



House of Commons
Justice Committee

Appointment of the Chair of the Independent Monitoring Authority

Fourteenth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 1 December 2020*

Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

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The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/justicecttee and in print by Order of the House.

Committee staff

The current staff of the Committee are, Chloë Cockett (Senior Specialist), Mark Doyle (Committee Media Officer), Su Panchanathan (Committee Operations Officer), Tracey Payne (Committee Specialist), Christine Randall (Committee Operations Manager), Jack Simson Caird (Assistant Counsel), Holly Tremain (Committee Specialist), Ellen Watson (Second Clerk) and David Weir (Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 8196; the Committee's email address is justicecom@parliament.uk.

You can follow the Committee on Twitter using @CommonsJustice

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Report

Chair of the Independent Monitoring Authority

1. The Independent Monitoring Authority (IMA) is a new body set up to monitor how public bodies in the UK and Gibraltar implement and apply the citizens' rights parts of the EU UK Withdrawal Agreement and agreements made with the European Economic Area and European Free Trade Area States.

2. The agreements relate to the rights of EU citizens' living lawfully in the UK before the end of the Implementation Period, including: EU citizens who have lived in the UK continuously for five years and are be eligible for settled status in UK law; EU citizens who arrived before the end of the Implementation Period, but who have not been here five years, who will be eligible for pre-settled status that enables them to stay until they have accumulated five years, after which they may apply for settled status; and close family members who live in a different country, if the relationship existed before the end of the Implementation Period. EU citizens protected by the agreement will continue to be able to work, study and establish a business in the UK as now; those with settled status or pre-settled status to stay may access healthcare, pensions and other benefits and services in the UK, as they do currently; and frontier workers (EU citizens who reside in one state, and work in the UK) will continue to be able to enter the UK to work under current rules, if they started this work before the end of the Implementation Period.

3. The aim of the IMA is to protect the rights of those EU citizens. The Government committed the UK to establishing the Authority in the UK-EU Withdrawal Agreement, and the IMA was created under the EU (Withdrawal Agreement) Act 2020.

4. Article 159 of the UK-EU Withdrawal Agreement states:

In the United Kingdom, the implementation and application of Part Two shall be monitored by an independent authority (the "Authority") which shall have powers equivalent to those of the European Commission acting under the Treaties to conduct inquiries on its own initiative concerning alleged breaches of Part Two by the administrative authorities of the United Kingdom and to receive complaints from Union citizens and their family members for the purposes of conducting such inquiries. The Authority shall also have the right, following such complaints, to bring a legal action before a competent court or tribunal in the United Kingdom in an appropriate judicial procedure with a view to seeking an adequate remedy.

5. The reference to Part Two means the citizens' rights of the following groups:

- Union citizens who exercised their right to reside in the United Kingdom in accordance with Union law before the end of the transition period and continue to reside there thereafter;
- United Kingdom nationals who exercised their right to reside in a Member State in accordance with Union law before the end of the transition period and continue to reside there thereafter;

- Union citizens who exercised their right as frontier workers in the United Kingdom in accordance with Union law before the end of the transition period and continue to do so thereafter;
- United Kingdom nationals who exercised their right as frontier workers in one or more Member States in accordance with Union law before the end of the transition period and continue to do so thereafter; and
- family members of the persons referred to in points (a) to (d), (provided that they fulfil certain conditions—see Agreement for more details).

Government's preferred candidate

6. The Lord Chancellor announced on 12 November that Sir Ashley Fox was the Government's preferred candidate for the role. In a letter to the Committee the same day, Rt Hon. Robert Buckland QC MP said:

When interviewed by the Advisory Assessment Panel for this appointment, Sir Ashley demonstrated the knowledge, enthusiasm and background required to deliver in this challenging role. He showed a good grasp of the issues and he clearly demonstrated that he understood the IMA and how he would navigate the role of Chair. Sir Ashley was open and honest about the political challenges, demonstrating passion and a strong knowledge of the rights of citizens in the Devolved Nations. He evidenced effective working with the UK's governments and other stakeholders. His knowledge and leadership experience mean he would be a strong appointment to the Board and I firmly believe he would be a highly effective Chair for the IMA.

