

PRIVATE & CONFIDENTIAL

PCC Paper No. 4967

Nominations Committee

1. The Governance Review has recommended the establishment of a Nominations Committee for the purpose of appointing (and reappointing) lay Commissioners, and liaising with the industry about the appointment of editorial Commissioners.
2. We have now appointed Lucinda Bolton as the independent advisor to the Committee (subject to agreeing a contract), who will help establish the system and be involved in the first round of appointments. Following on from comments made at the last meeting, we intend to propose two other assessors, so that the Commission will make use of a body of experience in later rounds of appointment.
3. We have now taken advice from Lucinda, who has helped to establish a detailed proposal for how the system will work. We now would like the Commission formally to approve the constitution of the Nominations Committee and the process of appointment.
4. The Committee will comprise: the PCC Chairman; and two lay Commissioners, with the independent assessor in attendance. We would propose that there should be scope for these Commissioners rotating for different rounds of appointments. No Commissioner can be involved in their own re-appointment.
5. The PCC Chairman will also be the Chairman of the Committee. We understand that this is accepted practice, and has been proposed by the independent assessor.
6. It has been suggested that – for the first round – one of the other members might be the Deputy Chairman.
7. We would require one further member for this year, and would welcome volunteers (in the next seven days). The role will be relatively onerous in terms of work, and Commissioners should be aware of that in advance as the same Commissioners need to be involved throughout a single round of appointments. The full Commission will be involved in agreeing the criteria for the appointments process.

For this round, we will be replacing three Commissioners (Bishop Waine; Matti Alderson; Eve Salomon).

8. Here is a detailed account of the proposed process:
  - a) Terms of reference of the Nominations Committee approved by the Commission.

- The Commission agrees to institute a Nominations Committee to oversee appointments and reappointments of lay Commissioners, and to liaise with PressBof over the appointments and reappointments of editorial Commissioners.
  - The Nominations Committee will consist of three lay members, including the Chairman of the Commission (who will be the Chairman of the Nominations Committee). An independent assessor will be appointed from outside the Commission to ensure the selection process of lay members is robust and fair in accordance with sound diversity and equal opportunities principles (as agreed by the Commission from time to time). The Chairman of PressBof will not be a member of the Committee, but will be consulted at the appropriate stages.
  - At the end of the process, the Committee will make a nomination for approval by the full Commission.
  - For the reappointment of lay members, the NC will meet to discuss each reappointment. The NC will take fully into account evaluation by the Chairman of the PCC and the needs of the board. Reappointment will be ratified by the full Commission.
  - For the appointment of editorial members, the Committee will meet with the Chairman of PressBof to discuss the needs of the Commission. This would cover the Governance Review's recommendation that "efforts should be made to ensure that the regions of the UK are properly and widely represented. There should also be wide representation of publishers and types of publication". The Chairman of PressBof would then liaise with the trade bodies, and agree the representatives. The Committee would then be informed of the proposed names.
  - The reappointment of editorial members will be a matter for individual editors and PressBof. The Nominations Committee will be consulted in this process.
  - These terms of reference will be reviewed every three years.
- b) The process for appointments to be agreed by the Commission. It is recommended to be as set out below:**
- *The Commission will approve an overall process for the appointment of lay Commissioners*
  - *The Chairman of PressBof will be consulted by the Chairman for his input prior to approval by the Commission .*
  - *The Commission will agree to make appointments of lay Commissioners using a process which takes into account the Commissioner for Public Appointments Code of Practice as best practice (as amended from time to time). The Commission will continue not formally to be subject to the Code. This will seek to ensure that as far a possible the Commission will follow best practice.*

*There is a detailed process which will be taken into account but the key principles cover the responsibility of the Commission, appointments being made on merit, they are subject to independent scrutiny by the independent assessor, and have due regard to equal opportunities, probity, openness and transparency and proportionality.*

- *Appointments will be for an initial term of 3 years with the possibility of a second term without open competition.*
- *The independent assessor will be involved in all stages of the process and will have direct access to the Chairman to raise any concerns that the process is not following best practice.*
- *A detailed process for each appointments round against which the process will be made will be agreed by the Nominations Committee ("the NC"), with input by the independent assessor for each round.*
- *As part of each round, the NC, following consultation with the Chairman of PressBof, will determine the skills, essential and desirable criteria against which the appointments will be made. It is important that these criteria are fully considered as they cannot be altered mid way through a round.*
- *If there are appointable candidates identified as part of an open process who are not appointed, their appointment can still be considered if a vacancy for a lay Commissioner arises within 12 months.*
- *Confidentiality will need to be maintained at all stages of the process and only the successful candidate(s) and terms of their appointment will be published at the end of the process.*
- *A full audit trail of the appointments process will be kept by the Commission and feedback will be given to unsuccessful candidates if requested.*

**c) In outline the appointments process will involve:**

- *The independent assessor being fully involved in all stages of the process.*
- *The NC with the independent assessor agreeing the timetable for the process.*
- *The NC, with input by the independent assessor, agreeing the final skills required and the essential and desirable criteria, following consultation as outlined above.*
- *An advert and application pack being agreed by the NC and the independent assessor, based on these criteria.*
- *There will be open advertisement of the posts across the industry in a manner agreed by the NC.*
- *Commissioners will be encouraged to identify people who might apply who could*

