

APPENDIX ONE



Appointing the BBC board

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1. In its recent White Paper on the BBC the Government proposed the creation of a new unitary board with six members appointed by the Government: the chair and deputy chair and four non executives, one for each of the four nations of the UK. It is important that these six individuals are, and are seen to be, independent of Government and willing and able to act in the public interest and uphold the BBC Charter.

2. This requires an appointments process, which ensures that people are appointed on merit and not because of their personal or political connections with the Government or a political party. An appointments process for the BBC board should meet six tests:

- The Nolan Principles: This should be the overriding requirement. All those involved – Ministers, selection panel members and candidates- must be able to demonstrate that they have observed the Seven Principles of Public Life(the Nolan Principles”). Two are particularly relevant to the selection of Board members: integrity which requires public office holders to avoid placing themselves “under any obligation to people and organisations that might try inappropriately to influence them in their work”; and objectivity, which says that people in public office must act “impartially, fairly and on merit, using the best evidence and without discrimination and bias”;
- An independent selection process: there should be an independent panel to conduct the whole selection process. The chair and the majority of members should be independent of the BBC, the Government and its Ministers and have not engaged in significant political activity in the last seven years (significant political activity meaning being an active member of a political party, a candidate in an election, a party office holder or a significant donor);
- Openness: selection should be by open competition with the role description and the criteria for the post advertised and publicly available.
- Fairness: all applicants must be assessed against the same published criteria and the candidate or candidates who best meet those criteria should be appointed. An applicant’s current or past political activity should be neither a barrier to appointment, but nor should it give them any advantage.
- Ministerial involvement: Government Ministers should play no part in the appointments process once the panel has been established and the criteria for the roles have been agreed. They should only appoint candidates to the Board who have been recommended by the independent panel.

- Scrutiny and oversight: an independent regulator (eg the Commissioner for Public Appointments) should provide assurance that the appointments have met these criteria and been made on merit, free from political or personal patronage. He or she should be under a duty to report any concerns to the relevant House of Commons Select Committee, which should be ready to hold a pre appointment scrutiny for the chair appointment and in any other cases where concerns have been raised.

3. There is a precedent for the Government deciding to create a totally independent selection process, when it needed during the controversy about press regulation to convince Parliament and the public that it would play no part in appointments to the regulatory body. Under the Royal Charter on Press self regulation, the Commissioner for Public Appointments was given the task of setting up an independent selection process to appoint the Recognition Panel (which was established under the Charter) and to certify that those appointed had been selected on merit by a fair and open process. The Secretary of State in his commissioning letter set out some basic requirements as to how the process should operate and the mix of skills required on the Recognition Panel, but otherwise played no role at all in the process or in the final choice of successful candidates.

4. The Government is unlikely to be prepared to play no part at all in the six BBC appointments, but a variant of the process used for the press body might be used to provide public confidence that the BBC appointments process has been independent. The main elements of this could be as follows:

i. The Secretary of State for Culture, Media and Sport asks the Commissioner for Public Appointments (or another regulator to set up an independent panel to conduct an open competition to select the six appointees.

ii. In a public letter to the Commissioner he sets out his expectations of the skills, experience and diversity he expects of the appointees and asks to be given, if possible, a choice of the two candidates for each role who best meet the published criteria. He also nominates a senior official from DCMS to represent him on the selection panel and asks the devolved administrations to do the same for the appointment of their nation's non-executive member.

iii. The Commissioner then sets up a process, which meets the criteria set out in paragraph 2 above, with a majority of independent members, including the chair, on the selection panel.

iv. The selection panel makes the final decision on which two candidates best meet the published criteria. The Secretary of State must appoint one of the two or ask for the competition to be rerun. He cannot substitute his own candidate.

v. The Commissioner for Public Appointments certifies that the appointments were made on merit after a proper process; or raises any concerns with the Select Committee, which may call some or all for a pre appointment scrutiny.

vi. As part of their contract of appointment all successful candidates must be able to sign up to act in accordance with the Seven Principles of Public Life. This should be tested explicitly during the selection process.