7. Sir Ashley declared no relevant interests during the application process. Sir Ashley, whose CV is annexed to this Report, is presently a business consultant and managing director Ashley Fox Consulting, of which provides strategic advice on the European Union. He was previously a Conservative Member of the European Parliament for the South West of England and Gibraltar from 2009–2019. Since 2015 he has been the lay member on the Leadership Nomination Committee of the Royal Institution of Chartered Surveyors. He is a qualified solicitor.

The pre-appointment hearing

8. We held a pre-appointment hearing with Sir Ashley on 24 November 2020, asking questions on his experience and knowledge of the area of citizens' rights, his capacity to help create a new organisation, his views on the strategic direction of the IMA, and in particular its capacity to be visible and responsive to those citizens whom it is intended to assist. We also sought to discuss his approach to holding the role of Chair of an organisation independent of Government and which may, on occasion, require to be critical of Government. Finally, we discussed with him the challenge of creating a new organisation from December 2020 and his approach to the recruitment of suitable staff to a tight deadline.

9. It is disappointing that the field of candidates for this role was limited. Nine applications were received, and Sir Ashley was one of two candidates considered appointable. We note, too, that an appointment to the role is quickly required and that further delay would raise difficulties. Sir Ashley's appointment will fall close to the end of 2020, at which point the IMA will need to be fully in action, and we note Sir Ashley's objective of seeking to appoint a permanent Chief Executive to the body within three months of his appointment.

10. We note that Sir Ashley operates as a business consultant advising clients on the European Union. We note his assurance that he intends clearly to separate any aspect of his role in a public appointment as Chair of the IMA from those business interests and that he would turn down work on any matter in which he saw a potential conflict of interest arising. We note his assurance that he is fully aware of the standards required of the holder of a public appointment.

11. The job description for the Chair of the IMA requires a good board-level track record at a senior level, management of organisations through periods of change and an ability to understand and oversee expenditure controls. Sir Ashley, questioned on these requirements, cited his five years as a member of the administrative board of a national political party. This example was not mentioned in the CV provided to the Committee from his application for the role. Other examples related to both his previous political work and his professional life. The CV Sir Ashley provided in his application is attached at appendix C.

12. Sir Ashley's application for the role outlines his recent experience as a Member of the European Parliament, from 2009 to 2019, and previous experience, from 2002, as a councillor in Bristol. We entirely endorse the principle that previous political activity is no necessary bar to taking a public appointment; indeed, it would be wrong and unfair to ignore the valuable skills and experience that such activity may bring to a wide variety of public roles. We equally stress, however, that any candidate taking such a role must demonstrate the independence required to conduct it beyond party political interest.

13. Sir Ashley informed us that he had not engaged in political activity since ending his 10-year period as a Member of the European Parliament in July 2019. Indeed, he specifically said that he had not sought office since that time. Under questioning, however, he confirmed that he had, in fact, sought to stand as a candidate for two seats at the UK general election in December 2019. We are surprised that he did not acknowledge this until specifically asked. We note Sir Ashley's assurance that he will conduct the role in an independent and transparent manner. We note also his statement that he is fully aware of the principles of conduct in public life. ***We invite Sir Ashley to write to us as a clear demonstration of his political independence in this public appointment to confirm, for the published record, that he will neither seek nor hold elected public office during his term as Chair of the Independent Monitoring Authority, and that he will neither seek nor undertake any role within any political party during that time. We recommend that the Lord Chancellor seek a similar assurance from Sir Ashley.***

14. It is likely that the most important and largest part of the IMA's work will take place during the first six months of 2021. Sir Ashley clearly signalled that he intends the IMA to uphold the rights of EU citizens, as set out in the EU Withdrawal Act. He noted that the body has a duty to ensure that rights are both protected and promoted. He said that individual EU citizens should report to the IMA problems experienced so that systemic

problems might be identified, but stressed several times that the IMA would not be a complaint-handling body, instead seeking to ensure that other public bodies deal with complaints. We note that the IMA is required to make a judgment on all complaints it receives, has the power to initiate investigations and, if it considers it necessary, may take action up to and including seeking judicial review. We note that Sir Ashley sees the IMA's role as monitoring rights and that he does not intend to "raise hopes" that the IMA will deal with individual citizens' complaints.

