

# Lord Holmes Review

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Opening up public appointments  
to disabled people

Progress Report  
December 2020



*Launch of Review, December 3<sup>rd</sup>, 2018.*

*L-R Matthew Campbell-Hill, Rt Hon Oliver Dowden MP, Chris Holmes, Carly Jayne Jones MBE, Grace Quantock.*

# Foreword

Some two and a half years ago, on the invitation of Cabinet Office Minister, Oliver Dowden MP, I undertook a review into opening up public appointments to disabled people. The review, published two years ago to the day, analysed the barriers, blockers and bias which resulted, at that time, in just 180 out of around 6,000 public appointments being held by disabled people.

The review set out 29 clear, practical and achievable recommendations, all of which were accepted in principle by the Government at the time. Two years on, it is timely to review how many of those recommendations have been fully incorporated into the operation of the public appointments process and what impact this has had on the number of disabled people applying for and becoming public appointees.

Quick refresh, why does this matter and what are public appointments? Public appointments are significant positions that have an impact on all our lives but are not, perhaps, well known or understood. Collectively public appointees are responsible for well over £200 billion of public funds administered through over 500 bodies across, for example, healthcare, education, sport and the arts, energy, security and defence.

It would seem good sense, considering their impact on us all, to ensure that public appointments reflect the society they are appointed to serve. When Oliver Dowden MP invited me to conduct the review, he made the point that “it is essential that public appointees are truly representative of the society they serve.” Fundamentally, it is about talent. As already stated, there are well over 200 billion reasons why we should all insist that our public appointees are drawn from the most diverse talent of our nation.

Opening up public appointments to disabled talent is not looking to give anyone an unfair advantage. An equitable, inclusive, fully accessible and positive process puts everyone on the same start line. It allows everyone to run whatever race they choose with fairness, dignity and respect throughout. A guaranteed interview is not a leg up, it’s a tool to allow someone with valuable lived experience to get in front of an interview panel. Offering alternative ways to apply is not giving a neuro-diverse person an edge, it may well be the difference which enables someone to apply at all.

So, what progress since my review? In 2019, the latest figures available from the Cabinet Office show the number of public appointees in post had reduced to less than 5000 with 379 declaring a disability. On the face of it more disabled people declaring a disability appears a positive development. However, this figure must be considered in the light of incomplete, sometimes contradictory data and a year on year decline in new appointees declaring a disability.

The latest figures from the Office of the Commissioner for Public Appointments, for 2020, show just 5.8% of new appointments were made to people with a disability, down from 6% in 2019. The Commissioner, the Rt Hon Peter Riddell CBE, has been a champion of diversity throughout his time in post and I thank him and his office for their support for both my original review and this update. In his annual report published last week he writes that “the main, worrying, negative is the continuing low level of appointments and reappointments to those declaring disabilities.”<sup>i</sup>

In this two years on review, I have considered my original recommendations, traced those recommendations so far as they were reflected in the Government’s Diversity Action Plan 2019 and tried, as far as is possible, to assess whether those commitments have been achieved and where further effort is still needed. It is important to note, though ambitions, quite rightly have been set for the number of female and BAME public appointees, no such ambition has yet been set for disabled people, although recommended in my review in 2018.

Covid brings another context to these considerations. My heart goes out to all those affected, to all those who have had loved ones cruelly taken before their time, to all those who have suffered life changing impacts from the virus. Amongst the devastation though, Covid, in some essential ways, has driven change which, if continued, could positively assist disabled people and, indeed, as is always the case, could help all of us. Consider for example, the possibility of Zoom call interviews, flexible working arrangements and home working.

Two years on from my 2018 review disabled people are still waiting for action; action which enables, action which includes, action which has the power to transform our public bodies into representative, talent rich organisations serving society and serving us all. My hope is that this progress report will drive action across Government and when I review the landscape in twelve months’ time significant progress will have been made.

## Lord Holmes of Richmond MBE



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# Executive Summary



## Action Plan – Review – Action Plan – Action?

In its [2017 Public Appointments Diversity Action Plan](#), the government committed to commissioning a review of the barriers preventing disabled people taking up public appointments on the boards of public bodies.

