look at it want to look at it, but it does not necessarily get you a diverse range. I would say that it is using social networks as much as possible to reach out to groups that you want to attract, and banging the drum a bit to make sure that people are aware that there is a vacancy.

There are plenty of other things going on in the world, this is not the most important job in the world, and the danger is that people will not notice it. You need to attract attention to it and explain it fully. Indeed, I would strongly recommend any candidate to look at the hearings I have had with your Committee to understand what the job involves. The bare bones of the job spec do not really give the flavour of it. In order to do that, you need to reassure people that it is a job worth doing, which I certainly believe it is.

**Q9 David Mundell:** Both in relation to your job and the replacement of your good self, and more generally in your role, do you share my concern that we do not see the appointment of enough people from across the whole of the United Kingdom to UK-wide posts? In our devolved nation, do you think it is important in posts that are across the United Kingdom that we have people from all parts of the United Kingdom filling those posts, particularly people who have direct experience of areas by living or working within one of the devolved nations?

**Peter Riddell:** Yes. There are two aspects to that question. One is that over two thirds of public appointees live outside London and the south-east. That is partly because a lot of public appointments are to local bodies; for example, local NHS trusts and all the local justice departments, things like the independent monitoring boards, parole boards and so on. There is a bigger spread than you might think. That is not to say that there is not a problem with the national bodies, what we would regard as the big public bodies, in that respect.

Secondly, there is the nations and devolution aspect. In fact, most of the public bodies in Scotland, Wales and Northern Ireland, but not all of course, as you imply, are specific to those nations. However, there are two other categories. One is where the Secretaries of States for the nations still appoint to posts within them. They are very specific posts, as you will remember from when you were Scotland Secretary. There are not many of those posts. There are a few, but not many.

The interesting thing you touch on is nationwide appointments, where I think there is an issue. We discussed it seven months ago. The problem is that if you are living in Scotland, Wales or Northern Ireland, a lot of people will focus on the bodies appointed by their respective Governments. The



Cabinet Office are aware of it. They did an event in Edinburgh last year, or maybe the year before, to try to drum up interest. Again, it is a matter of advertising and promotion to say, "Look, this is a nationwide body." For example, some of the Department of Work and Pensions bodies are clearly nationwide bodies, and there are some others, too. They must ensure that there is proper outreach, advertising and promotion. It is clearly an issue, albeit that the majority of people will apply to the relevant national bodies.

**Q10 David Mundell:** Do you think there is anything more that can be done to ensure that is the case? I had to express my disappointment, when we saw the permanent secretary from the Cabinet Office, that when they appointed their own board, they did not follow that approach themselves. They did not appoint any people with direct engagement in Scotland, Wales or Northern Ireland to their own non-executive board.

**Peter Riddell:** There is a real issue, and I am very sympathetic to your viewpoint. It is partly the responsibility of your successor as Scotland Secretary, and of the Welsh Secretary and the Northern Ireland Secretary. One of their duties is to ensure that that voice is not lost, to try to influence it and be more active in that respect. If they are not doing it, no one else will.

Because I am also the Commissioner for the Welsh Government, as we have discussed before, in parallel with my UK responsibilities, I am well aware of the national dimension. I have probably spent more time than many talking with my opposite numbers in Scotland and Northern Ireland on that. It has to be addressed.

**Q11 David Mundell:** That is very helpful. One of the things that this Committee can do is to continue to highlight that very important issue.

I want to ask you separately about the issue of the renewability of positions. Yours is a non-renewable position, and you touched on that in one of your previous answers. What do you think the advantages and disadvantages of renewable and non-renewable positions are?

**Peter Riddell:** I would draw a distinction between types of post. I think that for regulators like me they should be non-renewable. They should be like I am: five years. It is the essence of the job to be independent. You are not seeking someone to say, "Oh well, he's done it." You are not seeking favour, and that is crucial. That should apply to the regulatory type of posts. It certainly applies statutorily to my opposite number in the Civil Service Commission. It does not necessarily apply to others where you would think it should apply. For clarity, I think it should for some of the regulators.

In other areas, in the Executive public bodies—the Environmental Agency is a massive one or NHS England in its various manifestations—it is quite reasonable to want the experience of perhaps shorter terms of three to four years, though perhaps four years is best. It can be renewed, not automatically, because there is no presumption of renewal, but to ensure continuity, having a second term is desirable for some of those posts. It



should be transparent and based on performance assessment and so on. It is different for regulators.