15. While the IMA is an independent arms-length body, we would welcome a clear indication from the Lord Chancellor, as its sponsor Minister, on the extent to which it should actively seek to assist EU citizens in safeguarding their rights from 2021 onwards.

16. We should welcome an early statement from Sir Ashley Fox, once he has taken up the post of Chair, of how the IMA intends to make its role and presence known to those citizens whose rights it is intended to protect.

Conclusion

17. Subject to the considerations set out above, we are, on the basis of the discussion during the pre-appointment hearing and of our consideration of his CV, satisfied that Sir Ashley Fox meets the criteria necessary to fulfil the role of Chair of the Independent Monitoring Authority and we endorse his appointment.

Annexe: Posts which are subject to pre-appointment hearings before the Justice Committee

Chair of the Independent Monitoring Authority

Chair of the Judicial Appointments Commission

Chair of the Office for Legal Complaints

HM Chief Inspector of the Crown Prosecution Service

HM Chief Inspector of Prisons

HM Chief Inspector of Probation

Prisons and Probation Ombudsman

Appendix A: Correspondence between the Ministry of Justice and the Justice Committee

Letter from Rt Hon Robert Buckland QC, MP Lord Chancellor and Secretary of State for Justice to Sir Robert Neill MP, Chair, Justice Committee, dated 18 March 2020

Independent Monitoring Authority: Appointment Of Interim Chief Executive

I am writing to let you about the appointment of the first Member the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA).

As I am sure you are aware, the IMA is a new public body, recently established under the EU (Withdrawal Agreement) 2020 (EUWAA 2020). The role of the IMA is to monitor the UK's implementation and application of the agreements it has made with the EU, and the EEA/EFTA states, in relation to citizens' rights. Establishing the IMA fulfils a central and crucial commitment that the Government has made in those international agreements. The IMA will be an Arm's Length Body of the Ministry of Justice, but operationally independent of Government.

The EUWAA 2020 includes provision for me to appoint an Interim Chief Executive of the IMA. The postholder is an executive Member of the IMA, and will be in post until the first Chief Executive is appointed by the Chair and non-executive Members of the IMA, when I have appointed them. This provision enables a suitably qualified member to be appointed to the IMA to spearhead the vital work of ensuring that it will be fully operational by the end of this year.

I am pleased to inform you that I have appointed Dr Kathryn Chamberlain, previously the Chief Executive of the Healthcare Inspectorate Wales, as the Interim Chief Executive of the IMA. Dr Chamberlain started in post on Thursday 5 March.

Rt Hon Robert Buckland QC MP

Letter from Sir Robert Neill MP, Chair, Justice Committee to Rt Hon Robert Buckland QC, MP Lord Chancellor and Secretary of State for Justice, dated 1 April 2020

Dear Robert

Thank you for your letter of 18 March informing me of the appointment of the first Member of the Independent Monitoring Authority for the Citizen's Rights Agreements (IMA).

I welcome the temporary appointment of Dr Katheryn Chamberlain and recognise the need for an interim Chief Executive of the IMA to ensure that it is fully operational by the end of 2020.

I would like to ask that the preferred candidate for appointment as Chair of the IMA appear before the Justice Committee in a pre-appointment hearing. The IMA will play an important role in monitoring the Government's commitments to citizens' rights under agreements made with the EU and the EEA/EFTA states. As an Arm's Length Body of the Ministry of Justice, it must act, and be seen to act, independently of Ministers and the Government. Therefore, while it is not currently among the positions subject to pre-appointment scrutiny by the Committee, it would seem appropriate that the suitability of the prospective Chair of the IMA be scrutinised by Parliament before their appointment is confirmed.

I look forward to receiving your response on this matter.

