

House of Lords Appointments Commission

Annual Report 2023

HOUSE OF LORDS

APPOINTMENTS COMMISSION

Room G/38, 1 Horse Guards Road, London SW1A 2HQ

General Enquiries: 07355 021 584

Internet: <http://lordsappointments.independent.gov.uk>

E-mail: enquiry@lordsappointments.gov.uk

Rt Hon Rishi Sunak MP
Prime Minister
10 Downing Street
London
SW1A 0AA

Dear Prime Minister,

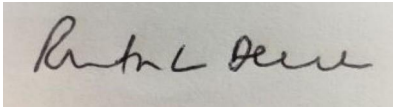
I enclose the eleventh report from the House of Lords Appointments Commission, covering the Commission's work during 2023. This is the first report under my term as Chair, having taken over from Lord Bew in November 2023.

The Commission has continued to vet for propriety individuals nominated by the political parties and by you, as Prime Minister, for appointment to the House of Lords. During the reporting period, the Commission completed vetting for two former Prime Ministers, The Rt Hon Boris Johnson MP and The Rt Hon Liz Truss MP. This included vetting 10 Conservative nominees who were subsequently appointed to the House of Lords, with a further nine who the Commission were unable to support. Additionally, the Commission vetted four individuals who took up Ministerial Office and two individuals who were nominated as Prime Ministerial public service crossbench exceptions. The Commission was not asked to make any non-party-political recommendations during this time, though has been invited to make two recommendations in 2024.

In November 2023, the Commission wrote to the House of Commons Public Administration and Constitution Affairs Committee following the announcement of Lord Cameron's appointment. This was to provide assurances on the vetting undertaken, and to express concerns raised by members that the highly condensed timetable required in ministerial cases can sometimes restrict the more thorough discussion of any vetting issues which the Commission is able to provide for other appointments.

Finally, I would like to thank my colleagues for their hard work, wisdom and willingness to contribute to the work of the Commission. I would particularly like to thank Lord Bew, having chaired the Commission through a time of considerable political change, for navigating these issues while upholding the values of the Commission.

Regards,

A rectangular box containing a handwritten signature in black ink. The signature appears to be "Ruth L. Deane" written in a cursive style.

Chair, House of Lords Appointments Commission

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Composition of the Commission

Since 2000, the Commission has been majority independent, with representation from three political parties, Conservative, Labour and Liberal Democrat. The independent members, including the Chair, are appointed following open competition under the Cabinet Office Governance Code. Following the resignation of Harry Mount in September 2022, the Commission has been operating with three political members and three independent members.

To rectify this, and with Dame Fionnuala Jay O’Boyle and Lord Chartres’ five-year terms due to end in May 2024, the Cabinet Office appointed two new independent members in December 2023.

Sir Hugh Robertson and Wayne Reynolds were appointed for five-year terms, providing a wealth of experience and expertise to all aspects of the Commission’s work. The Cabinet Office expects to make further appointments of independent members to the Commission in 2024.

The Commission also said farewell to Lord Bew in November 2023, who chaired the Commission from 2018, and welcomed Baroness Deech following an open competition and pre-appointment scrutiny by PACAC. Biographies can be found at **Annex A** and **Annex B**.

Reflections from Lord Bew

My term as Chair, from 2018-2023, included times that were among the most turbulent in the history of the Commission. The Commission found itself faced time and again with some exceptionally complex and difficult issues in carrying out its remit to vet nominations made by the political parties for propriety.

By all counts, following the decision to leave the European Union, this period was a markedly unstable era in Westminster. There were four different Prime Ministers – Theresa May, Boris Johnson, Liz Truss and Rishi Sunak – and two different Leaders of the Opposition. This meant, for example, three different resignation lists.

It is inevitable that new Prime Ministers (and new Leaders of the Opposition) want to bring new Ministers and Shadow Ministers into the Lords. Indeed, it is one of the proper functions of the Lords to allow the rapid creation of important, talented additions to the ministerial team and both main parties have been keen to exploit this route. This is over and above the desire of all Prime Ministers and indeed Leaders of the Opposition to have loyal colleagues sitting on the red benches.

The debate as to whether the Commission should have power to consider suitability as well as propriety is a lively one. I should add that the Commission already has suitability and propriety powers for the independent crossbenchers it recommends but not, of course, for political nominees. But in one respect, matters changed during my term. A Prime Minister chose to reject our judgement on a propriety issue and exercised his power to appoint anyway. The Commission made this public, drawing it to the attention of Parliament. I believe that the broad reaction has made it very difficult, if not impossible, for any Prime Minister to repeat such an action within the current framework for appointments.