**Q12 Chair:** Peter, in your last evidence session with us, you stood by the aspiration for recruitment campaigns to be concluded within three months, other than for some sensitive posts perhaps. Do you think that the recruitment campaign for your role should also be concluded within three months?

**Peter Riddell:** I do not see why it cannot be. From what I have seen, assuming they start it quite soon, I do not see any reason why not. As it is defined now, it is between the closing date for applications and the announcement of the preferred candidate, in the case of a pre-appointment hearing job like this one. I do not see any reason why it cannot be completed in three months. Certainly, the timetable that the Cabinet Office have suggested strikes me as quite a reasonable one to do that.

Remember that in my case, four and a half years ago, the job was not even advertised until January or February. There was a gap after David Normington stepped down statutorily before I was appointed. That was pretty undesirable. It was a bit of a mess. I think the Cabinet Office is approaching it much better now. The timetable is a realistic one, to allow Ministers to consider whoever is judged appointable, and to allow you time to do your pre-appointment hearing. I am reasonably satisfied that the targets are sensible and can be achieved.

**Q13 Karin Smyth:** Since July 2019, there have been three pre-appointment reports from the Select Committee that recorded that the Department had not consulted them on recruitment campaigns, which is in breach of the guidance, as you know. Is that something you would be interested in being more part of?

**Peter Riddell:** I think it is wrong. Let me be absolutely clear on that. That is something essentially for Parliament and the Executive rather than for me, because it is part of the concordat with the Liaison Committee and with Parliament, which the Cabinet Office and Departments do. I regard it as desirable practice, but in a sense it is not quite within my remit of the conduct of campaigns. If I am asked to comment on it, as you have done, I would say that is wrong, because I believe in parliamentary accountability, and they should do it, but it is something for parliamentary Committees to address to various Government Departments primarily, although, if asked, I will certainly express my views.

**Q14 Karin Smyth:** Is it worthy of consideration of perhaps a slight change to your remit in that case, to be clear? Is it something that should be more a part of your role?

**Peter Riddell:** That is very difficult. As I said earlier, I have been quite active in accountability to Parliament because I believe it is very important. That is why I believe in pre-appointment hearings; I think they are a good thing. Public appointees should be accountable because we are public office holders doing important things. MPs should ask about them.





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However, some of the details, as on pre-appointment hearings, are between the Executive and the legislature, rather than me as a regulator. While I am very happy to be available to advise and be consulted by Committees on appointments, and whether appointments have been done fairly and openly, the actual mechanisms for the consultation of Parliament I see as slightly outside my remit. I think it is quite difficult to bring it within the remit.

I would say that the solution lies more in much firmer guidance from the Cabinet Office to Departments that this is what they have to do because it is under the terms of the pre-appointment hearings. Given that the current chair of the Liaison Committee—a former chair of your Committee—believes in that very strongly, it is for him to put his foot down.

**Q15 Karin Smyth:** Those pre-appointment hearings are taken very seriously by Select Committees and a lot of work goes into them. If they make recommendations of concern which then happen, for example, who should pick that up?

**Peter Riddell:** I look at those. Some of them are to do with the procedures in connection with Parliament. When they are matters like whether the field was diverse enough or things like that, it falls within my area and I certainly express views if I do not believe the field has been diverse enough and so on. I am very happy to take that up. That is possibly a gap at present.

When it is to do with whether someone was told at the right time, that is between the Committee and the Cabinet Office or the Department rather than for me. If it is to do with whether it was a diverse enough field, it is something that I should take forward.

**Q16 Mr Jones:** Over the last few weeks, we have seen suggestions that, for example, Paul Dacre and Charles Moore were being lined up to take the chairs of Ofcom and the BBC, respectively. Charles Moore has ruled himself out. Last weekend, we saw Robbie Gibb being lined up for that role. Is it a concern to you that individuals should apparently be seen to be lined up for roles such as that before the recruitment process has even begun?

**Peter Riddell:** I think the words “lined up” are the key ones in your question, Mr Jones. Under the code, Ministers are perfectly entitled to make suggestions to an appointing panel of candidates they like, whom they would like to be interviewed and so on. It is up to the assessment panel, the interview panel, to decide whether to interview them and, if they do not want to, they have to explain to the Minister why not.

