



**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 6729 / 020 7271 0815
E-Mail publicappointments@csc.gov.uk

14 June 2021

Julian Knight MP
Chair, Digital, Culture, Media and Sport Committee
House of Commons
London, SW1A 0AA

By email: cmscom@parliament.uk

Dear Julian,

I note your recent public comments concerning the progress of the competition run by DCMS to appoint the new Chair of Ofcom, and the decision by the Secretary of State to re-run the competition. In line with my assurance function laid out in the Governance Code, I have closely followed the process at all stages, via officials; through discussion with Paul Potts, the Senior Independent Panel Member, and by examining the record of the interview process.

As raised in my letter to you concerning the competition for the new BBC Chair, the Ofcom competition too was overshadowed by press speculation about the likely successful candidates. This undermined the efforts of DCMS to attract applications from a diverse field. In the end, only nine applications were received, which for a role of this standing is worrying, while the field was not as diverse as DCMS ministers have sought in public appointments.

There have been several, often misleading suggestions about the competition that I want to clarify. First, I am satisfied that the appraisal and interview process by the advisory panel was robust and in line with the Government's Governance Code, and that the assessments of who was and who was not appointable were based on the advertised key criteria and the person and role specifications for this post.

Second, I am satisfied that any potential conflicts of interest from members of the interview panel knowing, or having had dealings, with candidates were properly declared and handled correctly by the panel chair. I have seen no evidence that these interests influenced the panel's judgments.

Third, allegations of improper political interference show a misunderstanding of the process. Clause 3.2 of the Code makes clear that the interview panels are advisory and ministers may therefore reject their advice about the merits of the candidates. Ministers have two options - to appoint a candidate not assessed as appointable by the panel or to re-run a competition with a new panel. The former has not happened during my five years as Commissioner and ministers have always decided in these circumstances, as in this case, to order a re-run of the competition. Ministers do not have to give reasons why. Such re-runs occur from time to time for a variety of reasons, though the delays can be disruptive for the public bodies concerned.



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The Code outlines that ministers must run a fresh competition with a new panel, and I will be formally consulted under the Code about the new Senior Independent Panel Member. I will also be looking at the overall balance and independence of the panel. I have asked to be kept updated at each stage of the competition about the depth and diversity of the field, which has been identified by your committee, and my own compliance visits, as requiring improvement from DCMS.

Above all, it is essential for public confidence in the process that the new competition is seen as genuinely fresh rather than an attempt to get a different answer from the outcome of the first competition. This underlines the importance of the composition of the new advisory panel and of DCMS's attempts to attract a wide range of candidates for such an important position.

I hope this letter is of help to you and your committee and I would be happy to discuss this matter with you further. I will be putting a copy of this letter on my website.

All best wishes and I look forward to being in touch.

Yours sincerely,

Peter Riddell
Commissioner for Public Appointments