



**The Commissioner for  
Public Appointments**

**Rt Hon Peter Riddell CBE**  
**Commissioner for Public Appointments**  
G/07, 1 Horse Guards Road, London, SW1A 2HQ  
*Telephone* 020 7271 0835

*E-Mail* publicappointments@csc.gov.uk

Sam Gyimah MP  
Minister of State for Universities, Science, Research and Innovation  
Via email

26 February 2018

*Dear Sam,*

**Appointment of Ruth Carlson**

Many thanks for your letter of 16 January 2018 seeking approval for the appointment of Ruth Carlson to the Office for Students (OFS) Board for a period of nine months under paragraph 3.3 of the Governance Code, now amended to no more than six months. This letter is a revised version of one which I sent you on 18 January 2018 and which takes account of further exchanges with your department and my broader enquiry into the non-executive appointments to the OFS Board, which I have now completed and enclose.

The appointment of Ruth Carlson was announced by your Department on 1 January 2018 without any reference to it being an interim appointment. An official from the Cabinet Office had approached my office in December 2017 about making an appointment without fair and open competition to this body. The enquiry, by phone, was on a hypothetical/ in principle basis. No names were mentioned and no formal request was received. Such informal enquiries are common but they have to be followed by a formal request with specific names and explanations.

It was only when I noticed that Ruth Carlson was not among the names considered by the interview panel that it became apparent that she had been appointed without a competition. That is in clear breach of paragraph 3.3 of the Code which states that, in the exceptional cases of appointing without a competition, ministers 'must make the decision public alongside their reasons for doing so. They must consult the Commissioner for Public

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Appointments in good time before the appointment is publicly announced'. Neither condition was fulfilled.

I note you say that your predecessor 'regrettably did not consult' me publicly before announcing the decision and that 'we will take steps to ensure that this does not happen again'. I appreciate the assurances from your department that there was no intention to mislead. Meanwhile, I will record the breaches of the Code in my annual report for 2017-18 when it is published later in the year.

My inquiry has established the background to the decision and my serious concerns over the way in which ministers eventually rejected all of the three candidates for the 'student experience' role on the Board assessed as appointable by the interview panel. Rejecting candidates in this way is entirely within the rights of ministers under the Code but an explanation is necessary when an alternative candidate is put forward.

It would have been helpful if it had been publicly stated earlier that Ruth Carlson had previously been selected in a separate competition for the OFS Student Panel. I find unconvincing the argument that the department had planned to provide a fuller explanation, including the interim nature of the appointment, in a press statement a few days after the original one on 1 January. While this provides support for her appointment to the full OFS Board on an interim basis, it should have been made clear in the original statement on 1 January.

I have every sympathy for the position of Ruth Carlson. As you know, a major part of my role as Commissioner is to champion diversity in public appointments. This includes diversity in terms of age and I believe it is desirable to attract younger candidates like Ms Carlson to put themselves forward for public appointments. It will be unfortunate if the recent controversy deters such interest and applications from younger people..

The way she- and the other candidates for the student role- were treated by the department was unsatisfactory in terms of customer care. In particular, her original letter of appointment of 27 December 2017 referred to a one year term, but this was reduced to nine months in your letter to me of 16 January 2018.

I accept that there was insufficient time to run another competition before the end of 2017. However, to provide public reassurance about the OFS, I believe a full competition should be held as soon as possible to fill this place. This, I stress, is nothing to do with the merits of Ruth Carlson, who is, of course, free to apply. I am pleased by the more recent assurance from your department that a competition is now being launched with the intention of making a substantive appointment as quickly as possible and no later than the end of June 2018. That is in line with my suggestion on 18 January of a maximum interim appointment of six months. I hope the selection criteria will be made clear from the start.

I will put our correspondence on my website and copy it to Robert Halfon as chair of the Education Select Committee.

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All best with  
2 success

Peter

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