The Commission operates in a confidential space; people who apply to the House of Lords are entitled to have their confidentiality respected. But this means that our responsibilities are sometimes not widely understood and misunderstandings persist. What matters is that the Commission carries out its work with as much integrity as possible and that we are as open as we can be about the process we follow.

One major regret for me lies in the fact that during Covid-19 we had to interview candidates for the crossbenches entirely remotely, and the process lost something in quality of human engagement though not, I know, in quality of outcome. It is such a privilege to be part of that process, interviewing such incredibly talented individuals, albeit for a tiny number of places.

I wish to thank all my colleagues in the Commission and our small, hard-working secretariat. We faced some fiendishly difficult dilemmas and I am very grateful that, thanks to the shrewdness and seriousness of those around the table, we managed to reach unified conclusions.

Some of the characteristic drama of the 2018-2023 period may be a thing of the past; but there is no doubt that the aftermath of the forthcoming general election - whatever it is - will lead to further focus and testing. I wish Baroness Deech and her Commission all good fortune in their task.

Priorities for Baroness Deech

On 24 October 2023, Baroness Deech's pre-appointment hearing¹ took place at a session of the Public Administration and Constitutional Affairs Committee (PACAC), where she set out her views and priorities, were she to be appointed as the Chair of the Commission. She listed her three main priorities as:

1. Hold discussions about extending the remit of HOLAC so that it can vet appointments for **suitability** as well as for propriety. She described suitability as adhering to the Nolan Principles; past achievement; integrity; willingness to see policy through; and contributions to public life and oracy.
2. Ensure more **transparency** and **publicity** of HOLAC through annual reports/minutes and a higher profile around the country to ensure regional representation. She is particularly keen to see more people in front line jobs apply.
3. Make it clear and accepted amongst all nominees that they must turn up to the House of Lords and not take extended **leaves of absence**. They must also be prepared to make an account of their contributions and attendance.

A transcript of her pre-appointment session is available on the Committee's website.²

¹ <https://parliamentlive.tv/Event/Index/2d7dec28-1f85-4f5e-a588-425f54b559de>

² <https://committees.parliament.uk/oralevidence/13719/html/>

Appointments

Vetting of Prime Ministers' resignation lists

During the reporting period, the Commission completed vetting for the resignation peerage lists of two former Prime Ministers, The Rt Hon Boris Johnson MP and The Rt Hon Liz Truss MP.

While the Commission does not comment on the details of vetting advice it provides to the Prime Minister, we are transparent about the number of individuals vetted, including how many individuals were not supported. For the Resignation List of The Rt Hon Boris Johnson MP, the Commission was able to provide support to seven individuals who were subsequently appointed, while eight nominees were not supported. For the Resignation List of The Rt Hon Liz Truss MP, the Commission was able to provide support to three individuals who were subsequently appointed, while one nominee was not supported.

Political appointments

In addition to the 10 appointments included in the above resignation lists, the Prime Minister has made a further four ministerial peerage appointments, as well as two appointments as Prime Ministerial public service crossbench exceptions. All the appointments made during the reporting period can be found at **Annex D**.

Crossbench appointments

There have been no HOLAC non-party-political (crossbench) appointments during this reporting period.

The most recent appointments recommended by HOLAC were Shaista Gohir OBE and Professor Katherine Willis CBE who were appointed in May 2022. The Commission continues to be mindful of the overall size of the House, and notes the recommendations of the Burns report³. The Commission continues to receive a high volume of talented applicants who could make valuable contributions to the House of Lords. The timing and number of appointments is a matter for the Prime Minister but the Commission would welcome the opportunity to make further appointments on a regular basis to address expertise gaps, as well as to improve the overall diversity of the House.

³ <https://committees.parliament.uk/publications/40909/documents/199241/default/>

Policy Updates

Revised application forms

In April 2023, the Commission introduced revised application forms, alongside an accompanying guidance document, for those applying to become a non-party-political member of the House of Lords. The forms are more succinct, introduce word limits and focus more clearly on the specific criteria assessed at application. The guidance document (which was subsequently converted to a web page to improve accessibility) aims to provide a clear overview of the process and assist candidates who might be unsure whether to submit an application.

