

CONSULTATION TO MAKE AN APPOINTMENT WITHOUT A COMPETITION: NATIONAL NUCLEAR LABORATORY

The Commissioner for Public Appointments has been consulted under paragraph 3.3 of the Governance Code on Public Appointments (the Governance Code) by the Minister for Energy and Industry to make an appointment, exceptionally, without a competition.

The Governance Code requires the appointing authority to consult the Commissioner in good time before the appointment is made and to make the decision public alongside their reasons for doing so.

Appointing authority's reasons for making an appointment without competition

The Minister for Energy and Industry, Jesse Norman MP, has decided to appoint Claire Flint as a non-executive director (NED) for two years six months without putting the post out to open competition.

The Minister has informed the Commissioner that he believes that the appointment is exceptional on the following grounds:

- Ms Flint's skills and experience closely match the needs identified by a recent independent board review;
- Her service as a NED Associate has established her not only as an excellent and clearly appointable candidate but as the likely appointee if the post were advertised and competed;
- NNL is currently undergoing a major programme of business transformation and Ms Flint's in-depth knowledge of this will be very helpful in the next two years;
- Ms Flint's appointment would ensure improved gender diversity in the non-executive side of the Board;
- The time, effort and expense involved in running a competitive recruitment would represent poor value and that a direct appointment is a sensible and a pragmatic course of action.

Appointee

Claire Flint is a leadership consultant and former HR and Brand Director of Oxford Instruments. She has served as an unpaid Non Executive Director associate on the NNL Board from 2014-16 through the Women On-Board scheme.

Commissioner's response to the Consultation

The Commissioner for Public Appointments has considered the Minister's reasons. He considers that Ms Flint's appointment has many positives.

He advised the Minister that there were, however, questions as to whether the circumstances were sufficiently exceptional to justify an exemption from the general principle that public appointments should be made through open competition.

He expressed concerns that a precedent could be created and that other Ministers and Departments might also make the argument that "*the time, effort and expense involved in running a competitive recruitment would represent poor value and that a direct appointment is a sensible and a pragmatic course of action*" which could risk undermining the Public Appointments Principles of Assurance and Fairness that are set out in the Governance Code.

The Commissioner was prepared to agree to Ms Flint's appointment on the grounds outlined of her special personal characteristics and background and fit with the NNL Board's needs but suggested that the term of her appointment should be limited to two years at which point an open competition should be held.

The Commissioner did not consider the appointment to be setting any precedent.

**Commissioner for Public Appointments
April 2017**