Yours sincerely

Sir Robert Neill MP

Chair

Justice Committee

Letter from Alex Chalk MP, Parliamentary Under-Secretary of State for Justice to Sir Robert Neill MP, Chair, Justice Committee, dated 9 June 2020

Dear Robert,

Independent Monitoring Authority: Pre-Appointment Scrutiny And Secondary Legislation

First, I want to thank you for your letter of 1 April to the Lord Chancellor, in reply to his about the establishment of the Independent Monitoring Authority for the Citizens' Rights Agreements (IMA), and to apologise that we have not been able to reply earlier.

You suggested that the preferred candidate to be Chair of the IMA should appear before the Justice Committee in a pre-appointment hearing. I am glad to tell you that the Lord Chancellor, and the Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster, agree that the post of Chair of the IMA should be added to the list of public appointments which are subject to pre-appointment scrutiny by House of Commons Select Committees, specifically your Committee. It is clear that the post meets at least two of the criteria in the Cabinet Office Guidance for additions to the scrutiny list: it is a post which will play a key role in protecting and safeguarding the public's rights and interests in relation to the actions and decisions of Government; and the IMA is in an organisation where it is vital for the reputation and credibility of that organisation that the post holder acts, and is seen to act, independently of Ministers and the Government.

I attach the proposed job description, criteria, remuneration and tenure for the role of IMA Chair. The post will be advertised on the Cabinet Office public appointments website. I would be grateful for any comments on these proposals by 19 June, to allow the recruitment campaign to begin.

In view of the importance of making appointments to the IMA in good time before the end of the transition period, we have decided that the IMA non-executive Chair (and member) appointments should not, at least initially, be included in the Public Appointments Order in Council (OiC), or be regulated by the Commissioner for Public Appointments. It is still our aim to run an open competition for these appointments, including as I say, advertising, followed by a sift and interviews with an Advisory Assessment Panel, with potentially separate discussions with Ministers before they identify their preferred candidates. However, not having these appointments regulated should provide greater flexibility in the process, and thus help to expedite it.

I also attach the proposed outline timetable for the recruitment campaign. You will see I hope to be able to make an appointment in November. I would want the Chair to take up their post as soon as possible after that, to oversee the IMA's continuing preparations to 'go live' on 1 January 2021. My officials will be in touch with the Clerk to your Committee to identify a suitable date for any pre-appointment hearing: I would be most grateful if you would give your support to expediting this.

Secondly, I am writing to let your Committee know about a Statutory Instrument in relation to the IMA that I am laying in Parliament.

The IMA's role, which will be commenced at the end of the Transition Period, will be UK-wide. To ensure that its functions in relation to Northern Ireland are covered by the relevant equalities legislation, I am laying in Parliament The Northern Ireland Act 1998 (Section 75 – Designation of Public Authority) Order 2020 Statutory Instrument (“the SI”).

Section 75 of the Northern Ireland 1998 Act (“Section 75”) requires that public authorities carrying out their functions relating to Northern Ireland need to have due regard to: the need to promote equality of opportunity (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; (b) between men and women generally; (c) between persons with a disability and persons without; and (d) between persons with dependants and persons without; and to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The definition of ‘public authority’ in Section 75 includes “any department, corporation or body listed in Schedule 2 to the Parliamentary Commissioner Act (PCA) 1967 (the 1967 Act) and designated for the purposes of this section by order made by the Secretary of State”. The IMA has already been added to Schedule 2 to the 1967 Act by paragraph 17 of Schedule 2 to the European Union (Withdrawal Agreement) Act 2020 (EU(WA)A 2020).

The SI will designate the IMA as a “public authority” for the purposes of Section 75. This will ensure that the IMA is covered by the equality duties applicable to a public authority carrying out functions in relation to Northern Ireland, as set out in Section 75. Stakeholders (particularly in Northern Ireland) should welcome the assurance that the IMA's functions relating to Northern Ireland must be carried out in accordance with those duties.

Thank you again for getting in touch.

Yours sincerely,

Alex Chalk MP

Independent Monitoring Authority for the Citizens' Rights Agreements

Chair job description, criteria, remuneration and tenure

Job Description

This is an interesting role for a candidate with the right skills to lead this new independent body. Your initial task in leading the IMA, working closely with the Interim Chief Executive, who has been in post since March, will be to ensure that it is fully ready to 'go live' on 1 January 2021. You will then need to develop the IMA and deliver against its first strategic business plan. From appointment onwards, you will represent the IMA to its stakeholders in Government, the UK Parliament and the Devolved Administrations.