However, I think it is extremely unhelpful to have apparently authoritatively inspired stories about the names you mentioned. I make no comment on the individuals; that is a matter for Ministers. But by allowing the stories, however accurate or otherwise, to float, there is a danger of prejudicing fair and open competition. I am particularly worried, and I am not alone. Since the stories appeared 12 days ago, I have been talking to people involved in the process to make sure that they are fair and open



competitions, first to the BBC and then to Ofcom, which will follow a bit later, and to ensure that there is an open field because otherwise it prejudices the whole system. I am concerned about that.

The effect would be to deter strong candidates. Two potentially very strong candidates for the BBC contacted me last week, saying, "Is this going to be a fair and open competition?" I said, "Well, I have been assured by the Department that it will be," but that clearly does not help. It is quite an effort to put yourself up, particularly for something as big as that. While Ministers are perfectly entitled to have candidates they would like to be considered—that is absolutely within the code and there is no problem at all with tapping people on the shoulder and saying, "Why don't you apply?"—to appear to give official sanction, which the stories have done, that someone is lined up, in the phrase you used, is very unhelpful to the process.

**Q17 Mr Jones:** Is it reasonable or appropriate for a Minister to consider a person's political views when making an appointment, provided of course that they are otherwise deemed appointable by the panel?

**Peter Riddell:** When people talk about politicisation, there are two aspects. One is that this is a politically driven process, as you well remember from your days as a Minister, Mr Jones. Ministers at any stage are allowed to suggest names, to review the shortlist and of course to reach the final decision among the list of appointable candidates. That has been true since the original Nolan report 25 years ago. There was a very good chapter on it in the Nolan report. That has always been clear.

The other aspect of politicisation is the political background of potential candidates. The code is absolutely clear: there is no bar on people who are politically active being considered for public bodies and appointments. There is no bar whatsoever.

However—this is where we have the system I regulate—they have to be judged alongside other people. The key thing is that they have to be judged on their merits against the selection criteria, their background, experience and so on. While politics should not be a bar, it should also not be the reason that someone is appointed. It should be someone suitable.

I am not naive. Any Government will want people in prominent public positions who are sympathetic to what they want to achieve. These are public bodies. You can argue slightly differently about regulators and how regulators function, as we discussed earlier. If you look back historically, even in the post-Nolan era of the last 25 years, Governments, particularly for prominent positions, have wanted people who are broadly sympathetic, but the key is that they emerge from fair and open competition.

One of your ex-colleagues was appointed recently; there have been a number of them. What I do is look at the papers to make sure that they have been judged alongside other people, and that when they were identified as appointable it was on an equal and fair basis. That is, to my



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mind, the key thing, and is why I am worried about trying to line people up for things before a competition has started. There is no bar on someone's political background. The same happened when Labour was in power. The key thing is fair and open competition.

**Q18 Karin Smyth:** Following on from that, Mr Riddell, I would like to ask you about the status of Baroness Harding. Baroness Harding was appointed as the chair of NHS Improvement in 2017 and was subject to pre-scrutiny by the Health Committee at the time. Unusually, they asked some questions about the recommendation and said that she should relinquish the Conservative Whip and sit as a Cross Bencher, which she did not do. In fact, she said that it would be tokenistic; they disagreed with that, but they approved her for that post.

We then come to 2020 and she is appointed to test and trace, and has recently been put in charge of the new National Institute for Health Protection, which are both civil service public agencies. Is she a civil servant now?

**Peter Riddell:** No, she is not a civil servant. You have outlined very clearly what the position was on NHS Improvement. That is a clear public body. It is regulated by my office. When she was appointed, she was appointed on a fair and open basis.

As you say, there was then a dispute between the Health Committee and her over whether she would take the Conservative Whip. Under the regulations she is entitled to, although it is quite interesting that those with a party background have varied in their responses. There are several cases at present of people who were Conservative peers or are ex-Conservative MPs in the House of Lords who have chosen to resign the Whip or temporarily suspend it while they hold public office. For example, David Prior, who is chair of NHS England, does not hold the Tory Whip, even though he is an ex-Tory Minister and an ex-MP. The same was true when Andrew Tyrie was the chairman of the Competition and Markets Authority, which he has subsequently stepped down from. Baroness Stowell, in her application to chair the Charity Commission, said that she would resign the Tory Whip, which she has done. There are various people who have practised that, and that is a separate issue.