The [Lord Holmes Review, Opening up public appointments to disabled people](#), was published in December 2018. The Review made 29 detailed recommendations covering:

- data collection and transparency,
- attracting and nurturing talent,
- application packs and job descriptions and
- interviews and beyond.

The Government responded to the review by updating the [Diversity Action Plan \(DAP\) 2019](#). The Diversity Action Plan 2019 accepted the principle of the Lord Holmes review recommendations in full and committed to 25 actions related to the recommendations – of those commitments - this progress report has found just 2 have been fully completed.<sup>1</sup>

Many of the steps laid out in the Diversity Action Plan (2019) had specific deadlines. As far as it is possible to tell, of the 13 published deadlines below, just three have been delivered, two appear well behind schedule but underway and the remaining eight are ‘red’; deadlines have passed and we have not been able to assess progress.



<sup>1</sup> DAP 1.1 and 1.5 have been completed and DAP 1.2, 1.4 and 2.1 have been partially completed.

Actions completed: In Dec 2019 guidance to departments stressing the importance of considering diversity in reappointments and extensions was published. A standardised diversity monitoring form has been launched and shared with all departments. However, it is not yet being used consistently across all public appointment application packs. A British Sign Language (BSL) translated video of the Chair of the Food Standards Agency explaining why diversity information is collected has been published on the Cabinet Office website.

Actions delayed: A decision has been taken to set up a single application portal and work on this is underway. The project is at technical testing stage but there is no information about when the portal might go live. A pilot mentoring scheme has been postponed and the Commissioner for Public Appointments annual report states this may now be adapted to an online scheme.

Action not taken: Diversity data has not been included in permanent secretary dashboards. There is no evidence of new or updated guidance, either to departments or aspiring appointees. There is no evidence of a feasibility study of a commercial framework for providers who can supply adjustments. There is no evidence of induction training for new Non-Executive Directors (NEDs), coaching pilots an online peer run network or an inclusive boards charter.

#### Background:

In 2003, the then Commissioner for Public Appointments, Dame Rennie Fritchie DBE, established a Short-Life Working Group (SLWG) to consider the barriers to disabled people in the public appointments process. The findings and recommendations are similar to those of the Lord Holmes Review. As with the 2018 review the 2004 report made recommendations about accessible application packs, a standardised definition of disability, positive language, clear communication about reasonable adjustments, flexibility over CV and interview formats, disability awareness and training and improved data collection.<sup>ii</sup>

#### Data:

The latest published figures from the Cabinet Office show 379 current public appointees declaring a disability in 2019, an increase from 180 in 2018 when the original review was published. Whilst this increase is to be welcomed it raises many questions. There has been a significant drop in the total number of public appointments; from “in the order of 6000” in 2018 to fewer than 5000 (4955) in 2019. So, this is an increase in the number of people declaring a disability at the same time as a decrease in the number of people completing a diversity monitoring form. In the same period the Office of the Commissioner for Public Appointments reported that the combined number of new and reappointments was 6%.<sup>2</sup>

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<sup>2</sup> See table on page 12.

Next steps:

The government must renew their efforts to meet these commitments, listed above and as set out in the Diversity Action Plan. The government is facing extraordinarily difficult circumstances in dealing with the Covid-19 pandemic, but diversity and inclusion should not be considered priorities only during good times. Now, more than ever, those in public life must be drawn from the broadest pool of talent in the country and truly representative of the communities they serve.

In addition to meeting the commitments already set out in the Diversity Action Plan the Government must consider the important issue of remuneration. Remuneration was outside the scope of the original 2018 review but is an essential part of improving diversity generally as well as in respect of people with disabilities. The Commissioner for Public Appointments' has made an important intervention on this subject. The Commissioner has pointed out that *“the limited remuneration for some roles may also discourage younger people, those who do not have full-time salaried jobs, or who are from disadvantaged groups for whom a public appointment cannot make financial sense”*<sup>iii</sup> and is undertaking dedicated research on this topic, due to be published early next year.

