



House of Commons
Public Administration
and Constitutional Affairs
Committee

Appointment of Baroness Deech as Chair of the House of Lords Appointments Commission

Tenth Report of Session 2022–23



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

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Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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The committee is a select committee, the powers of which are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the internet via www.parliament.uk.

Publication

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Committee staff

The current staff of the Committee are Gavin Blake (Clerk), Filiz Gurer (Senior Media and Communications Officer), Iwona Hankin (Committee Operations Officer), Edward Hicks (Second Clerk), Gabrielle Hill (Committee Operations Manager), Vanessa Holden (Committee Specialist), Dr Philip Larkin (Committee Specialist), Susanna Smith (Second Clerk), Dr Patrick Thomas (Committee Specialist), and Hennie Ward (Media and Communications Officer).

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1 The Role of Chair of the House of Lords Appointments Commission

House of Lords Appointments Commission

1. The House of Lords Appointments Commission (HOLAC) is an independent, advisory, non-departmental public body sponsored and funded by the Cabinet Office. It was established by the then Prime Minister, Rt Hon Tony Blair, in May 2000.
2. The Commission has two main functions:
 - to recommend individuals for appointment as non-party-political (crossbench) life peers; and
 - to vet nominations for life peers, including those nominated by the UK political parties, to ensure the highest standards of propriety.
3. Only the Prime Minister has the power to recommend to the King the creation of a peerage and their appointment to the House of Lords. However, the House of Lords Appointments Commission can advise and make recommendations to the Prime Minister concerning these appointments.
4. The Commission has seven members of which three are appointed to represent the three largest political parties represented in the House of Lords and to ensure expert knowledge of the Lords. The others, including the Chairman, are independent of Government and the political parties. They are appointed after an open recruitment competition run according to procedures set down by the Commissioner for Public Appointments. The current membership of HOLAC is:
 - Lord (Paul) Bew (Outgoing Chair)
 - Rt Hon and Rt Rev Lord Richard Chartres KCVO
 - Vacant – following resignation of Harry Mount in September 2022
 - The Lord-Lieutenant of Belfast, Mrs Fionnuala Jay-O’Boyle CBE DL
 - Baroness (Ann) Taylor of Bolton (Labour)
 - Baroness (Sheila) Noakes (Conservative)
 - Baroness (Kate) Parminter (Liberal Democrat)

The Chair of the House of Lords Appointments Commission

5. The Chair leads the Commission in recommending and vetting appointments to the House of Lords.
6. Previous Chairs of the Commission since its inception are as follows:
 - Lord Stevenson of Coddenham (2001–2008);

- Lord Jay of Ewelme (2008–2013);
 - Lord Kakkar (2013–2018); and
 - Lord Bew (2018–2023).
7. The Cabinet Office set out the criteria for the role, with an indication of whether the criteria were essential or desirable in a candidate, as follows:
- Strong leadership and interpersonal skills, with an ability to command respect and credibility with Parliament, Ministers, Commissioners and key stakeholders, and a personal style that demonstrates authority and inspires trust and confidence; (essential)
 - Ability to operate effectively and comfortably in the media spotlight as the public face of the Commission; (essential)
 - A commitment to add to the breadth of experience and expertise in the House of Lords, including strengthening diversity of thought and representation from across the United Kingdom; (essential)
 - A strong intellect and ability to act impartially and with sound judgement; (essential)
 - Experience of running assessments and interviews; (essential) and
 - Track record as a leader in the public, private or charitable sector. (Desirable)

The Recruitment Process

8. The post was advertised for a five-year, non-renewable term. It is expected to require 1–2 days a month.
9. Panel members for this recruitment were:
- Darren Tierney - Departmental Representative and Director General of Propriety & Constitution Group
 - Sir Ron Kalifa - Senior Independent Panel Member
 - Pamela Dow - Independent Panel Member
10. Eight applications for the role were received, and one candidate withdrew prior to the sifting stage. In the end, three candidates were interviewed by the panel.
11. The diversity information provided in relation to the candidates for the role is as follows:
- Sex: Of the three candidates who interviewed, two candidates were male, one candidate was female.
 - Disability: None of the candidates declared a disability.
 - Ethnicities: All shortlisted candidates are White.

