



**The Commissioner for
Public Appointments**

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Oliver Dowden MP
Minister for Implementation
Via email

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Dear Oliver

It was good to see you recently to discuss developments on public appointments. As promised then I enclose a copy of my report on the recent appointments to the board of the Office for Students as well as some suggestions about how to improve due diligence in the appointments process in a realistic and proportionate way.

In my report I acknowledge the good intentions of both the Department for Education and the Office for Students in seeking to create a balanced and diverse board on the basis of a fair and equal method of selection. I am, however, concerned over the way the appointment of the board member with student experience was handled, both the reasons for the rejection of the three candidates regarded as appointable by the interview panel and then the way that the interim replacement was selected.

The failings in due diligence over the appointment of Toby Young have been widely aired. I have not expressed a view on the merits of his appointment which was a matter for the interview panel and for Jo Johnson, the then Universities Minister. I note that his candidacy was considered in the proper way and he was assessed as appointable by the interview panel chaired by Sir Michael Barber, Chair of the Office for Students.

The controversy following the announcement of his appointment about his tweeting and other statements raises questions about whether the interview panel and Mr Johnson should have been aware of this activity which they have said they were not. The Department for Education has said that due diligence took place ahead of all appointments including internet searches for public statements. These were clearly not enough. In his statement to the House of Commons on 8th January 2018 Mr Johnson stressed the need to look at 'what is

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reasonable and proportionate'. He said that it was 'not reasonable or proportionate for the Government to trawl through tens of thousands of tweets over many years'.

In the annex to the report, I discuss this question and suggest possible ways forward which are practical and proportionate. Essentially what is required is expanding the current due diligence searches to take account of social media. These need not involve time and resource intensive trawls through all tweets, but, rather, a 'trip wire' search to identify potential problems. The key is alerting the interview panel and ministers to such issues which can be raised with a candidate. It is then for ministers to decide in the light of this evidence and the candidate's response whether they want to appoint. I am happy to discuss possible ways to turn this discussion into guidelines for departments.

The social media/tweeting question is part of a broader concern about whether conflicts of interest are given enough attention by departments and in interviews. There is a sense that the 'is there anything embarrassing to tell us' question is often posed hurriedly as a formality at the end of an interview. Due diligence and potential conflicts of interest need to be given a higher priority by departments and by panels to avoid later problems.

I look forward to keeping in touch on public appointments issues, notably how to push forward the Diversity Action Plan launched last December.

All best wishes
Yours sincerely



Peter Riddell
Commissioner for Public Appointments

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