

Response to the Review of Public Appointments Regulation

**Committee on
Standards in
Public Life**

September 2011

Chair: Sir Christopher Kelly KCB

1. The current regulatory arrangements for public appointments grew from recommendations made by this Committee's predecessors in 1995. Much has changed since then. The principle of ministerial appointments being on merit after a fair and open process is firmly embedded. The challenge, as for all regulators, is to move beyond a process-based approach to a position where the people running appointment processes as well as those making the appointments naturally conduct themselves in accordance with the principles that underlie the system and can flexibly apply the process as appropriate for different circumstances.
2. In his introduction to the consultation document, the Appointments Commissioner suggests that the current arrangements are some way away from the original ambition of the Committee - that regulation should be undertaken with a light touch and without introducing unnecessary bureaucracy. We agree and welcome the current proposals. We have been consistent when publishing reports and commenting on consultations in calling for proportionate, risk based regulation based on the Seven Principles of Public Life. Of course, the principles still need to be protected even if the process can be streamlined.
3. The ultimate responsibility for public appointments remains with Ministers. It is important that the regulatory framework assists them in ensuring that appointments are based on merit, that they are transparent and that there is an independent element involved. What the Commissioner is proposing ought to deliver such an outcome.
4. The success of the new model will depend on departmental capability. The consultation document recognises the risk that departments do not raise their game sufficiently and that as a result, more regulation will be reintroduced to compensate for weaknesses. To mitigate this risk the regulator will have to ensure that audits of departments' appointments processes are thorough and any problems identified robustly corrected.
5. It is also important that since independent assessors are only to be used for top level appointments, the independent members of departmental appointment panels are, and are seen to be, truly independent of the department undertaking the appointment's process.
6. The Committee will maintain an active interest as these proposals are developed and implemented. The revised system will need to retain the confidence of Parliament and the public that public appointments continue to be made on the basis of merit, fairness and openness based on the Seven Principles. This will require consistent leadership and culture in departments, enforced by the Commissioner where necessary.

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**The Committee on Standards in Public Life
35 Great Smith Street
London SW1P 3BQ**

Tel: 020 7276 2595

Fax: 020 7276 2585

Internet: www.public-standards.org.uk

Email: public@standards.x.gsi.gov.uk

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