- Sexual Orientation: All shortlisted candidates are heterosexual.
- Candidates indicated coming from the following religious backgrounds: Jewish, Christian, No Religion
- Region: Two candidates live in the South East region, one candidate lives in Scotland.

12. The recruitment campaign was launched on 26 May 2023 and closed on 11 July 2023. Following the sift, three candidates were interviewed on 11 September 2023. The decision on the preferred candidate was made on 2 October 2023 by the appointing Minister.

2 The Candidate: Baroness Deech

13. Ruth Deech was appointed as a Crossbench Peer on the recommendation of the House of Lords Appointments Commission in 2005.

14. Baroness Deech had a distinguished academic career in law, spending most of her academic career at St Annes College, Oxford, where she became Principal (1991–2004) and then becoming Pro-Vice Chancellor of the University of Oxford (2001–2004). Among other posts and responsibilities, she has notably been Chair of the Human Fertilisation & Embryology Authority (1994–2002); the First Independent Adjudicator for Higher Education (2004–2008); Chair of the Bar Standards Board (2009–2014); and Board Member of the Law Commission (2018–2022).

15. The Committee held a pre-appointment hearing with Baroness Deech on Tuesday 24 October 2023. This report should be read in conjunction with the transcript of this session, and with the written answers to a questionnaire provided to and completed by the candidate prior to that oral hearing (Appendix 1) and Baroness Deech's CV (Appendix 2).

16. In oral evidence, the Committee questioned Baroness Deech about her suitability for the role, what her priorities would be as Chair, and her assessment of the House of Lords Appointments Commission itself. Topics covered in the session also included:

- How her experience of previous roles has prepared her for the role;
- Under-representation in the House of Lords;
- The probity of members and efficiency of the House of Lords;
- Assessments and criteria that should be met by candidates to become members of the House of Lords;
- Whether the current powers of the House of Lords Appointments Commission are sufficient to ensure that all new members of the House of Lords meet the highest standards of probity;
- The future of the House of Lords Appointments Commission;
- Vacancies on the House of Lords Appointments Commission; and
- The number of the House of Lords Appointments Commission appointments compared to other types of appointments to the House of Lords.

17. *On the basis of the written evidence provided to us, and the oral responses provided during the pre-appointment hearing, we have no hesitation in endorsing Baroness Deech's appointment as Chair of the House of Lords Appointments Commission. We wish Baroness Deech well in her new role and look forward to continued engagement with her during his term.*

18. *We are however concerned that the House of Lords Appointments Commission has been carrying a vacancy for a significant period of time. We recommend that the Government recruit a new independent member to the Commission as a matter*

of urgency. Should the Government fail to do so within three months, we expect the Government to write to us to explain why the vacancy persists and the steps they are taking to fill the vacancy and their timeline for doing so.

19. *Moreover, we recommend that, moving forward, the Government commits to writing to this Committee each time a vacancy arises on the House of Lords Appointments Commission, setting out the steps they are taking to fill the vacancy and their timeline for doing so.*

Appendix 1: Questionnaire

Section 1: Motivation

1. What motivated you to apply for this role?

I decided to apply out of concern for the probity and efficiency of the House of Lords. I would like to do what I can to protect and clarify its role in the eyes of the public. I am not alone in feeling that public trust in the Lords risks being damaged by the way that some recent appointments have been perceived, and that the vital work of the Lords in legislation might be undermined if its members are not all seen to be serious, responsible and qualified people who are up to the job. For years I have been interested in reform of the Lords and, while its size and existence are not within HOLAC's remit, the quality of its membership needs to be safeguarded. The reputation of the House of Lords stands and falls together with HOLAC because HOLAC is widely seen as the guardian of the worthwhile nature of persons appointed as peers. When its advice is rejected it is a serious blow to its mission - the reputation of the House, as well as the PM, is damaged. The public want trust to be restored and to see more expertise and I would welcome the chance to achieve this. I have watched the work of HOLAC with interest ever since applying myself, and I follow Lord Norton's group on reform of the Lords.