In relation to the more recent appointments of Baroness Harding, those are not bodies regulated by me. They count as Executive agencies, which are within the remit of the Department of Health and Social Care rather than arm's length. You can get into some fine language about definitions there. Her appointments are not regulated by anyone. Naturally, in preparation, I checked up on all this. When she was appointed as prospective chair of the successor to Public Health England, we established that it was an Executive agency within the remit of the Department of Health. She is not a civil servant. Her chief executive will be a civil servant, but not her. She is a public office holder, but she is unregulated in appointment. That also applies to the test and trace role. Therefore, it is not regulated by anyone.



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Q19 **Karin Smyth:** Does that mean that as a public office holder she is not subject to Nolan and the code of conduct for board members of public bodies, or to part 3 of the code of conduct?

**Peter Riddell:** As far as I know, she is subject to those. Anyone involved in public office is subject to Nolan, as I am. Indeed, MPs are. She is subject to part 3.

Q20 **Karin Smyth:** Part 3 says that people should have proper discretion and not be embroiled in matters of political controversy. As someone voting as a Back Bencher in the House of Lords on matters of political controversy, surely she is in breach of part 3?

**Peter Riddell:** I cannot comment on that. Those aspects of the behaviour of people are completely outside my remit. All I can say is that, under that code, people are permitted to hold a party Whip. Beyond that, she does not come within my role on appointment, especially as the roles concerned are not actually regulated by me. The behaviour of someone in the Lords is not a matter for me.

Q21 **Karin Smyth:** It seems to be that she has broken a code of conduct, but we do not have any sanctions, or she falls outwith any regulation of a public body.

**Peter Riddell:** My concern is with the appointment, not the behaviour when someone does it.

Q22 **Karin Smyth:** From your experience in your position, could you advise the Committee as to how or where we could recommend to the Government as to how this particular Baroness is accountable to somebody?

**Peter Riddell:** I think the issue lies with the Secretary of State who appointed her and the Cabinet Office. The code of conduct for holders of public office is a Cabinet Office document. It is not something I regulate; I am solely concerned with the Cabinet Office's governance code. Under my Order in Council, that is what I am the regulator of; I am not concerned with the behaviour of people in public office.

Q23 **Karin Smyth:** That is really helpful. I understand NHS appointments, and it is very hard for the public taxpayer to understand how people can fall between the various arrangements and seem to behave in a way that is outwith certainly the spirit of the work you and others are trying to do.

**Peter Riddell:** I recognise absolutely the points you are making to me. There is an issue with unregulated appointments; there are some others. Those issues are certainly worth pursuing, by your Committee, with the Cabinet Office and the relevant Secretary of State. They have always been there, but obviously this is a particularly controversial one.

**Karin Smyth:** Thank you. We will pursue it, I am sure.

**Chair:** We will indeed.

Q24 **Lloyd Russell-Moyle:** In your annual report for 2018-19, Mr Riddell, you



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listed three things you felt Ministers and Departments needed to focus on, including the time taken for appointments, low diversity in appointments to chair positions and the need to review payments to non-executive members of boards. Do you think any progress has been made on those? You talked broadly at the beginning about some of the progress.

**Peter Riddell:** On time, the answer is “Not really,” because since that report was produced we have had a general election, which results in the freezing of all appointment processes. Then we had the pandemic. We do not have up-to-date figures on time, but from my impression everything is taking a bit longer. This is a battle which, to be honest, my successor will have to fight whenever we are back to normal conditions. In practical terms, Departments are doing their best, but it is very difficult.

What was your second point?

**Lloyd Russell-Moyle:** Diversity.

**Peter Riddell:** As I mentioned earlier, I hoped the Committee would have had my annual report, which they will as soon as it is available. The collection of data got a bit held up by Covid. This week, we have a sneak preview of it, which shows, to go through it broadly, that the appointment of women has made a further advance, and is not far off 50%. It is quite likely that the figures we produce will be the highest ever. They are also considerably in advance of the private sector. When I see arguments about women on private sector boards, I always point out that it is better in the public sector. Through concerted leadership by Ministers and good outreach programmes, it is now being accepted that it is a normal process and women should be on shortlists and so on.