*“The true test of commitment is not just words, but actions. With improved data and transparency, this government and its successors will be held to account about the progress it is actually making.”<sup>iv</sup>*



# All on the same page



*“We want to transform the lives of disabled people, ensuring they have access to opportunities and are able to achieve their potential. We will publish a National Strategy for Disabled People in 2020 to ensure disabled people can lead a life of opportunity and fulfilment. Our strategy will be ambitious, supporting disabled people in all aspects and phases of their life.” **Prime Minister Boris Johnson (Briefing notes for Queen’s Speech, Dec 2019)***



*“Improving the diversity of our public appointments is a moral imperative. In a modern Britain we cannot tolerate barriers that prevent people from serving our country because of their gender, race, religion, sexuality or disability. But it is also a business imperative that is fundamental to the success of public bodies. More inclusive and diverse boards are more effective and better able to meet the needs of the communities they serve. So by fulfilling the ambitions set out in this plan, we can not only help to tackle historic injustices that have held back too many people for too long, we can also help to build a better Britain and a country that truly works for everyone.” **Theresa May (Diversity Action Plan, 2019)***

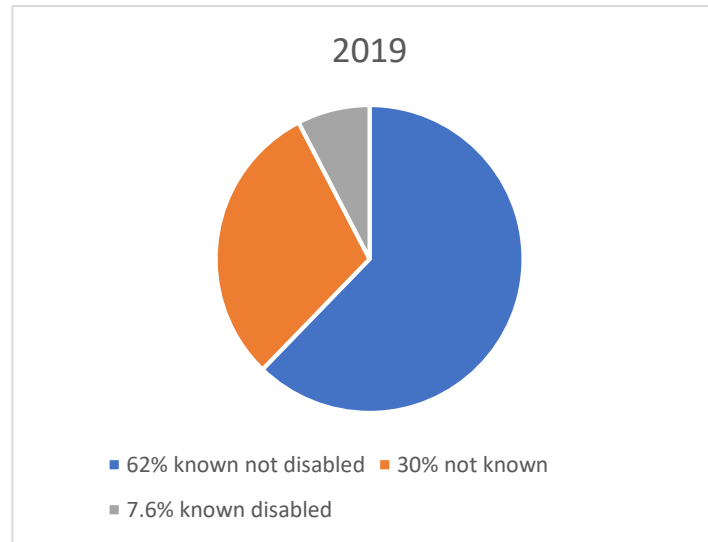
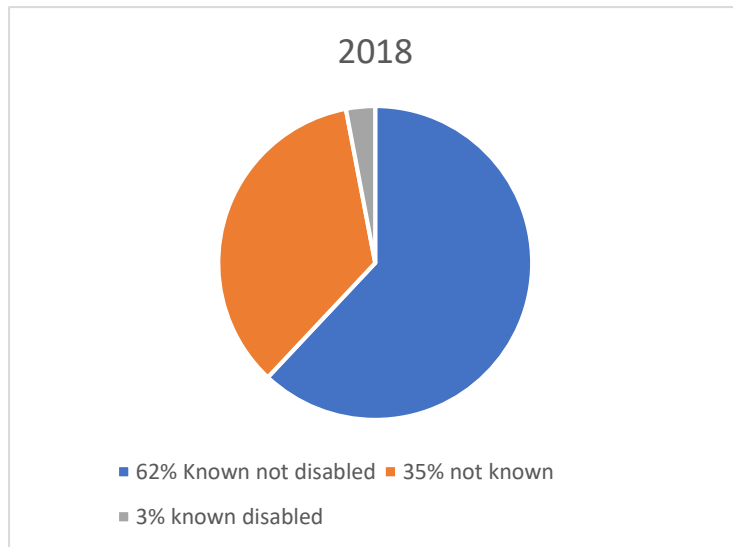


*“We want to do more to help disabled people into work.... What has changed is that we are getting more disabled people into work. We want to make more progress with that, and we have a new Secretary of State for Work and Pensions who is absolutely committed to continuing that development.” **David Cameron (Queens Speech Debate, 18 May 2016)***