2. What specific experiences would you bring to this role?

The post requires strong leadership skills and a thick skin. I have led a number of organisations that have had difficult relationships with those affected and which were at the outset unpopular with the members of the regulated professions, and in each case I managed to establish a smoother and cooperative relationship with the professions. For example, some fertility doctors disliked the establishment of the Human Fertilisation and Embryology Authority, of which I was an early chair. We managed to convince them that regulation was good for their practices and reputation; in addition I dealt with patients whose wishes had to be denied and with organisations with deep conviction against IVF, while allowing respect for the HFEA to grow internationally. We convinced the government to legalise stem cell research, and I succeeded recently in convincing the government to extend the storage period for frozen eggs.

I was the first Independent Adjudicator for Higher Education, an office established to deal with student complaints, of which universities were sceptical, but we set up a good complaints system, and by the end of my tenure the universities wholly accepted our jurisdiction and guidance. The Bar Standards Board, which I chaired, was established to separate the professional and regulatory aspects of the Bar, and once more I found that the regulated barristers were distrustful. My aim was to retain their independence from the solicitors' profession and from the overreaching nature of the Legal Services Board, and I succeeded. All three organisations had Board members of distinction and expertise and I enjoyed chairing meetings. I dealt with Select Committees, Ministers, doctors, lawyers and Vice-Chancellors. I was Principal of St Anne's College for 13 years. I managed expansion of numbers, endowment and buildings, and improved its academic standing. I kept harmonious relationships with the Fellows and with a large student body, and took on various leadership and committee positions in the University.

The media spotlight was frequently on me, especially when the HFEA dealt with difficult ethical questions. I have had media training. I have appeared frequently on Any Questions and Question Time, and on a range of media, sometimes at short notice. I have been lecturing since 1968 and am often invited to be a guest lecturer here and abroad. I have written for newspapers and journals. I was a BBC Governor during the difficult Kelly affair and have some insight into how broadcasting works.

I have experience of drawing in under-represented groups. At Oxford I led a campaign for many years that culminated in the establishment of a chain of university nurseries to enable parents to continue to work. I have raised funds for needy students. I initiated Oxford's first Equal Opportunities Committee when that topic was in its infancy. For years I have combated antisemitism and assisted student victims of it by application of the law and dealing with university authorities. As chair of Admissions at Oxford I led outreach activities and changes to the entrance system to ensure that it enabled candidates from all backgrounds to succeed. As a Rhodes Trustee I was also one of the initial Mandela-Rhodes Trustees, charged with transferring Rhodes funds to students in Africa to enable them to study there rather than coming to Oxford and perhaps never returning. I have chaired major reports on the retention of women doctors, and on disability, and worked to get implementation of our recommendations.

I have made hundreds (thousands, if one includes student candidates) of appointments, ranging from lecturers, to judges, counsellors, administrative staff, board members, executives and architects. I find some recommended assessment tools too rigid. I am wary of exclusive "box ticking" which can omit crucial qualities of personality and I am confident of relying on my own judgment when the choices are close.

3. If appointed, are there specific areas within your new responsibilities where you will need to acquire new skills or knowledge?

Establishing a working relationship with the civil servants involved; interacting and working effectively with Ministers and party leaders; setting the boundary between transparency and data protection.

4. How were you recruited? Were you encouraged to apply, and if so, by whom?

I was encouraged to apply by the Cabinet Office; and then applied through the regular appointment process.

Section 2: Personal Background

1. Do you currently or potentially have any business, financial or other non-pecuniary interests or commitments, that might give rise to the perception of a conflict of interest if you are appointed? How do you intend to resolve any potential conflicts of interests if you are appointed?

I have no business or financial interests. I would retain my honorary legal positions, and Livery company membership. I would resign from any position that might give a perception of conflict.

2. If appointed what professional or voluntary work commitments will you continue to undertake, or do you intend to take on, alongside your new role? What impact would they have on your ability to carry out your new role?

None, save for membership of two advisory councils which meet rarely.