Together with at least two other non-executive Members, you will be responsible for appointing the first Chief Executive of the IMA (to succeed the Interim Chief Executive) and between one and three other executive Members.

The position will suit a candidate interested in delivering a new function, and someone seeking an opportunity which offers both intellectual challenge and stakeholder engagement.

Eligibility

- There must be no employment restrictions, or time limit on your permitted stay in the UK.
- If employed in the UK civil service, you will have to resign if appointed.
- You should not be a Member of the House of Commons, the Scottish Parliament, Senedd Cymru, or the Northern Ireland Assembly.
- (If appointed:) You must be able to take up the appointment within 2 weeks of successful completion of security checks.

Essential criteria

- The ability to lead an executive board and support the leadership of an organisation by providing strategic guidance and effective challenge.
- Strong leadership and interpersonal skills, with the ability to command respect, and work with and through others to achieve objectives.
- A good board-level track record at a senior level including partnership working and the management of organisations through periods of change.
- An ability to understand and oversee compliance with expenditure controls.
- Ability to scrutinise, interpret and challenge complex information, reach practical decisions which stand up to scrutiny and to think strategically.
- Good communication skills including the ability to effectively represent the organisation.

- Integrity, strong intellect, sound judgement and the capacity to bring an external view to the strategic direction and decision-making of the IMA.
- An understanding of the way the UK's governments and parliaments work.
- An understanding of the rights of EU and EEA/EFTA citizens living in the United Kingdom.
- (If applying on this basis:) An understanding of conditions in Scotland, Wales, Northern Ireland or Gibraltar, relating to citizens' rights under the UK EU Withdrawal Agreement and the EEA EFTA Separation Agreement.

Remuneration

- £500 per day
- Up to 2 days per week

Tenure

- 4 years
- Reappointment for a further term is subject to satisfactory appraisal and at the discretion of Ministers. Overall, the tenure period should not normally exceed ten years.

Panel Membership

- Panel Chair – James Bowler, DG Policy, Communications and Analysis Group, MoJ
- A Non-Executive Director of another Government Department with responsibilities for citizens' rights.
- An Independent Panel Member.

Candidate Search and advertising

Ahead of the campaign opening, we will undertake early outreach work to identify relevant candidates via LinkedIn and by reviewing our talent pool of candidates found appointable for previous campaigns and working with the IMA Interim Chief Executive and the Cabinet Office and No. 10 appointments teams. We will seek the views of the DA Ministers on the skills and experience required of candidates for the positions requiring knowledge of the relevant devolved matters, and will also invite them to suggest individuals we might approach. We will advertise on the Cabinet Office Public Appointments website and via our regular channels such as Women on Boards and NEDs on Boards.

Indicative timetable

End June/July

- Advertising [for 3 weeks] and consult Ministers on strength and diversity of applications

September

- Sift and consult Ministers on the shortlist

October

- Interviews

October

- Justice Secretary meets candidates (all those interviewed)

November

- Advice to Ministers on the proposed Chair appointment;
- Ministers then consult DA Ministers

November

- Notify successful candidate, JSC scrutiny hearing and report

December

- Chair takes up post (subject to completion of security checks)

Letter from Sir Robert Neill MP, Chair, Justice Committee to Alex Chalk MP, Parliamentary Under-Secretary of State for Justice, dated 19 June 2020

Dear Alex

Thank you for your letter dated 9 June regarding the Independent Monitoring Authority for the Citizens' Rights Agreements.

I am pleased that the Government has agreed that the post of Chair of the IMA should be subject to pre-appointment scrutiny by the Justice Committee. I and the rest of the Committee are also grateful to you for sharing the job description and candidate criteria. We consider that these are appropriate for the role.

We agree that appointments to the IMA should be made in good time before the end of the transition period on 31 December. We note that the appointment will not, initially at least, be regulated by the Commissioner for Public Appointments and trust that a fair and open competition will still be held.