# The Current State of Play

## EXISTING PUBLIC APPOINTMENTS

### Public appointees by disability status

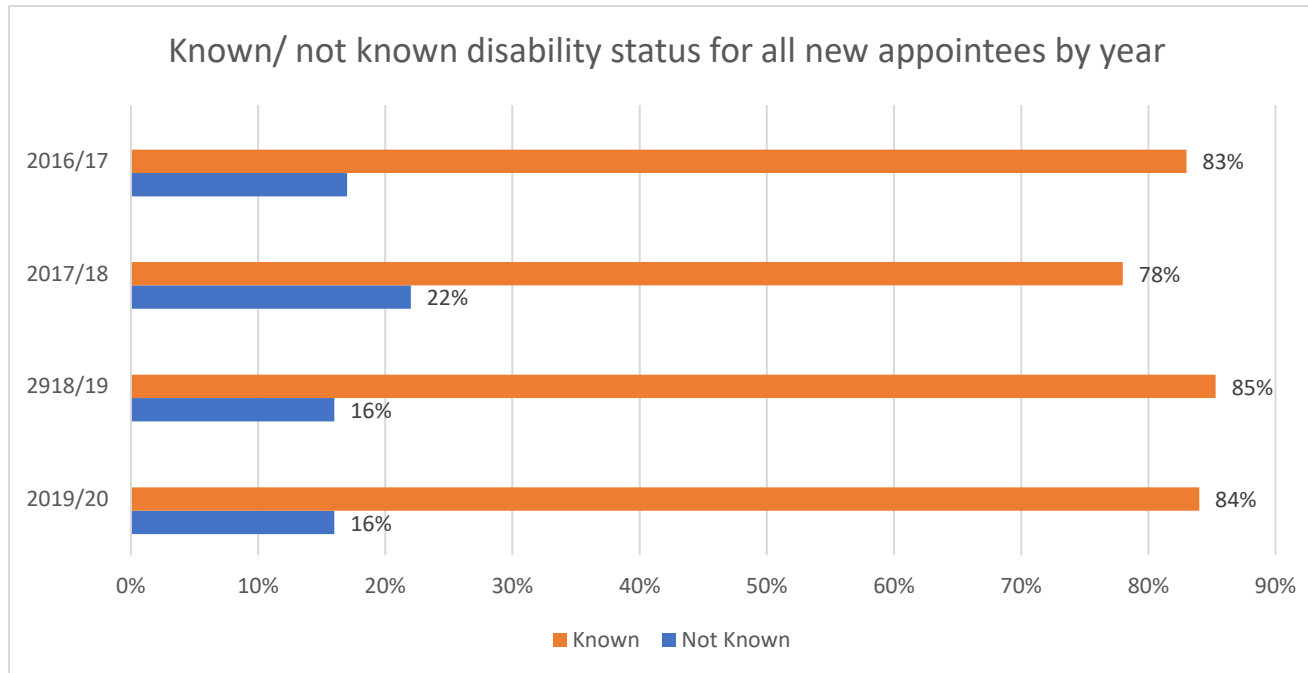


These numbers compare unfavourably with the population at large, where disabled people make up 19% of the working age population.

In 2017 and 2018, 5% of those who reported their disability status reported that they are disabled. We can infer from published statistics that this means 3% of all existing public appointees reported that they are disabled. In 2019, 11% of those who reported their disability status reported that they are disabled. We can infer from published statistics that this means 7.6% of all existing public appointees reported that they are disabled.<sup>3</sup>

<sup>3</sup> Out of a total of 4955 public appointees at 31 March 2019, 379 reported having a disability [Public Appointments Diversity Stocktake 2019](#), There was a significant drop in total public appointments from around 6000 in 2018 but an increase in those reporting a disability from 180. [Public Appointments Data Report 2018/19](#) Fewer people returned monitoring forms in 2019 (3445 in 2019, 3900 in 2018) but a larger number/proportion of those returns included people declaring a disability.