On ethnic minorities, there appears to have been progress. I am cautious until we get the final data. There is a target of 14% by 2022. We are certainly into double figures, and it is improving. That is good.

On the disabled, there are lots of problems with definition. It is much more variable from year to year, and is one of the areas I am really worried about. I have spent quite a lot of my time as regulator talking to some remarkable people with physical disabilities, and autism and so on. A lot more needs to happen there because some of them can make big contributions. While there are various schemes, progress is slow, partly because of outreach and partly because of interview systems. Again, it is a victim of all the political upheaval and changes. There is not as much progress as I would like.

The tentative figures show something I have been concerned about; there are not enough people from under-represented groups becoming chairs of organisations. There is some progress, but it is pretty small for ethnic minorities and the disabled. We are talking about 3% to 4%. For women, it is about 30%, which is a lot better than elsewhere, but not good enough. That is an argument for leadership schemes, mentoring schemes and so on. That is one of my big disappointments.



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The third thing was remuneration. By that, I emphasise that I am not talking about the chairs of organisations; I am talking about aiding diversity. We have done a thematic review, which I hope we will publish within a month or so. Again, it has been slightly held up. It was a kind of fact-finding thing, and showed enormous variation in whether people get paid in public offices and between people with the same time commitment. One of my teams has done some good statistical work on that. It shows that, if you are asked to do so many days, your pay can vary by a factor of three or four to one. It is extraordinary. We are going to show all that. It is largely the result of the fact that it is departmentally determined.

My view is that, if you are trying to get younger people, people with caring responsibilities, those with portfolio lives, ethnic minorities and the disabled, you have to support them. If you are going to have a breakthrough to get, say, a 40 or 50-year-old who has disability or whatever, you have to provide some financial support. That is all I am concerned about. I do not want to put forward a particular date, but the report will certainly be in this calendar year. It will show the disparity, and I hope will produce the reaction that we need a more rational and ordered system.

**Q25** **Lloyd Russell-Moyle:** What you say about the variation between Departments is interesting. The civil service union has long argued for some rationalisation of civil service pay between Departments, so the fact there is a differential in non-executive remuneration does not surprise me, but maybe there is a wider discussion to step back to look at how payment more broadly works across Departments.

The Government published their public appointments diversity action plan in July 2019, so maybe that has had some influence. How were you consulted on the creation of that, and when and how often do you think it should be refreshed?

**Peter Riddell:** If you have five Ministers in 16 months, there are slight problems about refreshing it—with all sympathy to the Minister. I am not making a partisan point; it is just life. As soon as they come in they say, “This is very interesting,” and then they are off. I hope there will now be a chance to look at it and refresh it. What is frustrating is that although most people are pretty much agreed about what you need to do, which is to have outreach, mentoring and support, remuneration and so on, unless you have a lead it is not going to happen.

What is also frustrating is when you see examples, some of which I referred to the Committee in an earlier session, of people doing interesting and exciting work, not least in Northern Ireland as well as in England and Scotland, and they are not followed up more generally. That is one of the frustrations, so my plea would be for consistency and a lead to develop it.

**Q26** **Lloyd Russell-Moyle:** Were you involved in the initial creation of it or consulted?



**Peter Riddell:** I talked to the Ministers concerned. I was consulted, more informally than formally. It was really a question of highlighting and all that.

Q27 **Lloyd Russell-Moyle:** My last question is to ask what concerns you think will be coming up in your next annual report and whether there are any areas you want to highlight and give a sneak preview on. You talked about diversity for disabled people being harder to monitor because of the different kinds of disabilities. One of the things that has come up in some of the Black Lives Matter discussions is the difference between different ethnic minorities and the way they can receive different kinds of discrimination. It is not better or worse, but demonstrated differently. Is that something you have looked at, not just in disability but in other areas, where elements of discrimination overlap in the intersection between them?

**Peter Riddell:** That is a very interesting point. The term “ethnic minorities” is profoundly misleading in many respects; experience is very diverse, not least between genders of ethnic minorities. Some ethnic minorities are doing much better, fairly obviously, as they are in society as a whole, and are better represented than others, so as a catch-all it can be quite misleading, but that is where we get the data from and it is difficult.

Q28 **Lloyd Russell-Moyle:** Is the data delineated to be able to see that?

