



House of Commons
Public Administration
and Constitutional Affairs
Committee

The appointment of Rt Hon the Baroness Stuart of Edgbaston as First Civil Service Commissioner

Sixth Report of Session 2021–22

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

*Ordered by the House of Commons
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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), Victoria Cummings (Committee Specialist), Dr Matthew Fright (Committee Specialist), Iwona Hankin (Committee Operations Officer), Gabrielle Hill (Committee Operations Manager), Dr Philip Larkin (Committee Specialist), Sibel Taner (Second Clerk), Dr Patrick Thomas (Committee Specialist), Christopher Watson (Assistant Clerk), and Tim West (Senior Media and Communications Officer).

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1 The Role of First Civil Service Commissioner

The Civil Service Commission

1. The Civil Service Commission (“the Commission”) is a non-departmental public body sponsored by the Cabinet Office. It is established by statute to ensure that Civil Service appointments are made on the basis of merit, through fair and open competition and to protect Civil Service impartiality. The Commission also oversees the application of the Civil Service Code. It promotes awareness of the Code amongst civil servants and hears complaints from civil servants made under the Code.
2. The Commission was established as part of the response to the Northcote-Trevelyan Report of 1854. It had been commissioned to inquire into the public administration in the UK after it the Crimean War was felt to have exposed a number of significant failings and it is widely seen as laying the foundations of the modern Civil Service. Foremost amongst the shortcomings identified in the Report was the dominance of patronage as the means of staffing the Civil Service. The historian Lord Hennessy said that the Civil Service of the day “sagged under the weight of family, patronage and obligation”.¹ Entry to the Civil Service was in the gift of existing senior officials or Ministers and though competition was strong as it was a popular career, it was, the Report said, amongst the “unambitious and the indolent and incapable”.²
3. The Northcote Trevelyan Report established the principle of a non-partisan permanent, Civil Service that continues through changes of government, recruited on merit through open competition. The Civil Service Commission was established in 1855 by Order in Council to put the principle into practice as “the institutionalised guarantor of merit and probity against the corrupting forces of favouritism and patronage”.³
4. The Commission continued to operate on the basis of an Order in Council until the Constitutional Reform and Governance Act 2010 (the “CRAG Act”) put it on a statutory footing.⁴ The CRAG Act defines the criteria by which recruitment to the Civil Service must be conducted. Section 10(2) states that Civil Service recruitment must be “on merit on the basis of fair and open competition”.⁵ The primary task performed by Civil Service Commissioners is to ensure that those principles are adhered to.
5. The CRAG Act requires the Commission to publish Recruitment Principles, following consultation with the Minister for the Civil Service which the Civil Service management must comply with.⁶ By convention, the office of Minister for the Civil Service is held by the Prime Minister, though the day-to-day responsibility is usually delegated to a Minister in the Cabinet Office. Individual departments and agencies are responsible for their own recruitment practice but are expected to comply with the Principles. The Recruitment Principles elaborate on the statutory criteria of merit and fair and open competition:

1 P. Hennessy Whitehall Pimlico Press, p.27

2 [Report on the Organisation of the Civil Service](#) 1854, p. 4

3 P. Hennessy Whitehall Pimlico Press, 1989, p.371

4 [s2, s11–14, Schedule 1](#)

5 [S10\(2\)](#)

6 [S11\(2\) and \(4\)](#)

- Merit means the appointment of the best available person judged against the published criteria for the role. No one should be appointed to a role unless they are competent to do it and the appointment must be offered to the person who would do it best.
- Fair means there must be no bias in the assessment of candidates. Selection processes must be objective, impartial and applied consistently.
- Open competition means that appointment opportunities must be advertised publicly. Potential candidates must be given reasonable access to information about the role and its requirements, and about the selection process. In open competitions anyone who wishes must be allowed to apply.⁷

6. The Commission is supported by a small secretariat seconded from the Cabinet Office. The Commission's secretariat also serves the Office of the Commissioner for Public Appointments and the Advisory Committee on Business Appointments (ACOBA).