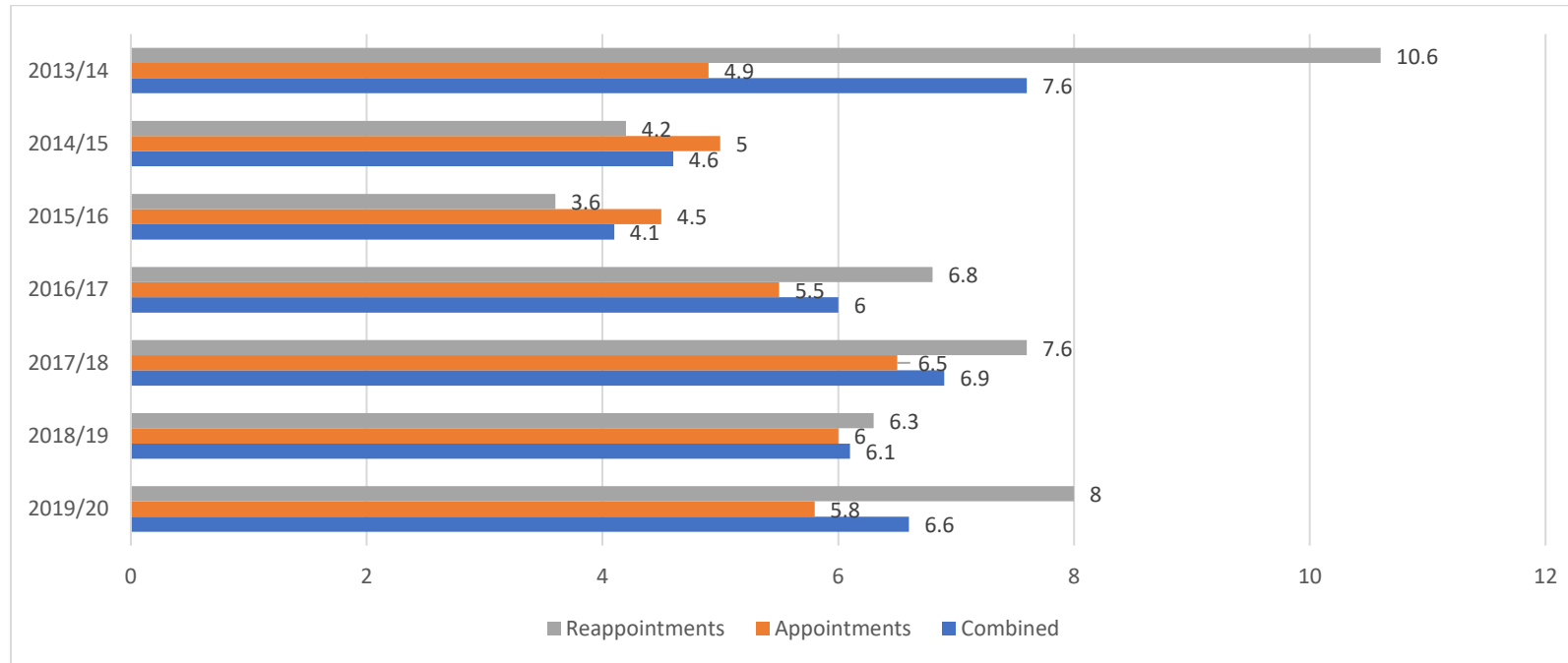
# APPOINTEES WHOSE DISABILITY STATUS IS UNKNOWN<sup>v</sup>



\*Note – that ‘known’ is defined as those who completed the diversity monitoring form and gave an answer to the question on disability and/or health condition, including ‘prefer not to say’. ‘Not known’ is for all those for whom their disability status is unknown because they did not complete the question.

# RATES OF APPOINTMENT FOR DISABLED APPLICANTS IN RECENT YEARS

Public appointments and reappointments made to people with a disability (where declared)<sup>vi</sup>



## DISPROPORTIONATE DROP OFF FOR DISABLED APPLICANTS<sup>vii</sup>

### Disability status by competition stage (where declared)

#### **2016/2017**

Disclosed disability	602 Applied	123 Shortlisted	56 Appointed
No disability	9548 Applied	2379 Shortlisted	1219 Appointed

#### **2017/2018**

Disclosed disability	703 Applied	142 Shortlisted	48 Appointed
No disability	8624 Applied	1962 Shortlisted	696 Appointed

#### **2018/2019**

Disclosed disability	610 Applied	156 Shortlisted	46 Appointed
No disability	8250 Applied	1846 Shortlisted	715 Appointed

#### **2019/2020**

Disclosed disability	546 Applied	111 Shortlisted	43 Appointed
No disability	6915 Applied	1609 Shortlisted	683 Appointed

# 1 Data and transparency

The 2018 review highlighted several problems with the collection and use of data:

- Data was usually only requested at application.
- Application packs were found to be inconsistent.
- Although applicants could tick a 'prefer not to say' option on the form, completion of the form is not mandatory.
- While disability was measured for public appointments, data is not published by department.

