



The Commissioner for Public Appointments

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Investigation - Appointment of the Charity Commission Chair by DCMS.

Introduction

This report sets out the findings of an investigation by the Commissioner into the appointment of the Chair of the Charity Commission, a public body sponsored by the Department for Digital, Culture, Media and Sport (DCMS). The report has been made under section 4.(3) of the Public Appointments Order in Council 2016, which permits the Commissioner to conduct an investigation into any aspect of public appointments with the object of improving their quality.

The DCMS Select committee concluded that it did not support the Government's decision to appoint Baroness Stowell as Chair of the Charity Commission, on the grounds that Baroness Stowell did not have sufficient experience of working with a regulatory body, and that her political past was of concern to the committee. The Commissioner had also received a number of enquiries relating to this appointment.

The Commissioner investigated this appointment in order to consider whether the provisions in the Governance Code had been met. This report does not consider pre-appointment scrutiny process or make comment on the Select Committee's findings, as this lies outside of the remit of the Commissioner.

Background

In investigating this appointment, the Commissioner requested the entire recruitment file from DCMS. A list of documentation provided by the department is set out in Annex A. A person specification for the role is set out in Annex B.

Findings

DCMS advertised for the position of Chair of the Charity Commission with a deadline of 22 September, 38 applications were received. The evidence shows that Baroness Stowell was suggested by Ministers, as is permitted in the Governance Code. She submitted an application in the usual way, and that application was assessed alongside others received.

The Government's Governance Code states that 'The Advisory Assessment Panel should agree with the Minister its assessment strategy for determining merit against the selection criteria that the Minister has agreed'. Although the Senior Independent Panel Member had been formally agreed with the Commissioner, the papers confirm that in this case, the strategy was agreed upon by officials and the Ministers, prior to the assessment panel being formed. The Minister was offered the chance to meet with the Assessment panel to discuss strategy, but this offer was not taken up. It is not clear that the panel had any involvement in developing the strategy and the Commissioner would encourage departments to ensure that the process is agreed before the competition commences, and notes it would be helpful if the Government could clarify its guidance on the application of this element of the Governance Code. In this case, however, there was no effect on the outcome.

Regular submissions were made to the Minister by the Public Appointments team providing detailed updates and the opportunity for Ministerial involvement, again this is consistent with the Governance Code. In particular, the diversity of the candidate field was regularly reviewed, and Ministers updated. DCMS also considered the salary and specification for this role. Analysis was given of the salaries of Chairs on comparable bodies, and the Commissioner has found this to be an example of best practice, in attracting the calibre of candidates needs for this significant role. In addition, search consultants were engaged to find appropriate candidates, as well as taking suggestions from Ministers.

The Commissioner has found that the panel's scrutiny of candidates was robust. No 10 had flagged the applications of three individuals, the Secretary of State expressed interest in a further two. The sift report shows that the panel rejected three of those five at this stage, as not having met the advertised criteria.

At interview stage, the remaining candidate suggested by No 10 was rejected as unappointable. Three candidates were found to be appointable. For the purposes of the report, they are referred to as Candidate A, Baroness Stowell and Candidate C. No preference between the three was expressed by the panel, and those names were forwarded to Ministers.

Evidence shows that DCMS Ministers were minded to appoint Candidate A. Following communication with No 10, officials suggested that Ministers meet with the Candidates including Baroness Stowell, the latter having been described as 'exceptionally strong' by the assessment panel.

The process was interrupted by the Christmas and New Year break; and also by the Cabinet reshuffle, and subsequent change of Secretary of State. The evidence shows that the department provided consistent advice to the new Secretary of State, Matt Hancock, who was minded to appoint Baroness Stowell to the role based on the assessment panel's findings. Renewed advice was submitted to the Prime Minister by the Secretary of State in mid January 2018. Confirmation of agreement was received a week later

Conclusion

The Commissioner has concluded that this appointment process was conducted in line with the Government's Governance Code.

Annex A

Initial submission to Ministers

Early field submission to Ministers

Final field submission to Ministers

Panel assessment of candidates at sift stage

Short list submission to Ministers

Panel report following interviews

Final submission to Ministers

Email correspondence between DCMS officials and Ministers

Annex B - Chair of the Charity Commission
Candidate specification

- To be an accessible and engaging ambassador for the organisation, and have the ability to influence high level stakeholders within government and Parliament, the media, the charity sector and the business world;
- The ability to make strategic decisions within a complex and shifting external landscape;
- a commitment to the charity sector's effective, independent, proportionate, and impartial regulation;
- the ability to provide a high quality service and deliver value for money for the taxpayer;
- an understanding of and interest in the charity sector, including an awareness of the multifaceted challenges it faces resulting from changing social and economic circumstances;
- the skills to lead a Board and support the leadership of a high profile organisation by providing strategic guidance and effective challenge;
- the ability to support the organisation through a period of significant change and cultural development as demonstrated by experience in either the private or charity/not for profit sector
- the ability to apply strategic insight and constructive challenge to the Executive team's plans across wide-ranging strategy, delivery and organisational issues;
- personal integrity and resilience, demonstrable independence and other attitudes consistent with the expectations of senior public office in a high profile role.