Political activity guidance

In September 2023, the Commission published⁴ guidance for non-party-political applicants who may have previously been actively involved with a political party. While everyone applying for a non-party-political peerage is expected to be able to demonstrate their political independence, the Commission wanted to clarify what level of previous political activity is most likely to be viewed as a bar to appointment as a crossbencher.

The Commission continues to assess every application on its merits, but has provided a clear scale of how political activity may be viewed. At one end, standard fee-paying membership of a political party is not considered to be a bar to successful appointment, given the range of circumstances under which people may decide to join a party. At the other, significant party-political involvement, such as holding political office for a party, is likely to represent a bar to successful consideration for a non-party-political peerage. Within this range, the duration and scale of the involvement will be considered, as well as the amount of time since the mentioned activities took place.

Information sharing agreements

In October 2023, the Commission agreed new information sharing agreements with ACRO Criminal Records Office (ACRO) and HM Revenue and Customs (HMRC). The Commission regularly reviews how it handles sensitive information to ensure that strict confidentiality of individuals vetted by the Commission is respected. These agreements are published⁵ on the Commission's website, providing transparency on how the Commission shares information and handles sensitive personal data.

⁴ <https://lordsappointments.independent.gov.uk/party-political>

⁵ <https://lordsappointments.independent.gov.uk/news-items-2>

Openness and transparency

Expenditure

As the Commission aims to produce a report on an annual basis, expenditure will be reported for the financial year ending in April, coinciding with the publication of the report. Hence, the below information refers to the Commission's expenditure for the financial year 23/24:

- The Commission's total expenditure during the financial year 23/24 was £55,831.22.
- Commission members' remuneration throughout this period was fixed at £8,000 for the Chairman and £3,000 for the other members. The total members' remuneration was £26,283.88, which included £23,000 for the members who were appointed prior to the reporting period and the remainder to the new independent members who were paid pro rata.
- Expenditure figures also included independent press officer fees, as the Commission continues to see considerable interest in its work, both from the media and members of the public.
- Other expenses included IT work and improvements to the Commission's website, other staff-related costs, such as training, and Commission members' expenses.

Letter to PACAC on the appointment of Lord Cameron

In November 2023, the Commission wrote⁶ to PACAC following the peerage appointment of Lord Cameron. As with many ministerial appointments, the timeline for vetting was expedited to allow Lord Cameron to take up a ministerial post (as Foreign Secretary) imminently. The Chair of PACAC wrote⁷ to the Chair of HOLAC asking if the Commission was "ordinarily consulted on appointments" of this nature, and whether there had been any "departures from the normal procedures".

The Commission provided assurances that the process for ministerial vetting is the same as that for any other peerage appointments, though it is typically carried out to a condensed timetable. It was confirmed that the Commission would not provide advice supporting an individual if it had not been able to complete vetting, while acknowledging that the short timeframes can sometimes affect the more thorough consideration of any vetting issues raised.

⁶

<https://lordsappointments.independent.gov.uk/wp-content/uploads/2023/11/Chair-of-HOLAC-to-PACAC-David-Cameron-Peerage.pdf>

⁷ <https://committees.parliament.uk/publications/42228/documents/209848/default/>

Freedom of information

The Commission continues to publish⁸ the Freedom of Information requests it receives as well as the Commission's responses on its website. During the reporting period the Commission responded to 23 requests. These covered queries relating to The Rt Hon Boris Johnson MP's resignation honours list, the Commission's processes, staffing and financial issues, House of Lords representation data and the appointment of Lord Cameron.

A common issue raised is the public interest in understanding the specific details around vetting of peerage appointments. The Commission is clear that any information it obtains during this vetting process is for the sole purpose of providing confidential advice on the propriety of a nominee to the Prime Minister. There are a number of exemptions in the Freedom of Information Act 2000 that protect or may restrict disclosure of such information on the grounds of data protection, confidentiality, or other factors. It is vital to the integrity of the process that such information is held in strict confidence.

It should also be noted that while the Commission is an independent body, information relating to its staffing and financial data is held by our sponsoring department, the Cabinet Office. For this reason, any requests of this nature are redirected to the sponsor department.

Written evidence to inquiry on membership of the House of Lords

As part of the PACAC inquiry on membership of the House of Lords, the Commission was invited to provide written evidence⁹. While the Commission is clear that the overall size of the House is not within its remit, there were questions relating to how appointments were made, on which it provided comment.