3. Have you ever held any post or undertaken any activity that might cast doubt on your political impartiality? If so how will you demonstrate your political impartiality in the role if appointed?

No political activity.

4. Do you intend to serve your full term of office?

Yes, subject to any appraisal or assessment procedures that might apply to my chairmanship.

Section 3: Chair of the HOLAC Appointment

If appointed what will be your main priorities on taking up the role?

HOLAC currently vets all appointments to the Lords, aside from hereditary peers and Lords Spiritual. However it is my belief that all should be subject to the Nolan principles and checked for suitability, not just propriety, as is the case at the moment. The public believes that that is the case, although it is not. There is a tension to be managed between confidentiality and transparency but I think that political appointments should be put forward with statements by the nominator as to their suitability, and the nominee should also make such a statement. I would search for a way to avoid the situation where a PM insists on an appointment thought to be unsuitable by HOLAC. Although I would welcome the change, I think it is unlikely that any PM would agree to putting HOLAC on a statutory basis that might thwart their intended nominations, so to be realistic HOLAC has to concentrate more on the issue of suitability. Potential appointees should be made aware that leave of absence is not to be abused; that they have a job of work to do; and that there will be some follow up of their participation (recognising that this is not a HOLAC specific function). There should be a longer and regular Annual Report, referring inter alia to the effect of decisions on the political balance of the House. Steps should be taken to encourage more applications from under-represented candidates and from all the regions. To appoint more crossbenchers, whose presence is likely to increase trust in the House. To consider regional meetings to inform potential candidates of the HOLAC process. To consider how to handle vetting if, as has been suggested, a new Labour PM wished to appoint 100 new peers to alter the balance in the House, and whether this would present an opportunity to address the issue of size.

What criteria will you use to judge your performance over your term of office?

Whether all or any of the objectives listed have been achieved. Whether the reputation of the House has improved and there are signs of more trust in the process of appointment. Whether there has been satisfactory assessment of my performance by the Committee or Ministers. That the PM has not rejected any recommendation by HOLAC.

If appointed, how do you plan to maintain the independence, trustworthiness and impartiality of HOLAC?

By ensuring that the right criteria are applied across the board, and that robust public measures are taken if a PM rejects the decision that a candidate is unsuitable. By as much transparency as possible in public communications and publications, bearing in mind confidentiality and data protection. I would explore the possibility of HOLAC becoming a statutory body. By thoroughly overseeing the sifting process.

How do you assess the public profile and reputation of HOLAC?

At the moment its reputation is entwined with that of the Lords. It is fairly low profile until there is a public disagreement over an appointment. Its reputation was higher at its start when there were well publicised appointments of exceptional "People's Peers", and appointing a few more every year would improve matters. In general there is little news about HOLAC but the PM's rejection of its advice not to appoint certain candidates was damaging. If this occurred again it would seriously undermine HOLAC and lead to questioning whether it was worth maintaining its existence.

What do you consider to have been the main successes and failures of HOLAC in recent years?

Amongst its successes is the belief on the part of the public that there is rigorous scrutiny of new peers, compensating, as it might be said, for the non-democratic nature of the Lords. Conversely when its advice is rejected, or when there is no substantive explanation for the appointment of a political peer, other than eg donations to a party or personal friendships, it is regarded as a failure because the public believe that HOLAC has more vetting power than it actually has. It has successfully appointed many hardworking and expert crossbenchers, and trust in HOLAC membership has been maintained. There have not been sufficient reports and publications and possibly insufficient public exposure and communication. Obviously it is not the fault of HOLAC but had it been on a statutory basis, it would have been more visibly independent and this would have increased trust in the House itself. Its failure to block certain appointments highlighted this weakness but, again, it was not the fault of HOLAC. The suitability issue is most problematic in the system of resignation honours. This practice dates back only to the late 19th century, has not been continuous and I would wish to point this out in the hope that a more responsible and limited system might come to be adopted.

