

HOUSE OF LORDS APPOINTMENTS COMMISSION
MINUTES OF THE 3RD MEETING HELD ON 12 MARCH 2009

Present: Lord Jay (Chairman)
Baroness Campbell
Baroness Dean
Lord Dholakia
Prof Dame Joan Higgins
Lord Hurd
Dr John Low

Kate Campbell (secretariat)
Pam Cooke (secretariat)
Richard Jarvis (secretariat)
Maggie O'Boyle (secretariat)
[REDACTED] (in attendance)

Apologies

1. There were no apologies.

Minutes

2. The Minutes of the meeting held on 12 January 2009 were agreed.

Chairman's update

3. Lord Jay updated the Commission on meetings with Sir Gus O'Donnell, Baroness Hayman and the Rt Hon David Cameron MP.
4. Lord Jay was due to meet Rt Hon Jack Straw MP shortly. Other anticipated meetings include the Labour Lords' Front Bench meeting and a meeting with Labour Back-Benchers, both on 25 March, and a meeting with Jenny Watson of the Electoral Commission.
5. Lord Jay mentioned that he had spoken during the debate on Lord Steel's Bill in the House of Lords.
6. Lord Jay confirmed that he had circulated to members details of the evidence which Trevor Phillips had given to the Speaker's Conference on 3 March 2009.
7. An update on the outcome of the vetting of [REDACTED] was shared with the Commission. The secretariat noted how the Commission members would like future processes notified to them. The Commission was content that there were no propriety issues that caused concern. The advice of the Commission on this process will now be sent by the secretariat to Number 10.

8. Some discussion took place on the anomaly whereby Ministerial appointments to the House of Lords were not vetted by the Appointments Commission. Further consideration would be given as to how the Commission might be given the opportunity to do so.
9. Concern was expressed that announcements of political members should not in future be made public before the Commission had had an opportunity to vet such individuals.

Legacy progress, discussion of names and agreement of interview list

10. The Commission continued its review of the nominations it was holding and considered the recommendation of four sub-committees that met in February. The Commission agreed the following:

- Shortlist for interview –

[REDACTED]

- To move from List A to List B –

[REDACTED]

- To move from List B to List A –

[REDACTED]

- To be reviewed again at the next sub-committee –

[REDACTED]

- To be reviewed by Baroness Dean (following receipt of additional supporting information since sub-committee decision) –

[REDACTED]

11. All nominees confirmed as being on the longlist will be written to in order to check they are content to remain under consideration, and to request any updates they wish to provide in relation to their experience and/or situation.

Amendments to the criteria

12. The Commission reviewed the proposed amendments to the selection criteria. The proposed requirement, "Who are currently resident in the UK for tax purposes and undertake to remain so" should be amended to, "Who are currently resident in the UK for tax purposes and accept the requirement to remain so". The other proposals for alteration were agreed.
13. It was agreed that the Chairman would write to the Prime Minister to advise of the Commission's decision on the revisions to the selection criteria. All Commission publications and the website would subsequently be updated.
14. The Chairman would also mention this subject during his forthcoming meeting with Rt Hon Jack Straw MP.
15. It was agreed that existing nominees should be informed of the changes and those selected for interview would be tested at that stage against the new criteria.
16. The proposal for a minor adjustment to the wording of the vetting criteria was agreed.
17. During the discussion it was pointed out that care needed to be taken when considering "significant achievement", as a list of Committees, Commissions and Board appointments, for example, was not always a true reflection of a person's practical achievements, outcomes and impact. The continued development of competency based questions at interview, related to the actual role of the House (see paragraph 21 below), would be useful in clarifying how an individual's achievement would translate in practice to an effective contribution as a crossbench peer.

Interview format

18. The Commission was updated on the future location for interviews.
19. A slight adjustment to the "invitation to interview" letter was agreed.
20. It was agreed that the secretariat would draft an initial set of standard question areas linked to the new selection criteria, to be followed by more individual probing questions.
21. The four roles of the House of Lords (amending and approving legislation; scrutinising government actions; undertaking specialist investigations; and acting as a general forum for debate) were felt to be a good basis for future competence-based questions as to how nominees feel their experience links to the work of the Lords.

22. It was agreed that in future the note-taker at interviews would agree the record retained at the end of each interview with the panel. This would subsequently be recorded in a set format to aid future consistent evaluation of nominee interviews.

23. It was agreed that a 45-minute interview was an optimum length.

24. References would continue to be taken up before interview.

Information pack

25. Some discussion took place on the proposal to extend the categories of monitoring information collected in future, to bring the data in line with the guidance provided by the Government Equalities Office. It was agreed that no changes needed to be made until the requirements of any future legislation became clearer.

26. It was agreed, however, that the layout of the nomination form would be adjusted so that the monitoring information may be more easily detached from the rest of the form and could not be perceived as forming any part of the selection process.

Press Officer's report

27. The Press Officer updated the Commission on the feedback that had been received following the despatch of some recent letters to unsuccessful nominees.

28. The Press Officer had received some routine enquiries as to the form of vetting that was undertaken and the types of appointments which are vetted by the Commission. These had been handled in the normal way.

29. The Commission was updated on the recent article which appeared in The Independent following an FOI enquiry. A copy of the article would be sent to members for their information.

30. It was felt that the review and revision to the selection criteria would be welcomed.

Freedom of Information

31. The secretariat provided an update on two recent cases.

Possible future research

32. The Commission discussed the proposed research on skills in the Upper House. In view of the current financial climate and the need for a level of proportionality, the proposal for a second option using data analysed by the Constitution Unit was agreed as the best alternative. Despite some disappointment that a "gold standard" piece of work was not feasible under the present circumstances, the Commission felt the second option would provide them with sufficient information about the existing skills in the House.

Any other business

33. The question was raised as to whether former members of the Appointments Commission might go through the appointment process themselves and be appointed a member of the House of Lords. It was pointed out that this issue was covered in the letter of appointment but that it might be appropriate to agree and publicise what was meant by a "reasonable time" to avoid any perception of impropriety. This could be discussed at a future date if necessary.
34. An updated list of Commission meetings, sub-committee dates and interview dates was distributed for information.

Commission Secretariat
17.03.2009