The Commission highlighted the difference in process between non-party-political and political appointments processes, and that the Commission's remit is to vet political appointments for propriety and not suitability. This can give rise to issues around the scrutiny of those nominated, as well as public misconceptions about the role of the Commission and what "being supported by the Commission" means in this context. Baroness Deech has publicly stated her interest in looking more closely at questions of suitability, while respecting the political parties' rights to choose individuals who they consider to be politically suitable. The Commission is keen to encourage greater transparency around why nominees have been chosen, as well as greater assurances that greater due diligence has been carried out by parties prior to vetting by the Commission.

⁸ <https://lordsappointments.independent.gov.uk/freedomofinformation>

⁹ <https://committees.parliament.uk/writtenevidence/124422/pdf/>

The limited formal governance structures underpinning the role of the Commission were also raised in the PACAC oral evidence session. The Commission remains mindful that its members are appointed, not elected, and that democratic accountability rightly sits with those representing democratic institutions. The Commission believes it would be beneficial to have greater clarity about the Commission's responsibilities, as well as the relationship between the Commission, the Cabinet Office and No.10.

Annexes

Annex A - Commissioner Biographies

Independent members

Baroness (Ruth) Deech (Chair, independent)

Baroness Deech taught law for many years at Oxford University and elsewhere, has written extensively about family law, and was appointed an honorary King's Counsel. She was Principal of St Anne's College Oxford and a Pro Vice-Chancellor. She took on extensive regulatory roles including Chair of the Human Fertilisation and Embryology Authority, which oversees assisted reproduction; Chair of the Bar Standards Board, which sets standards of conduct for barristers and their training; and was the first Independent Adjudicator for Higher Education, dealing with student complaints. She has also been a Governor of the BBC, a trustee of the Rhodes Scholarships and the Mandela-Rhodes Foundation and a Bencher of the Inner Temple. She was appointed DBE in 2003 and as a life peer in 2005. She sits on the crossbenches as an independent legislator and has chaired committees reporting on the retention of women doctors and on equality and disability.

Rt Rev and Rt Hon the Lord Richard Chartres GCVO (Independent)

Lord Chartres is a crossbench peer. He is the former Bishop of London and held a number of wider roles during that time, including as Chair of the Board of Governors of the Church Commissioners.

Dame Fionnuala Jay-O'Boyle DBE (Independent)

Dame Fionnuala is the current Lord-Lieutenant of the County Borough of Belfast, the Vice Chair of Northern Ireland Opera and she founded The Belfast Buildings Trust, Northern Ireland's leading Regeneration charity. She has been involved in public and voluntary service for many years.

Wayne Reynolds (Independent)

Mr Reynolds is the founder and managing director of Birchwood Knight, an executive search company specialising in corporate affairs leadership roles. He helps a wide range of organisations across the public and private sectors to run fair and thorough recruitment processes which promote diversity, equity and inclusion.

The Rt Hon Sir Hugh Robertson KCMG DL (Independent)

Sir Hugh is Chair of Birmingham International Airport and Chair of the British Olympic Association. A former soldier, who subsequently worked at Schrodgers, he was a government minister from 2010–2015. He has recently completed two full

terms as Chair of the Sports Honours Committee and is a member of the Gentlemen at Arms in The Royal Household.

Political members

The Baroness (Sheila) Noakes DBE (Conservative)

Baroness Noakes DBE was made a life peer in 2000. In 2001, she served as the Opposition Spokesperson for Work and Pension and Health, in 2003 serving as the Opposition Spokesperson for The Treasury, before working on a number of Lords Committees. Prior to becoming a peer she served as a Partner at KPMG, Director of Finance of the NHS Management Executive and a member of the Court of the Bank of England (Director of the Bank of England). She currently sits on the House of Lords Financial Services Regulation Committee.

The Baroness (Kate) Parminter (Liberal Democrat)

Baroness Parminter was created a life peer in 2010. She sits in the House of Lords on the Liberal Democrat benches and is the Chair of the Select Committee on Environment and Climate Change. From 1990-1998 she headed the Public Affairs for the RSPCA, during which time she chaired the Campaign for the Protection of Hunted Animals which helped to ban hunting. In 1998 she became Chief Executive of CPRE, the Campaign to Protect Rural England. She was a Liberal Democrat Councillor on Horsham District Council in West Sussex for eight years (1987-1995).