Appendix 2: Baroness Deech's CV

Name	Baroness (Ruth) Deech of Cumnor DBE KC
EDUCATION	
School/University	Christ's Hospital; St Anne's College Oxford BA 1st class Jurisprudence 1965; Brandeis University USA MA 1966 Fulbright Travel Award
Professional	Call to the Bar (Inner Temple) 1967
CAREER	
1968–70	Assistant Law Professor, University of Windsor, Canada
1970–1991	Fellow & Tutor in Law, St Anne's College Oxford
1971–1991	Lecturer in Law Oxford University
1991–2004	Principal, St Anne's College Oxford
1994	Visiting Lecturer, University of Cape Town.
1994–2002	Chair Human Fertilisation & Embryology Authority
1997–2006	Rhodes Trustee
2001–2004	Pro-Vice Chancellor, Oxford University
2002–2006	BBC Governor
2003 -2006	Mandela Rhodes Foundation Trustee
2004–2008	First Independent Adjudicator for Higher Education
2005	House of Lords, crossbench
2006	Lionel Cohen lecturer, Hebrew University
2008–2015	Gresham Professor of Law
2009–2014	Chair, Bar Standards Board
2018 - 2022	Board member, Law Commission
Other	Many visiting lecturerships. 3 honorary degrees.
WIDER INTERESTS	
1980 -1990	School Governor, Carmel College Berkshire
1986–1999	Established Oxford University Nurseries
1990–1998	Initiator Oxford University Equal Opportunities Committee; Working Party on Freedom of Speech
1993–1997 and 2000–2003	Chair, Oxford University Admissions Committee, setting outreach and selection policy
1993–1994,	Member, Committee of Inquiry into Equal Opportunities on the Bar Vocational Course
1995–2004	Chair, Oxford University Grievance Panel
1997–2002	School Governor, University College School, London NW3
2000--	Fellow, Royal Society of Medicine.

2003-	Liveryman, Drapers' Company
2003 -	Board Member Roth Institute for the Study of Antisemitism, Tel Aviv University
2006–2010	Member of House Lords Select Committee on the Merits of Statutory Instruments
2009	Chair, Department of Health Working Party, Report "Women Doctors: Making a Difference"
2010–2015	Member of House of Lords Select Committee on communications
2015–16	Chair, House of Lords Committee on Post-Legislative Scrutiny of Equality Act & Disability, Report The Equality Act 2010: The Impact on Disabled People HL Paper 117
2022 -	Board Member, UN Watch
2022 -	Patron, Stand with Us, UK Lawyers for Israel
PUBLICATIONS AND MEDIA	
	"Biomedicine, the Family and Human Rights" ed. 2002
	"From IVF to Imortality" OUP 2007
	Numerous articles on Reproductive Medicine, Family Law and Property Law; external examiner, member editorial boards. Frequent radio and TV appearances

Formal minutes

Tuesday 24 October

Members present:

Ronnie Cowan

Jo Gideon

Rt Hon David Jones

Rt Hon John McDonnell

Damien Moore

Tom Randall

Lloyd Russell-Moyle

John Stevenson

In the absence of the Chair, Mr David Jones was called to the chair.

Draft Report (*Appointment of Baroness Deech as Chair of the House of Lords Appointments Commission*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 19 read and agreed to.

The Candidate's curriculum vitae and supporting documents were appended to the Report as Appendices.

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

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

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order 134.

Adjournment

[Adjourned till Thursday 9 November 2023 at 09.30am]

Witnesses

The following witness gave evidence. A Transcript can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 24 October 2023