**Peter Riddell:** There is a bit of delineation, but how robust is it? There are lots of issues about self-definition. We have to be careful about that. My view is that it is crucial to have outreach programmes for the particular groups identified. It also varies between parts of the country, for obvious reasons.

I was once at a meeting in the Cabinet Office where there were representatives of women’s groups, ethnic minorities and the disabled. I suddenly thought, “Hold on. What about ethnic minority women or disabled women, or whatever?” There is danger of regarding them as different, but by definition they overlap. Equally, that applies to what the Government are now keen on, which is to look at it more broadly—socially, regionally and so on. There are slight dangers in over-categorising.

When I took the job, someone said to me, “We’ve achieved quite a lot of women, but have we just replaced upper middle-class men with upper middle-class women?” There is an element of truth in that. You have to look at it socially and ethnically, and accept that there are a lot of crossovers, and not just say that there is a group of ethnic minorities without looking at who they are, genders, disablement and so on.

Q29 **Lloyd Russell-Moyle:** You mentioned class which is also interesting. What do you look at as class? It is a difficult starting point. These are interesting things to pause and reflect on, rather than going into more details now. On the report that you are presenting soon, do you have any snapshots of areas of concern that you might be raising?



**Peter Riddell:** The main one I have mentioned is on disablement, and clearly argues for urgency in initiatives to reach out to disabled groups and make it easier for them to perform tasks, and to be interviewed and ease that. Talking to autistic people about the process of interview is very revealing; it is very difficult for them, as well as for the physically disabled. They can contribute a lot. I would like to see more initiatives there, and more development for board members to become potential chairs. I would certainly like to see the regional and national position within the UK as a whole addressed. I distinguish between regional within England and national, taking up David Mundell's point, with which I entirely agree.

The Government stress diversity of opinion. I am keen on that, but I hope it does not result in a kind of new orthodoxy. Diversity can mean replacing one orthodoxy with another. There is diversity of opinion, but a lot of it is achieved by diversity in other places too.

**Lloyd Russell-Moyle:** That is quite right. Thank you very much, I really appreciate it.

Q30 **Jackie Doyle-Price:** The Committee has recently started an inquiry into the role of the Prime Minister's office. Given your interest in these matters, we want to pick your brains on some of the themes we will be looking at in the course of that inquiry. For starters, could you share your opinion on how effective you think the relationship has been between the Cabinet Office and No. 10?

**Peter Riddell:** I had better restrain myself, wearing my current hat, in my current role. My main answer is that every Prime Minister shapes the centre as they want to. Whether they do it formally by institutional change, by moving people into 70 Whitehall or whatever, is almost secondary to the personality of power. Having observed it over many decades, I would say that the formal mechanisms matter much less than the informal relationships. The authority of a Prime Minister at a particular time, and the officials around them, matters rather more than organisational charts. There have always been blurred lines between No. 10 and the Cabinet Office. The door that had to be unlocked is a rather historic phenomenon. The lines between them are very variable, and to my mind one should not get too concerned about the organisational structures.

From my perspective now—obviously, the personalities differ—the centre is pretty much acting closely between the Cabinet Office and No. 10. On appointments, the Cabinet Office may do some of the organisational stuff with the public appointments unit, which is very good, but you know that people in No. 10 will also be closely involved. There is now a Chancellor of the Duchy of Lancaster as Cabinet Office Minister who takes a very close interest in these matters, is involved in them and works closely with the Prime Minister. Some of those things can be more seamless than an organisational chart implies.

Q31 **Jackie Doyle-Price:** That is interesting. I have always had the view that these things are determined more by the behaviours of actors than the





institutional frameworks.

**Peter Riddell:** Indeed. In a rather clumsy way, I was very much endorsing your view.

Q32 **Jackie Doyle-Price:** From my perspective, we have seen a gradual centralisation of power in No. 10. Do you see it that way? Do you think the role of No. 10 is now any different from previous years?

**Peter Riddell:** I am aware that I am here as Public Appointments Commissioner rather than as a seasoned old hand. All I would say on that is that things can be cyclical. Even in my four and a half years as Public Appointments Commissioner, things varied depending on the personality of the Prime Minister, their style and so on. As you said, it is behavioural as much as anything else. I suppose that in the very long-term there is centralisation, but I have seen it vary enormously between Prime Ministers, even within premierships. At the beginning of a premiership, a Prime Minister can be strong, or in some cases less strong, and they grow stronger and more centralised as they go on. It varies enormously, but behaviours are crucial in that.