The wording of the disability question in the diversity monitoring form was debated by disabled peoples' organisations (DPOs) and recommendations were made around language and standardisation. The Business Disability Forum had useful guidance on how to capture accurate information without discouraging applicants from recording a disability.

The review made ten recommendations in this section with the overall objective of improving the collection and quality of the data. The government accepted the principle of all the recommendations and incorporated some into the Diversity Action Plan (DAP) 2019.

One review recommendation, that government should adopt a target for disabled public appointees to bring it in line with targets set for other recommended characteristics (gender and ethnicity) set in 2017, was postponed until December 2020.

This report found that guidance on how to approach the question on disability and the definition of disability has been published on the Cabinet Office website: <https://publicappointments.cabinetoffice.gov.uk/recording-whether-or-not-you-have-a-disability/> and many of the application forms or packs include a link to this information.

The Cabinet Office and the Office for the Commissioner for Public Appointments jointly launched a new accessible diversity monitoring form<sup>4</sup> in November 2019 however a dip sample of application packs accessed in October 2020 found application packs remained inconsistent with the new diversity monitoring form used in 6 out of 11 sampled. Only one vacancy offered alternative formats at the 'How to Apply' stage.

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<sup>4</sup> Attached at end of this document

Although completion of the form has not been made mandatory, as encouraged by both the review and the Commissioner for Public Appointments, it was clearly encouraged and the importance of the form for the collection of data and the fact that it would not be a part of the application was clearly and consistently communicated.

The Cabinet Office has published the latest appointments disability data split by monitoring department but does not appear to have added diversity statistics for departments public appointments to Permanent Secretary dashboards.

Clearly, it remains the case, that a single online application system would improve the diversity data and ease of data analysis. A single application portal and improved website is under development and is at technical testing stage. It is not clear when that will be launched but it should lead to a significant improvement in the quality of the data and should be considered a priority.

## 2018 Review Recommendations:

See below for a full list of review recommendations and whether they have been achieved 😊 not achieved 😞 or unclear/not yet known 😐.

1.1 Government should adopt an interim target of no fewer than 11.3% disabled public appointees by 2022, to be reviewed by the end of 2019. 😞<sup>5</sup>

1.2.1 Government should establish consistent positive language to flag the diversity monitoring form within application packs. Ensure the form is accessible with assistive technology and can be completed electronically. 😊 😞<sup>6</sup>

1.2.2 Government should retain the disability question's social model alignment, but make the wording more inclusive, open and aligned with best practice in industry. This review recommends adopting 'Do you consider yourself to have a disability or long-term condition (such as dyslexia, diabetes, arthritis, a heart condition or mental health condition, for example)?', based on Business Disability Forum's advice from its members' experience of what works. 😊

1.2.3 To help those who remain unsure, and to avoid making the question overly long and legalistic, Government should provide a suggested definition and list of conditions via a link to a page on the CPA or OCPA website. (1.4, DAP) 😊

1.2.4 Government should also explain what the different requests for disability information are for. Draft text for application packs to explain how diversity data is used and that it is confidential should be provided for departments. A subtitled and BSL translated video should be created to explain the difference between the diversity monitoring form, adjustments and the successor the Guaranteed Interview Scheme. (See section 3) (1.5 DAP) 😊

1.2.5 Government should shore this up with visible senior buy-in. The information and video recommended in 1.2.4 should be recorded by a senior public appointments decision maker to underscore the importance sharing this information has for Government. 😊

1.3.1 Government should publish public appointments data split by sponsoring department. 😊

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<sup>5</sup> The Diversity Action Plan accepted the principle of this recommendation but postponed a decision regarding setting a target until December 2020.

<sup>6</sup> Although an accessible diversity monitoring form has been launched it is not yet being used consistently in all application packs.



1.3.2 Government should collect and publish disability data for appointable candidates submitted to Ministers by recruitment panels. 😞

1.3.3 Government should add diversity statistics for departments' public appointments to Permanent Secretary dashboards. 😞

1.4 Government should explore creating a single online application portal for UK public appointments. 😊

## Carly Jones MBE

### **Member of the CVS Honours Committee and Case Study for the Lord Holmes Review in Public Appointments in Dec 2018.**

In the two years that have passed since the review I've have been actively working to raise awareness of public appointments amongst disabled people in my network who would make fantastic appointees but perhaps had not thought of applying. I have also been supporting various government departments with talks and presentations and helping to review and edit polices, upcoming web designs and most importantly accessible application forms.