The timeline for making the appointment is short, particularly given the current disruption caused by the COVID-19 Pandemic. We are concerned that the reputation of the IMA will be harmed if it is not ready to 'go live' at the end of the transition period. I would therefore be grateful if you could indicate your confidence in the appointment timetable, and outline what contingencies are in place to ensure the IMA is able to begin operations after 31 December if its Chair and other non-executive member appointments have not been made in time.

Yours sincerely,

Sir Robert Neill MP

Chair

Justice Committee

Letter from Rt Hon Robert Buckland QC, MP Lord Chancellor and Secretary of State for Justice to Sir Robert Neill MP, Chair, Justice Committee, dated 12 November 2020

Independent Monitoring Authority For The Citizens' Rights Agreements: Non-Executive Chair And Member Recruitment

I am writing further to Alex Chalk's letter to you of 7 July about recruiting the non-executive Chair and Members of the Independent Monitoring Authority (IMA).

I am pleased to put forward Sir Ashley Fox as my preferred candidate for the first non-executive Chair of the IMA for the Committee's consideration.

When interviewed by the Advisory Assessment Panel for this appointment, Sir Ashley demonstrated the knowledge, enthusiasm and background required to deliver in this challenging role. He showed a good grasp of the issues and he clearly demonstrated that he understood the IMA and how he would navigate the role of Chair. Sir Ashley was open and honest about the political challenges, demonstrating passion and a strong knowledge of the rights of citizens in the Devolved Nations. He evidenced effective working with the UK's governments and other stakeholders. His knowledge and leadership experience mean he would be a strong appointment to the Board and I firmly believe he would be a highly effective Chair for the IMA.

I have written to the Devolved Administrations, and the Government of Gibraltar, to consult them about this proposed appointment.

Sir Ashley is currently a business consultant providing strategic advice on the European Union, and since 2015 has been the lay member on the Leadership Nomination Committee of the Royal Institution of Chartered Surveyors. Sir Ashley was a Member of the European Parliament for the South West of England and Gibraltar from 2009–2019. His CV is attached at Annex A if you would like more detail.

No relevant interests have been declared by Sir Ashley. Confirmation of this, and information about the campaign including the tenure and remuneration, advisory assessment panel membership, timeline, and details of the applicant field are attached at Annex B.

Candidates were informed prior to application that the position was subject to scrutiny by the Justice Select Committee, and I understand a pre-appointment hearing has been scheduled to take place on 24 November. As you are aware, the hearing is non-binding but I shall give careful consideration to the Committee's conclusions before deciding whether to proceed with the appointment.

I am making an announcement on Gov.UK confirming Sir Ashley as my preferred candidate for the role.

In terms of the Member campaign, I expect to confirm the appointments by the end of November. In making these appointments, I have decided to re-advertise the role for a Member with specific knowledge of the conditions relating to citizens' rights in Scotland, on the basis that I would prefer to see a wider range of candidates with knowledge of the relevant conditions in Scotland before making this important appointment.

A new campaign for this appointment launched on 9 November - the same criteria for eligibility and appointment have been used. Although the IMA will, if necessary, still be able to begin its work without a member on the board with knowledge of the relevant conditions in Scotland I expect to confirm this vital appointment in January 2021.

I am placing a copy of this letter in the Libraries of both Houses.

Rt Hon Robert Buckland QC MP

Appendix B: Information provided by the Ministry of Justice about the preferred candidate and recruitment campaign

Information on the preferred candidate:

Name of the preferred candidate	Sir Ashley Fox
Candidate's current CV (redacted for publication)	Annex A
Declaration of relevant interests made by the candidate	None
Declaration of relevant political activity in the last five years, made by the candidate required under paragraph 9.2 of the Governance Code on Public Appointments	Within the last five years, has undertaken significant political activity within the Conservative party.
Proposed terms of appointment and remuneration (if any)	Tenure: four years Time Commitment: 2 days per week Remuneration: £500 per day