The Right Hon Baroness (Ann) Taylor of Bolton (Labour)

Baroness Taylor of Bolton was the first woman to serve as Leader of the House of Commons and Lord President of the Privy Council in 1997. She went on to become the first woman to serve as Government Chief Whip (Parliamentary Secretary to the Treasury). Baroness Taylor is the former MP for Bolton West (1974–1983) and Dewsbury (1987–2005) and was made a Life Peer in 2005. She currently sits on the Industry Regulators Committee, Procedure and Privileges Committee, and the Lord Speaker's Committee on the Size of the House.

Annex B - Previous members of the Commission during the reporting period

Lord (Paul) Bew (Chair, independent)

Lord Bew joined Queen's University Belfast in 1979 and was made Professor of Irish Politics in 1991. He acted as historical adviser to the Bloody Sunday Inquiry between 1998 and 2001 and was appointed as a non-party-political peer by the independent House of Lords Appointments Commission in February 2007 following his contributions to the Good Friday Agreement. He has served on a number of committees including the Joint Committee on the Defamation Bill, which addressed key issues of academic freedom, and the Joint Committee on Parliamentary Privilege which produced its report in July 2013. Lord Bew chaired the 2011 independent review of Key Stage 2 (SATs) provision in England. He is a Visiting Professor at King's College London. Among Lord Bew's many publications is the Ireland volume of the Oxford History of Modern Europe

Annex C - Membership of the crossbenches in the House of Lords

Gender

1. There are currently 179 crossbench members of the House of Lords, made up of 147 life peers and 32 excepted hereditary peers. Of these, 133 (74%) are men and 46 (24%) are women.

Ethnicity

2. The House of Lords does not currently provide ethnicity data for its membership.

Location

3. The below table displays the proportion of members residing in geographical areas across the UK for the crossbenches and for the entire House of Lords.

Region	Crossbenches (%)	House of Lords (%)	Percentage of the UK's population
London	29.13	24.20	12.9
South East	20.39	20.77	13.7
East of England	12.62	11.13	9.3
Scotland	8.74	7.71	8.4
South West	7.77	8.35	8.4
Yorkshire and The Humber	4.85	5.78	8.4
Northern Ireland	3.88	2.57	2.9
West Midlands	3.88	3.64	8.9
East Midlands	2.91	4.28	7.2
North East	2.91	3.00	4.1
North West	0.97	4.28	11.2
Overseas	0.97	0.21	n/a
Wales	0.97	4.07	4.8

4. This demonstrates over-representation of London and the South East and under-representation of the Midlands and the North, particularly the North West.

Professional background

5. When considering the professions of the current crossbench members, the Secretariat has grouped the 147 life peers (plus an additional 12 members who are currently on a leave of absence, and 1 member who is disqualified) into the below high level categories. This does not include the following professions, each represented by a single individual, that did not fall into a broader category. These were: housing, music, dance, High Sheriff, adviser on corporate responsibility, transport and auditor.

Professional background	Number of peers
Legal	25
Civil Servant	17
Academic	14
Business	13
Politician	13
Health	11
Media	11
Military	7
Diplomat	7
Religious	6
Science	5
Charity	5
Economist	5
Police	5
Activist	3
Royal Household	3
Sport	3

6. This data is meant to provide a rough guide to the current make-up of the crossbenches, though inevitably some of these fields will overlap (e.g. those listed as academics could also be considered to work in the field in which they study).

7. The legal profession includes a range of both Supreme Court Justices and accomplished lawyers. It should be noted that six of those included above are currently on a leave of absence, and one is disqualified.

Annex D - Individuals vetted and subsequently appointed

Conservative

June 2023

Shaun Bailey
Benjamin Gascoigne
Ben Houchen
Ross Kempsey
Charlotte Owen
Kulveer Ranger
Daniel Rosenfield¹⁰

December 2023

Jon Moynihan OBE
Ruth Porter
Matthew Elliott

Ministerial appointments

June 2023

Kay Swinburne
Darren Mott OBE

November 2023

The Rt Hon David Cameron

December 2023

Robbie Douglas-Miller

Prime Minister's exceptions

June 2023

The Rt Hon Sir Edward Young GCB

September 2023

Dame Sue Carr DBE

¹⁰ On taking his seat in the House, Dan Rosenfield opted to sit as a non-affiliated peer.