

DEMOCRATIC AUDIT

Patronage and quango appointments

The British people imagine that they elect their “rulers”, but for the most part they do not. Even within Parliament, appointed and hereditary members exceed those who are elected; and peers, such as Lords Goldsmith and Falconer, personal appointees of the Prime Minister, hold significant office within the cabinet.

Patronage in fact runs deep at all levels of government and public life in the United Kingdom. The system of public appointment extends from the centre of power down to the level of local authorities and local services. This is the case in all modern democracies, but it runs especially deep in Britain because of our history as a constitutional monarchy, with the royal prerogative allowing Ministers to exercise wide, diverse and often ancient powers of patronage.

The huge expansion in quangos - unelected public bodies - in recent decades has greatly expanded the “appointed state”. But the “appointed state” ranges far wider: tens of thousands of appointed people are involved in many aspects of the governance of Britain - from the highest courts in the land to magistrates’ courts, from central decisions in the NHS to local care trusts.

Reform of appointments to quangos

Until the mid-1990s, ministers and civil servants appointed people to quangos at their own discretion. Numerous scandals arose during the long period of Conservative power. Political bias was the most consistent abuse, but there were faults and even eccentricities, as people were appointed after meeting ministers in taxis or at official lunches, or even bird watching.

The first report of the Committee in Standards in Public Life recommended that appointments should be on merit and come under independent scrutiny. The creation of the post of Commissioner for Public Appointments, combined with independent assessment in every department has brought a high degree of integrity to public appointments these processes and banished systematic abuses. But ministers (and thus their senior officials) still have the final say on who gets appointed. In the NHS, a commission appoints quango members independently of ministers.

There is no doubt that the system is cleaner. But the Public Administration Select Committee investigation into appointments to quangos made a series of recommendations designed to improve the integrity of the processes. The government is now considering these recommendations and is due to respond this autumn. We will report back on that response.

Taking ministers out of the loop

In particular, PASC argued in its report (HC 165, July 2003) that minister should no longer be directly involved in actually appointing people to quangos. Instead a National Appointments Commission, on the model of the successful NHS Appointments Commission, should appoint quangocrats.

Their view was that a single body of this kind, operating transparent and standard processes independently of ministers, was necessary to create public confidence in the integrity of the processes and to eradicate strong public suspicions of abuse. Ministers should determine the roles of public bodies and the criteria and qualifications for board members.

PASC also argued that select committees should have the power to hold hearings with proposed appointees to key quango posts; and if they saw fit, to issue a Letter of Reservation which would lead to the re-opening of competition for a post.

Strengthening independent scrutiny

The Commissioner and her Office (OCPA) are not independent of government and the OCPA staff are all on secondment from the civil service. But they should be. PASC therefore recommended that the Commissioner and OCPA should become wholly independent of the executive; should be funded sufficiently through the Parliamentary Vote to fulfil a wider range of responsibilities; that the Commissioner should report directly to Parliament; and that Parliament should approve the appointment of future Commissioners.

At the same time, it is the Cabinet Office and departments which decide which public bodies should fall within her remit; and departments hide away some bodies and exclude others from the Commissioner's oversight. As PASC also recommended, the Commissioner's remit should be extended to a fuller range of public bodies; and the final say on whether particular bodies should come under her remit should rest with the Commissioner and Parliament. PASC also expressed concern about the small size of the Commissioner's staff.

There is also a need to strengthen the role of the "independent assessors" who are responsible for safeguarding the integrity of appointments. At the moment, departments themselves appoint the bulk of these assessors; and they do not follow appointments through to the final decision-making meeting. PASC recommended that the Commissioner should assume full responsibility for recruiting and training independent advisers – so that they become wholly her "eyes and ears" ; and that the assessors should be involved in every stage of appointment, including the final decision.

Bias in appointments

Media interest in appointments is largely confined to evidence of political bias. There is evidence that Labour Party people get more appointments than members of other parties, but this is not necessarily a sign of bias on the part of those making appointments,

There is however a damaging public view that appointments are the preserve of the privileged few, if not always a "fix" – and this perception is all the more damaging for being accurate. The Government is genuinely committed to opening up appointments to a wider range of people, and especially to increasing the proportions of women, members of ethnic minorities and people with disabilities on the boards of public bodies to their proportions in British society. There has been real progress in doing so since 1997.

PASC took the view that more representative quango boards would assist the Government's goal of increasing public confidence in the integrity of the appointments processes and urged the government to undertake a vigorous campaign to bring this about. The Committee argued that more "diversity" was not incompatible with the main criterion of merit; that government should launch a high-profile national strategy to increase diversity on public bodies through greater lay representation; and further that "greater diversity on public bodies is not simply a desirable goal. It is a significant component of the basic human right to equal regard and treatment, regardless of difference. The Government should bring forward a Single Equality Bill to promote equality and end discrimination for all minorities".

Making quangos representative

Democratic Audit questions whether enough will be done to broaden representation on quango boards. The government has rejected the political bias and favouritism of the recent past only to return to a diluted version of the previous regime of the "great and the good" – the not-so-great and not-so-good, so to speak. Class is a major barrier to increasing diversity on public bodies, not only inhibiting the recruitment of women, people from ethnic minorities and people with disabilities, but also a wider range of white men. Age and regional background also create barriers. Government research has also shown that apprehension and an absence of awareness of the opportunities on public bodies prevent women in particular from seeking public appointments.

Reform of the pay structures on quangos, meeting times, expenses rules, etc, can be revised specifically to encourage greater lay representation. But a more profound culture shift in government and Whitehall is required to overcome the class barrier and make quango boards more representative. Long-established traditions still favour elite ideals and prejudice efforts to recruit more widely.

Other basic reforms are required. Departments should be required to appoint lay persons to all quango boards, alongside more representatives of consumer bodies; all lay members should be given appropriate support to ensure that they can a full role on their boards; and there should be full parliamentary and public debate about the role of lay members, their qualities and competence. At the moment, departments lay down strict criteria for "lay persons" which are too narrowly class and qualification based.

As part of its drive towards broader representation, PASC recommended,

1. the government should enter on an experiment with appointment by a form of lot, using as a model the pioneering work of the National Lottery Community Fund's regional committees, which randomly recruit people from the electoral roll and rigorously ensure their ability and suitability for public service.
2. the government should do more to recruit able people from existing networks of women, ethnic minorities, people with disabilities and working people.
3. the government should introduce elections to quangos in appropriate circumstances, and especially to local quangos which provided services to the community.

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