Campaign Information

Campaign launch date	3 July 2020
Campaign closing date	24 July 2020
Reason for any changes in timetable to that originally published	Not applicable
Advertising strategy	The role was advertised on the Cabinet Office, and the Scottish Government, Public Appointments websites, NED on Board and Women on Boards.
Advisory Assessment Panel	Panel Chair: James Bowler, Director General, Policy, Communications and Analysis Group, Ministry of Justice. Other members: Diane Herbert, Non-Executive Director at HMRC and Lord Bew, Professor of Irish Politics, Queen's University Belfast and Independent Panel Member.
Number of applicants	Nine
Number of candidates invited to interview	Four
Number of candidates found appointable	Two

Diversity Data:

It has not been possible to provide diversity data in line with the guidance notes provided in the "Cabinet Office Guidance: pre-appointment scrutiny by House of Commons select committees".

Notes on diversity data

- (1) Departments must consider their obligations under data protection legislation when sharing this data with select committees. Candidates must be made aware at the outset of the campaign that their data will be shared with the select committee in this way. The data should not be shared in a way which means that individuals are identifiable.
- (2) Departments should follow ONS guidance on statistical disclosure control to meet this requirement. Where there are fewer than 5 candidates in any given category, diversity data must not be shared as this is potentially identifiable. For example, if you have six women and four men on a shortlist - you should not give any gender information.

Table A: Gender

	Percent Male	Percent Female	Percent identified another way	Percent not declared
Candidate percentages	N/A	N/A	N/A	N/A

Table B: Ethnicity

	Percent White	Percent Ethnic Minority	Percent not declared
Candidate percentages	N/A	N/A	N/A

Table C: Disability

	Percent Disabled	Percent Non-disabled	Percent not declared
Candidate percentages	N/A	N/A	N/A

Appendix C: Curriculum vitae: Sir Ashley Fox

Executive Summary

A qualified solicitor and former legislator with experience of local government (UK) and serving as a Member of the European Parliament. Representing diverse and dispersed communities in the UK and on the European continent and with a strong personal commitment to upholding the rights of EU citizens in the UK.

Career

Business Consultant (July 2019–date)

Since leaving the European Parliament I have set up my own business as a consultant providing strategic advice on the European Union.

Member of the European Parliament (2009–2019)

I was a Member of the European Parliament for the South West of England & Gibraltar from 2009–2019. I served as Chief Whip of the European Conservatives and Reformists Group from 2010–14 and Leader of the Conservative MEPs from 2014–19.

From 2014–19 I was the Conservative Spokesman on the Industry, Research & Energy Committee (ITRE). I specialised in Energy, leading for my group on the European Energy Security Strategy. I shadowed the report on risk preparedness in the electricity sector, where I secured our objective that responsibility for risk preparedness plans would lie with national Transmission System Operators rather than the EU Electricity Coordination Group.

I served for 10 years on the Economic & Monetary Affairs Committee (ECON). I was a member of the Constitutional Affairs Committee (AFCO) for eight years and was a committee vice-chairman for five years.

I was proud to represent Gibraltar during my term of office.

I am an experienced media operator having appeared on all major TV and radio news channels. I speak good French and have given media interviews and addressed the Parliament in French.

Royal Institution of Chartered Surveyors (2015–date)

Since 2015 I have been the lay member on the Leadership Nomination Committee of the RICS. This committee interviews potential candidates for leadership roles. As the lay member it is often my role to ask potentially awkward questions to the candidates before us. I enjoy working with the Chief Executive, Sean Tomkins, and the other members of the committee in ensuring a range of excellent candidates are available for the membership of RICS to choose from.

Bristol City Councillor (2002–2010)

I was Chairman of the Development Control (Central) committee from 2005–7, Chairman of the Children’s Services Scrutiny commission 2007–8 and Chairman of the Overview and Scrutiny Management committee 2008–9. Given that the Conservatives were the third party on a hung council these were politically influential positions. I enjoyed the role of Chairman at a comparatively young age.

Solicitor (1992–2009)

2005–09: CIP solicitors, Bristol. Associate specialising in insurance litigation. The firm merged with Morgan Cole before I was elected to the European Parliament.