First Civil Service Commissioner

7. In the Application Pack for the role,⁸ the main duties of the First Civil Service Commissioner were listed as:

- be the public face of the Commission;
- provide leadership—personal and professional—to the Commission, leading its policy development and regulatory decision-making;
- uphold the values of the Civil Service—honesty, integrity, objectivity and impartiality—and the principles of selection on merit on the basis of fair and open competition;
- personally chair the most senior competitions;
- play a central role in developing and modernising the Civil Service so it has the right capability to respond to the challenges facing the country; and
- take an active part in the Senior Leadership Committee chaired by the Permanent Secretary to the Treasury, which manages the movement and development of the most senior staff within the Civil Service.

8. The skills and experience required were listed as:

- excellent judgement and the ability to assimilate a range of evidence and perspectives;
- strong communication skills;
- the ability to demonstrate authority and command trust and confidence at all levels, including with Ministers and senior officials;

7 Civil Service Commission [Recruitment Principles](#) April 2018, paras 4–6

8 Civil Service Commission/Cabinet Office [First Civil Service Commissioner Candidate Information Pack](#), p. 4-5

- experience of selecting individuals at a senior level in the private, public or voluntary sectors; and
- the ability to lead and work within a diverse team of influential people; and
- personal commitment to upholding the Seven Principles of Public Life.

In addition to these, the application goes on to state candidates should have an “understanding” of government and the Civil Service whilst being “demonstrably” independent of each. Almost all previous holders of the role have been drawn from the Civil Service or the wider public service. However, the application pack states that experience beyond the Civil Service is required and cites the Triennial Review of the Civil Service Commission conducted by Lord Grimstone in 2015 which suggested that there were advantages to future holders of the post to have wider experience than that of the Civil Service.⁹

2 The Recruitment Process

9. The vacancy for First Civil Service Commissioner arose following the end of the Ian Watmore, the previous holder's, five-year term. The process for recruiting the First Civil Service Commissioner is set out in [Schedule 1 of the CRAG Act](#). The appointment is made by the Sovereign on the basis of a recommendation from the Prime Minister (as Minister for the Civil Service). Before making the recommendation, the Prime Minister is required to consult with both the First Ministers of Scotland and Wales and relevant Opposition Party leaders in Westminster. The appointment must be made on merit following a fair and open competition.

10. The post was advertised from 6 August 2021 and was scheduled to close for applications on 9 September 2021. However, the deadline was extended to 14 September to allow for further applications as only seven had been received. By the extended deadline, 18 had been received.

11. The panel comprised:

- Simon Case, Cabinet Secretary;
- Sarah Healey, Permanent Secretary, Department for Culture, Media and Sport;
- Lord Kakkar, independent of government and the Civil Service Commission;
- Sue Langley, Lead Non-Executive, Home Office and Chair of Gallagher UK.

12. Five candidates were interviewed on 8 October, two of whom were deemed appointable by the panel and passed to the Prime Minister for the final selection. As we have come to expect of the Cabinet Office, the appointment process was ongoing at the time the incumbent Ian Watmore's five-year term which was due to end on 1 October. As the CRAG Act prohibits reappointment or extensions to the First Civil Service Commissioner's term, one of the commissioners, Rosie Glazebrook, has been serving as interim First Civil Service Commissioner since then.

13. The diversity data for the applicants was as follows:

- 71% male/29% female
- 59% white/42% minority ethnic/1% did not declare
- 76% non-disabled/24% disabled.

The Government's Preferred Candidate: Baroness Stuart

14. Baroness (Gisela) Stuart is a crossbench peer. Between 1997 and 2017, she was the Labour MP for Birmingham Edgbaston. In her time in the House, she was Parliamentary Under Secretary for Health between 1999 and 2001, served on several select committees and edited The House Magazine between 2005 and 2017. She was Chair of the board of Vote Leave during the Brexit campaign. She was elevated to the Lords in September 2020 where she sits as a crossbench peer. Before entering Parliament, she spent most of her career as a bookseller before training as a lawyer.

15. Since retiring from the Commons, she has held a variety of public positions. These include Lead Non-Executive (“NED”) for the Cabinet Office, Chair of Wilton Park (a Foreign, Commonwealth and Development Office agency and venue) and Chair of the Royal Mint Advisory Committee on the Design of Coins and Medals. Outside public service, she has been a director of the Henry Jackson Society, (though she has indicated that she has stepped down from this position), a member of the Board of Birmingham City University and the Advisory Board of Birmingham Business School.