Being autistic I spot patterns and the pattern I've seen in these two years is accessibility often being created by chance. A considerate add on by a thoughtful, often disabled, staff member within a government department reaching out in a self-starting fashion because they are passionate about accessibility. Not because they were asked to, not because it's in the guidelines or policy, not because their boss or minister is accountable for it.


In turn, a disabled person's prospects become subject to chance. Dependent on which government department they apply for and whether a kind disabled staff member already works there. Ironically again, as a woman diagnosed with a communication disability, I've noticed time and time again the lack of communication between departments.

So, for example, when recently the Home Office tweaked their application forms to achieve a more universal design could the inister be accountable by sharing that as a model of best practice with fellow ministers to provide a level playing field not just across the disability spectrum but across all public appointments?

Could there be accountability, perhaps in the ministerial code, to set out equality in appointments, to encourage transparency and for us to help us help our ministers ensure public appointments and bodies truly represent the public they serve not by chance but by code."


# Public Appointments Diversity Action Plan 2019


See below for a full list of actions and whether they have been achieved  not achieved  or unclear/not yet known .


1.1 Publish diversity data annually, split by department, breaking that down as far as possible into different categories of interest such as gender, ethnicity and disability while ensuring individuals cannot be identified from anonymised data. <sup>7</sup>

1.2 We will review our existing mechanisms for collecting annual diversity data and change the way this data is collected and presented for both new and existing appointments in 2019 and in future years. This includes:

1.2.a. amending the diversity monitoring form;  <sup>8</sup>

1.2.b. trialling ways of increasing completion rates, including asking applicants for some roles to complete the form before their application is accepted (whilst ensuring that the form continues to allow candidates to select a “prefer not to say” option); 

1.2.c. testing the feasibility of collecting and publishing, in anonymised form, the diversity data of appointable candidates submitted to ministers by Advisory Assessment Panels. We will review the impact of these actions and decide whether to roll them out further by December 2020. 

1.3 We are exploring the introduction of a single online application portal for public appointments alongside an improved website to provide greater functionality and features which assist in data collection and support public appointees to undertake their roles. We will complete scoping/ discovery work by December 2019. This scoping work, alongside the consideration of further funding, will inform a final decision by March 2020 on a single application portal and improved website. 

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<sup>7</sup> 2019 data was published in July 2020 (see references) The 2020 data is not yet available.

<sup>8</sup> Although an accessible diversity monitoring form has been launched it is not yet being used consistently in all application packs.

1.4 By October 2019, we will standardise the language used on diversity monitoring forms and in application packs, for public appointments with input from departments and stakeholders (including the Business Disability Forum). As part of this, we will agree a single definition of disability for all public appointments' diversity monitoring forms. (recommendation 1.2.3 from the Review) 😊 😞<sup>9</sup>

1.5. Publication on the HM Government Public Appointments website of a subtitled British Sign Language translated video of a senior leader explaining why diversity information is collected as part of the application process and its importance. (recommendation 1.2.4 from the review) 😊

1.7 We will ensure that public appointment diversity data is included in the dashboards used as part of Permanent Secretaries' appraisals by April 2020. (recommendation 1.3.3 from review) 😞

1.8 We will assess the position in December 2020 based on progress on actions 1.1, 1.2 and 1.3, when the government will take a decision about what its ambition on disability should be. 😞

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<sup>9</sup> Although an accessible diversity monitoring form has been launched it is not yet being used consistently in all application packs.

## 2 Attracting and nurturing talent

The original review noted that “the current approach relies heavily on the Centre for Public Appointments’ website, Twitter Feed and newsletter which risked limiting the pool of talent considering and applying for these roles”.

There was broad agreement that identifying and publicising existing appointees who are disabled people would help demonstrate that public appointments can be for anyone.

The 2018 review also found that when executive search firms are used to find candidates for public appointments, the sponsoring Whitehall team is “strongly encouraged to insert some conditions in the terms about securing a diverse field of candidates” but no standard wording and specific mandatory clause to target disabled candidates.