1998–05: Badhams Thompson solicitors, Bristol. In-house solicitor at Direct Line Insurance, made partner in 2001

1996–98: Lyons Davidson solicitors, Bristol. Assistant solicitor

1992–96: Wansbroughs Willey Hargrave solicitors, Bristol. Articled clerk (92–94)

Formal minutes

Tuesday 24 November 2020

Members present:

Sir Robert Neill in the Chair

James Daly	Kenny MacAskill
Miss Sarah Dines	Dr Kieran Mullin
Maria Eagle	Andy Slaughter

Motion made, and Question put, That Sir Ashley Fox meets the criteria necessary to fulfil the role of Chair of the Independent Monitoring Authority—(*Sir Robert Neill*).

The Committee divided:

Ayes, 4	Noes, 2
James Daly	Maria Eagle
Miss Sarah Dines	Andy Slaughter
Kenny Macaskill	
Dr Kieran Mullin	

Question accordingly agreed to.

Motion made, and Question put, That the Committee endorse the appointment of Sir Ashley Fox as Chair of the Independent Monitoring Authority—(*Sir Robert Neill*).

Ayes, 4	Noes, 2
James Daly	Maria Eagle
Miss Sarah Dines	Andy Slaughter
Kenny Macaskill	
Dr Kieran Mullin	

Question accordingly agreed to.

Draft Report (*Appointment of the Chair of the Independent Monitoring Authority*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 8 read and agreed to.

Further consideration adjourned.

[Adjourned till Tuesday 1 December at 1.45 pm]

Tuesday 1 December 2020

Members present:

Sir Robert Neill in the Chair

James Daly Dr Kieran Mullin

Miss Sarah Dines Andy Slaughter

Kenny MacAskill

Draft Report (*Appointment of the Chair of the Independent Monitoring Authority*), proposed by the Chair, consideration resumed.

Paragraphs 9 to 17 agreed to.

Annexe agreed to.

Three papers were appended to the Report.

Resolved, That the Report be the Fourteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 apply to the Report.

[Adjourned till Tuesday 8 December at 1.45 pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the inquiry publications page of the Committee's website.

Tuesday 24 November 2020

Sir Ashley Fox

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

Session 2019–21

Number	Title	Reference
1st Report	Appointment of Chair of the Office for Legal Complaints	HC 224
2nd Report	Sentencing Council consultation on changes to magistrates' court sentencing guidelines	HC 460
3rd Report	Coronavirus (COVID-19): The impact on probation services	HC 461
4th Report	Coronavirus (Covid-19): The impact on prisons	HC 299
5th Report	Ageing prison population	HC 304
6th Report	Coronavirus (COVID-19): The impact on courts	HC 519
7th Report	Coronavirus (COVID-19): the impact on the legal professions in England and Wales	HC 520
8th Report	Appointment of HM Chief Inspector of Prisons	HC 750
9th Report	Private prosecutions: safeguards	HC 497
10th Report	Sentencing Council consultation on sentencing guidelines for firearms offences	HC 827
11th Report	Sentencing Council consultation on the assault offences guideline	HC 921
12th Report	Children and Young People in Custody (Part 1): Entry into the youth justice system	HC 306
13th Report	Sentencing Council: Changes to the drugs offences definitive guideline	HC 751
1st Special Report	Prison Governance: Government Response to the Committee's First Report of Session 2019	HC 150
2nd Special Report	Court and Tribunal Reforms: Government Response to the Committee's Second Report of Session 2019	HC 151
3rd Special Report	Transforming Rehabilitation: Follow-up: Government Response to the Committee's Nineteenth Report of Session 2017–19	HC 152
4th Special Report	Coronavirus (COVID-19): The impact on probation systems: Government Response to the Committee's Third Report of Session 2019–21	HC 826
5th Special Report	Coronavirus (Covid 19): The impact on the legal professions in England and Wales: Government Response to the Committee's Seventh Report of Session 2019–21	HC 898
6th Special Report	Ageing prison population: Government Response to the Committee's Fifth Report of Session 2019–21	HC 976

Number	Title	Reference
7th Special Report	Court and Tribunal reforms: Further Government Response to the Committee's Second Report of Session 2019 and Coronavirus (Covid 19): The impact on courts: Government Response to the Committee's Sixth Report of Session 2019–21	HC 1008