*be approached by the Commission to put in an application as set out in the published application pack. However, this must be done prior to the closing date for applications, all applicants will need to put in an application form and no individual should be given special treatment, access to nor information about the Commission whilst the process is underway. All applicants, regardless of how they come before the NC, will be dealt with fairly and consistent with other applicants.*

- *If there are not enough candidates the NC, in consultation with the independent assessor, can agree an extension to the closing date by which applications can be received.*
- *The first sift of the applications will be undertaken by the Director and the independent assessor. Candidates will be judged against the agreed criteria based on the information provided in the application.*
- *The applications of the successful applicants will then be examined by each member of the NC and the independent advisor. They will meet to agree a shortlist.*
- *The Chairman of PressBof will be consulted prior to this meeting, and his comments considered.*
- *The NC and independent assessor will agree a shortlist of applicants.*
- *The NC and the independent assessor will interview the shortlisted applicants, and jointly agree an assessment of each candidates.*
- *The NC will agree an approach to references which will be consistent and will consider issues relating to any conflicts of interest.*
- *The NC and independent advisor will meet to discuss the appointment(s). The NC will agree on the selected candidate(s). The appointment(s) will then be ratified by the whole Commission.*
- *If the NC recommends that there are no suitable candidates for appointment, the Chairman can decide to re-run the process.*

#### **Timetable for the current round of appointments**

9. Here follows a draft timetable for this first round of appointments. There is some time pressure due to Commissioners reaching the end of the term of their appointment.
  - December 2010: Nominations Committee agrees application pack, advert and criteria for appointment. Commission members and the Chair of PressBof consulted.
  - Week beginning January 4<sup>th</sup>: Advertisement placed
  - January 31<sup>st</sup>: Applications closed
  - Week of 1<sup>st</sup> February: 1<sup>st</sup> sift by Director and Independent Assessor

- Week beginning 7<sup>th</sup> February: Applications Panel meet to agree short list
- Weeks beginning 14<sup>th</sup> and 21<sup>st</sup> February: Subject to candidates' availability Interviews and recommendation(s) for appointment made.
- Week beginning 28<sup>th</sup> February: Nominations Committee meet formally (perhaps on the morning of Commission meeting, on 2<sup>nd</sup> March) to make recommendation to Commission and Commission ratify (subject to references).

#### **Editorial Commissioners**

10. The procedure for appointment for editorial Commissioners has been agreed as follows:

- The NC would meet with the Chairman of PressBof to discuss thoughts on the needs of the Commission. The Governance Review specifically recommends that "efforts should be made to ensure that the regions of the UK are properly and widely represented. There should also be wide representation of publishers and types of publication".
- The Chairman of PressBof would then liaise with the trade bodies, and agree the representatives. He would then inform the NC of the proposed names for the role.

#### **Reappointment of lay Commissioners**

11. The NC will be responsible for considering whether Commissioners should be reappointed for a second term. This will follow comments from the Chairman, based on previous performance discussions. Consideration will also be given to the ongoing needs of the Commission, when deciding whether to offer someone an additional term. NC members will not be privy to discussions about their own reappointment.

#### **Reappointment of editorial Commissioners**

12. It will be a matter for PressBof and the editor concerned to determine whether an additional term will take place. The NC will be consulted in regard to the needs of the board.

8/12/2010

5. Statement by the Chairman of Pressbof to members of the Commission

The Chairman of PressBoF, Guy Black, joined the meeting at this juncture and spoke to Commissioners about funding matters relating to Northern & Shell titles.

6. PCC response to Independent Governance Review

Commissioners discussed and agreed the final text of the PCC's response to the Independent Governance Review. The Commission agreed that the response should be published as soon as possible.

7. Nominations Committee

Commission members considered detailed proposals for the establishment of a new Nominations Committee. They welcomed the appointment of the Committee's independent advisor and it was agreed that Ian Nichol and Ian Walden would, along with the Chairman, comprise the membership of the Committee. Detailed proposals for the appointment process of new members (and re-appointment of serving members) were all agreed. Information about the process will be made public via the PCC's website.

8. PCC and the publication of rulings

The Commission considered proposals about improving the mechanism by which the PCC makes public its decisions on individual complaints. The principle that regular packages of information should be released about complaint outcomes was endorsed by Commissioners. But it was agreed that the secretariat should be allowed a degree of latitude to take into account specific circumstances.

9. Clause 15 response from the Code Committee

At its meeting in September, the Commission had considered the payment by the Mail on Sunday to Loloahi Tapui, the housekeeper of Baroness Scotland. As a result of Commissioners' deliberations, the Chairman wrote to the Editors' Code of Practice Committee for clarification as to the scope of Clause 15 (Witness payments in criminal trials). In response, the Code Committee had made clear its view that Clause 15 of the Code does not cover defendants, who would not automatically appear as witnesses in their own trials.

The Commission considered that this issue would be considered when it discussed its own submission to the forthcoming Code audit.