Oral Evidence

16. The Committee held a pre-appointment hearing with Baroness Stuart on 3 February 2021. This report should be read in conjunction with the transcript of that hearing, available from the Committee’s webpage.¹⁰ In advance of the hearing, she provided answers to a written questionnaire and a copy of her *curriculum vitae*.

17. In oral evidence, the Committee questioned Baroness Stuart about her suitability for the role and her relevant prior experience. Topics covered in the session included:

- How Baroness Stuart plans to balance her role as First Civil Service Commissioner with her other commitments;
- Concerns about her perceived impartiality as a former politician;
- How she plans to manage any real or perceived conflicts of interest that arise from her other Government roles, including how she will carry out her role if required to recuse herself from the recruitment process for key appointments; and
- The role of the First Civil Service Commissioner in relation to Government plans for reform of the Civil Service.

18. Whilst the majority of the Committee members were content to endorse Baroness Stuart’s appointment as First Civil Service Commissioner, reservations were expressed about her suitability for the role and, in particular, her perceived impartiality.

19. *Nevertheless, on the basis of her answers to the questions we put to her, the Committee endorses Baroness Stuart’s appointment as First Civil Service Commissioner. We wish her well in her new role.*

Appendix

Letter from Steve Barclay MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office to the Chair, dated 12 December 2021

First Civil Service Commissioner recruitment

I wrote to you on 12 October confirming that the recruitment process for the First Civil Service Commissioner was making good progress and that we were working towards pre-appointment scrutiny as soon as possible.

I am pleased to be able to confirm, in confidence, that the Prime Minister's preferred candidate for this role is Baroness Gisela Stuart. This will be publicly announced later this afternoon and I should be grateful for the Committee's discretion prior to the announcement.

Baroness Stuart has served as the Cabinet Office Lead Non Executive Board Member since 2020 (which she is stepping down from today). She is also the Chair of the Board and the Advisory Council of Wilton Park (since 2018) and will serve out her time in this role. She was previously Labour MP for Birmingham Edgbaston (1999–2017), and Chair of the Board of Vote Leave (2016). Since 2017, Baroness Stuart has undertaken a series of non-partisan roles and now sits as a Crossbench Peer. A CV for Baroness Stuart is attached. In order to manage any potential or perception of conflict of interest from her Cabinet Office and Wilton Park roles she will be recused from the Commission's work relating to recruitment and civil service code cases from those departments for an appropriate period of time.

The role of the First Civil Service Commissioner was advertised between 6 August and 14 September 2021 on the HM Government Public Appointments website. Eighteen applications were received and five candidates were interviewed on 8 October 2021. The panel found two candidates appointable, and the Prime Minister selected one of these as his preferred candidate.

The candidate pack, Baroness Stuart's CV and further information about the campaign, including diversity information of applicants, are annexed separately. My officials will work with the Committee's Clerk to ensure that preparations are made for the pre-appointment scrutiny hearing and that the committee is provided with any further information it requires.

Formal Minutes

Thursday 3 February 2022

Members Present

Ronnie Cowan

Jackie Doyle-Price

Mr David Jones

David Mundell

Tom Randall

In the absence of the Chair, Jackie Doyle-Price was called to the chair.

Draft Report (*The appointment of Rt Hon the Baroness Stuart of Edgbaston as First Civil Service Commissioner*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 18 read and agreed to.

Paragraph 19 read as follows:

Nevertheless, on the basis of her answers to the questions we put to her, the Committee endorses Baroness Stuart's appointment as First Civil Service Commissioner. We wish her well in her new role.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 3	Noes, 1
Tom Randall	Ronnie Cowan
Mr David Jones	
David Mundell	

Question accordingly agreed to.

Paragraph agreed to.

Resolved, That the Report be the Sixth 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.

[Adjourned till Tuesday 8 February 2021 at 9.30am

Witnesses

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

Thursday 3 February 2022

Baroness Stuart, Government's nominated candidate as First Civil Service Commissioner

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 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
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

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