

**APPOINTING THE BEST OF**  
**THE BEST IN PUBLIC LIFE –**  
**THE BRITISH EXPERIENCE**



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Commissioner for Public Appointments

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# **THE NOLAN COMMITTEE**

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## **Terms of Reference:**

“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.”



# **WHO ARE “HOLDERS OF PUBLIC OFFICE”?**

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- Ministers, civil servants and advisers;
- Members of Parliament and UK Members of the European Parliament;
- members and senior officers of all non-departmental public bodies and of bodies in the National Health Service;
- non-Ministerial office holders;
- members and other senior officers of other bodies discharging publicly funded functions; and
- elected members and senior officers of local authorities.



# **INITIAL CONCERNS**

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- Were appointments being unduly influenced by party political considerations?
- Was there sufficient openness in the appointments process and in the proceedings of the bodies concerned?
- Was enough being done to maintain standards of propriety?



# **THE SEVEN PRINCIPLES OF PUBLIC LIFE (“THE NOLAN PRINCIPLES”)**

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership.



# **THE NOLAN COMMITTEE'S** **APPROACH TO PUBLIC** **APPOINTMENTS**

- The final decision should remain with the Minister;
- Need for clear, published principles governing selection for appointment;
- Selection should be on merit;
- Boards should include a balance of skills and backgrounds;



# **THE NOLAN COMMITTEE'S** **APPROACH TO PUBLIC** **APPOINTMENTS (continued)**

- Political affiliation should not be a criterion for appointment;
- Selection procedures should be explicit;
- Creation of a new office of the Commissioner for Public Appointments;
- A Code of Practice for public appointments procedures.



# **IN SUMMARY**

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I am:

- a single regulator not a Commission;
- independent of government;
- regulating appointments by Ministers to certain public bodies in England and Wales.





# IN SUMMARY

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I do not:

- make appointments myself;
- regulate all public appointments;
- regulate civil service or judicial appointments or the appointments of Ministers themselves;
- have powers to stop appointment processes, rescind appointments or order payment of compensation to disappointed candidates.

*So how do I carry out my regulatory role?*

# THE SEVEN CODE PRINCIPLES



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- Ministerial responsibility;
- Merit;
- Independent scrutiny;
- Equal opportunity;
- Probity;
- Openness and transparency; and
- Proportionality.



# **THE CODE OF PRACTICE**

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- Mandatory;
- A four stage process – planning, preparation, selection and decision;
- Ministerial final selection from, usually, two appointable candidates;
- Responsibility for appointments rests with Ministers.



# **INDEPENDENT SCRUTINY**

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- Independent Assessors;
- The audit process and Annual Report;
- Scrutiny by Parliament.



# **REGULATION OF PUBLIC** **APPOINTMENTS PROCESSES** **– THE CHALLENGES**

- Merit versus diversity;
- The role of Ministers;
- The role of proportionality, openness and transparency.



# **MERIT VERSUS DIVERSITY**

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“The principle of appointment on merit is deeply engrained in British public life but there remains some doubt about how it should be applied.”

The Nolan Committee

# **BOARD MEMBERS –**

## **2006/07**

	Percentage of Women	Percentage of Ethnic Minorities	Percentage of People with Disabilities
Appointments and Reappointments	36.2	9.2	6.1




# **THE ROLE OF MINISTERS**

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- Ministers choose appointees because they retain public accountability;
- Choice is from one or more appointable candidates proposed by the selection panel;
- Involvement of Ministers in the selection process remains an issue; for example, the showing of shortlists to Ministers;
- The declaration of “political activity”.





# THE ROLE OF PROPORTIONALITY, OPENNESS AND TRANSPARENCY

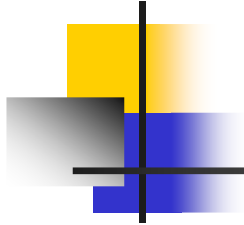
- Two of the seven Code Principles;
- Division of public appointments into upper and lower tier;
- The challenge – openness and transparency versus cost-effectiveness and the avoidance of bureaucracy.



# **THE BROADER LESSONS**

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- The need for ethical leadership and the reinforcement of ethical behaviour;
- The recognition that good and effective appointments processes are an essential part of corporate governance;
- The importance of independence and accountability.



“The appointed state is now central to the way we are governed and likely to remain so. It is essential, therefore, that those appointed are of the highest merit, represent our society in all its diversity, and are untainted by cronyism and patronage.”

(The Public Administration Select Committee,  
July 2003)