You can argue that in the new social media age things have become more centralised, but you have to remember that it is the people in Departments who do the practical business, as I see. If you are to execute things, you need the Departments. Perhaps that is one of the interesting questions in relation to coverage of the pandemic. It requires Department of Health bodies and the Department of Health to function, whatever people would like at the centre.

Q33 **Jackie Doyle-Price:** Is there a case for No.10 to become a proper Department with some accountability?

**Peter Riddell:** I do not want to be drawn too far down that road. All I would say is that while a purist might say, "Tut, tut, tut. We live in a Cabinet system," it varies. If you look back to the Blair years, or even parts of the Thatcher years, which I covered as a journalist, whether you had a Prime Minister's Department or not was secondary to how power was actually exercised.

Q34 **Chair:** Peter, thank you for carefully balancing your present role as Commissioner of Public Appointments with previous journalistic tendencies. Your answers to Jackie were extremely well balanced. With that, thank you very much for appearing before us.

**Peter Riddell:** Can I raise one thing?

Q35 **Chair:** I was going to ask whether there was anything you wished to add, so you certainly can.

**Peter Riddell:** Thank you. I am sorry for interrupting you.

It goes back to the questions Mr Jones asked about politicisation. The system depends on balance. It is not purely appointment on merit, nor is



it totally politically, ministerially, driven; it is a balance of the two. That depends as much on the spirit of the code as on the letter of the code.

There are some clouds on the horizon to suggest that it is not just Ministers deciding, as they are entitled to do and is absolutely fine. It goes back to the BBC and Ofcom thing. It is absolutely right that Ministers should reach their own final decisions, but there is perhaps a slight tendency to try to tilt the process.

In the last few months, there have been three occasions when I have had to push back against Departments on the appointment of senior independent panel members. They were significant appointments, big appointments, such as chairs and things like that. They have to consult me on the senior independent panel member, who has to be independent of party. Suggestions were put of people who were not independent of party, so I had to push back on that.

There have also been signs in the make-up of some interview panels. There has been a tendency perhaps to put quite a few allies on a panel. I have no control over that. It is a slight worry that they are trying to tilt the balance of competitions, with the wholesale rejection of the reappointment of people when in fact you want a mixture of the two. I am slightly concerned that people are not necessarily satisfied with just having the final choice, but want to influence fair and open competition. That has been raising concerns on my part.

**Chair:** Thank you for that, Peter. Should you wish to write to the Committee and expand on that, or indeed any other matters you have mentioned, please do so. Karin Smyth, in this coda to our meeting, has a quick intervention.

Q36 **Karin Smyth:** We have tripped through and around some of that this afternoon in evidence. I think that in part you were alluding to some processes that are not being followed. Given the political reality and the balance between merit and politics that we all accept with different Governments, is there something now not happening with regard to due process, or confused process, be that deliberate or by accident, that perhaps we should be looking at in terms of transparency?

**Peter Riddell:** I am concerned that the delicate balance between ministerial preference, which is absolute—Ministers decide who they want to appoint, absolutely—and ensuring that people are treated fairly, and that there is fair and open competition, faces some challenges. I am concerned about that.

It has really only developed since I last saw the Committee, in the last six months. It is in a number of areas, particularly with independent panel members, the make-up of panels and reappointment. There are things where people try to influence the way it goes. That is what I am concerned about. In a sense, that was behind the whole BBC and Ofcom thing; by pre-announcing, you are trying to influence the field that is going to apply.



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Q37 **Karin Smyth:** Are we seeing a change in behaviour? As Jackie Doyle-Price said, is it about behaviour and actors finding gaps in a process?

**Peter Riddell:** I have some concerns about that, yes; the unregulated appointments, like the one you raised with me, and also the appointments of non-executives to departmental boards. There are questions there that I think deserve greater transparency and debate.

**Chair:** Peter, again thank you very much for your time. Please feel free to write to the Committee to expand on any of the matters you have discussed this afternoon. Perhaps we will see you again; your final valediction may be yet to come, but in the meantime thank you for your time. I also thank the team who facilitated the meeting.