The Baroness Deech DBE KC

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 2022–23

Number	Title	Reference
1st	Parliamentary and Health Service Ombudsman Scrutiny 2020–21	HC 213
2nd	The Work of the Electoral Commission	HC 462
3rd	Governing England	HC 463
4th	Propriety of Governance in Light of Greensill	HC 888
5th	Governing England: Follow up to the Government's response to the Committee's Third Report of Session 2022–23	HC 1139
6th	Parliamentary and Health Service Ombudsman Scrutiny 2021–22	HC 745
7th	The Role of Non-Executive Directors in Government	HC 318
8th	Where Civil Servants Work: Planning for the future of the Government's estates	HC 793
9th	Civil Service People Survey	HC 575
1st Special	Coronavirus Act 2020 Two Years On: Government response to the Committee's Seventh Report of Session 2021–22	HC 211
2nd Special	The Cabinet Office Freedom of Information Clearing House: Government Response to the Committee's Ninth Report of Session 2021–22	HC 576
3rd Special	Parliamentary and Health Service Ombudsman Scrutiny 2020–21: PHSO and Government responses to the Committee's First Report	HC 616
4th Special	The Work of the Electoral Commission: Government Response to the Committee's Second Report	HC 1065
5th Special	The Work of the Electoral Commission: Electoral Commission response to the Committee's Second Report of Session 2022–23	HC 1124
6th Special	Parliamentary and Health Service Ombudsman Scrutiny 2021–22: Government and PHSO response	HC 1437
7th Special	The Role of Non-Executive Directors in Government: Government response to the Committee's Seventh Report of Session 2022–23	HC 1805
8th Special	Where Civil Servants Work: Planning for the Future of the Government's Estates: Government and Office for National Statistics response to the Committee's Eighth Report	HC 1868

Session 2021–22

Number	Title	Reference
1st	The role and status of the Prime Minister's Office	HC 67
2nd	Covid-Status Certification	HC 42
3rd	Propriety of Governance in Light of Greensill: An Interim Report	HC 59
4th	Appointment of William Shawcross as Commissioner for Public Appointments	HC 662
5th	The Elections Bill	HC 597
6th	The appointment of Rt Hon the Baroness Stuart of Edgbaston as First Civil Service Commissioner	HC 984
7th	Coronavirus Act 2020 Two Years On	HC 978
8th	The appointment of Sir Robert Chote as Chair of the UK Statistics Authority	HC 1162
9th	The Cabinet Office Freedom of Information Clearing House	HC 505
1st Special	Government transparency and accountability during Covid 19: The data underpinning decisions: Government's response to the Committee's Eighth Report of Session 2019–21	HC 234
2nd Special	Covid-Status Certification: Government Response to the Committee's Second Report	HC 670
3rd Special	The role and status of the Prime Minister's Office: Government Response to the Committee's First Report	HC 710
4th Special	The Elections Bill: Government Response to the Committee's Fifth Report	HC 1133

Session 2019–21

Number	Title	Reference
1st	Appointment of Rt Hon Lord Pickles as Chair of the Advisory Committee on Business Appointments	HC 168
2nd	Parliamentary and Health Service Ombudsman Scrutiny 2018–19	HC 117
3rd	Delivering the Government's infrastructure commitments through major projects	HC 125
4th	Parliamentary Scrutiny of the Government's handling of Covid-19	HC 377
5th	A Public Inquiry into the Government's response to the Covid-19 pandemic	HC 541
6th	The Fixed-term Parliaments Act 2011	HC 167
7th	Parliamentary and Health Service Ombudsman Scrutiny 2019–20	HC 843
8th	Government transparency and accountability during Covid 19: The data underpinning decisions	HC 803

Number	Title	Reference
1st Special	Electoral law: The Urgent Need for Review: Government Response to the Committee's First Report of Session 2019	HC 327
2nd Special	Parliamentary and Health Service Ombudsman Scrutiny 2018–19: Parliamentary and Health Service Ombudsman's response to the Committee's Second report	HC 822
3rd Special	Delivering the Government's infrastructure commitments through major projects: Government Response to the Committee's Third report	HC 853
4th Special	A Public Inquiry into the Government's response to the Covid-19 pandemic: Government's response to the Committee's Fifth report	HC 995
5th Special	Parliamentary Scrutiny of the Government's handling of Covid-19: Government Response to the Committee's Fourth Report of Session 2019–21	HC 1078
6th Special	The Fixed-term Parliaments Act 2011: Government's response to the Committee's Sixth report of Session 2019–21	HC 1082
7th Special	Parliamentary and Health Service Ombudsman Scrutiny 2019–20: Government's and PHSO response to the Committee's Seventh Report of Session 2019–21	HC 1348