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Simon Hoare MP
Chair of the Public Administration and Constitutional Affairs Committee

16 December 2025

By email only

Dear Chair,

Thank you for inviting me to appear before your Committee earlier this month.

I committed to write to you in response to three pairs of important questions. Please see my answers below.

MINISTERIAL DECISIONS NOT TO APPOINT CANDIDATES FOUND APPOINTABLE

Q45 How often do Ministers not appoint from an application process where there have been appointable candidates?

Q46 Can you remember examples?

My office does not collect this data.

ASPECTS OF THE IFR CHAIR CAMPAIGN CONDUCTED BEFORE THE 2024 GENERAL ELECTION

Q60 There were already delays at that stage [under the previous Government, before the 2024 General Election], and we had already had not an ideal process followed at that point.

Q61 An area that was not a technical breach but was still a problem—the process of having a candidate whose application was submitted by invitation, it would appear, after the closure of the process—took place under the last Government. Is that correct?

Several stages of the campaign to appoint the chair of the Independent Football Regulator took place before the 2024 General Election. As my inquiry report makes clear, planning began in August 2023, the Senior Independent Panel Member was chosen in April 2024 and the campaign opened to applications in May 2024.

It is correct that, under the previous Government, Mr Kogan was invited to apply by the Permanent Secretary of the Department for Culture, Media and Sport. It is also correct that the deadline for applications was extended for Mr Kogan. When asked about this as part of the inquiry, the Permanent Secretary stated that this is ordinary practice, open to all potential candidates on request, and that applications were extended for one other individual.

UPDATED DECLARATION REQUIREMENTS UNDER NEW GOVERNANCE CODE

Q63 Under the new code, would anyone in a significant office, such as another Minister in that Department or indeed in another Department, have to report any potential interest if they were to try to influence the process?

Q64 That potentially leaves a difficulty for anyone who is a Minister who may well have the opportunity to speak with the appointing Minister in knowing whether or not they should declare such an interest, if you cannot give an assessment as to whether or not this would have been a breach.

It is correct that the new Governance Code expands the scope of those required to adhere to the principle of Integrity, the definition of which requires declaration of any interests and relationships.

The principles of public appointments in the new Code, like the old, 'apply to all those involved with public appointments processes'; however, while under the old Code the principle of Integrity applied specifically to 'Ministers when making appointments', under the new Code it applies to Ministers when making appointments 'and all others involved in the appointment process'.

There may sometimes be ambiguity in what constitutes 'involvement' under the new Code. This will vary from case to case. However, if there is uncertainty as to whether an individual has been sufficiently involved to require declaration of his or her interests and relationships, my advice is simple: it is always better to err on the side of declaration.

Yours sincerely,



William Shawcross CVO
Commissioner for Public Appointments