The review made five recommendations to address these findings:

- showcase role models,
- mentoring,
- greater use of Disabled Peoples Organisations communication channels,
- best practice guidance to executive search firms and
- the creation of a disability network.

The government accepted all the recommendations although only three, those on role models, stronger links with existing networks and organisations and mentoring, were incorporated into specific actions in the Diversity Action Plan (2.1 & 2.4). The government response stated that it “has already issued guidance on the use of executive search firms in public appointments campaigns, as reflected in the refreshed DAP.”<sup>10</sup> We have not seen this guidance which does not appear to be publically available. The Review recommended, and reiterates, the Business Disability Forum’s Charter for Disability Smart Recruitment Service Providers as a useful resource.

Matthew Campbell-Hill and Carly Jayne Jones, who gave evidence to the review, are both excellent role models, and have subsequently conducted video interviews with the Commissioner for Public Appointments (now available on OCPA website) as well as participating in

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<sup>10</sup> [Government response to Lord Holmes review June 2019](#) (This file may not be suitable for users of assistive technology)

events. In order to grow the pool of role models the government should proactively target other talented disabled public appointees and not rely only on those identified in the original review.

There has been some progress made on a mentoring scheme although what was promised as a pilot in some departments by June/July 2020 has not yet been launched and is now planned as an online initiative but without a published start date. The project which has been planned in partnership with the Office of the Commissioner for Public Appointments (OCPA), the Public Chairs Forum (PCF) and the Cabinet Office Public Appointments Policy Team (PAPT) was postponed due to the Covid-19 pandemic.

“At the start of the 2019/20 year, PCF, OCPA and the PAPT began planning a pilot mentoring programme, with the PCF membership as a pool of mentors, to work with near-miss candidates from recent public appointments competitions from three departments as mentees. Reflecting on the success of other schemes such as Boardroom Apprentice in Northern Ireland and NHSI’s NEXt Director Programme, the scheme was included in the UK Government’s DAP and in the Commissioner’s Annual Report last year.”<sup>viii</sup>

*“I burned my pyjamas and volunteered for the largest health board in Wales”<sup>ix</sup>*

## 2018 Review Recommendations:

See below for a full list of review recommendations and whether they have been achieved 😊 not achieved 😞 or unclear/not yet known 😐.

2.1 Government to showcase role models on a rolling basis. 😐 (2.1 in DAP)

2.2 Government to proactively target talented disabled candidates to join a mentoring programme for future board members and explore the potential of shadowing and advisory boards. Build a pipeline of disabled mentees to join the Cabinet Office's proposed public appointment mentoring scheme. Government should commission pilots to explore the value of alternative board structures (associate members, observers, shadow members, shadow boards and so on). 😐 (2.4 in DAP)

2.3 Government to make better use of multipliers, conduits and connectors, and strategic collaboration with DPO communications channels. Centrally, Cabinet Office should lead a coherent stakeholder communications strategy for promoting public appointments by engaging the Disability Charity Consortium. Appointing departments and public bodies should draw up stakeholder plans focused on sector-specific groups and professional networks of disabled people. 😐 (2.1 in DAP)

2.4 Government to provide mandatory text to be included in all commissions for executive search firms. Government should issue best practice text on instructing executive search firms to identify disabled candidates in long and shortlists as a condition of payment. Demand all suppliers have signed up to the Business Disability Forum's Charter for Disability Smart Recruitment Service Providers. 😐

2.5 Government to create a disability network (or 'NEDwork'). Networks are most sustainable and effective when sustained from within. Government should gauge interest from the existing body of disabled public appointees to create a cross-public appointment network for disabled public appointees. If there is sufficient interest (10 or more people, to form a reasonably sized committee), Government should provide secretariat to establish the network. This could continue the engagement begun by the review's workshops and act as a sounding board for developing ideas post-review. The network could support the role model and mentoring schemes. 😞

# Public Appointments Diversity Action Plan 2019

See below for a full list of actions and whether they have been achieved 😊 not achieved 😞 or unclear/not yet known 😐.

2.1 From December 2019, we will work with partners to improve awareness of public appointment opportunities so that the government engages more effectively with a broad range of potential candidates from across the UK, including talented individuals from under-represented groups, professional networks and businesses. As part of this, we will build stronger links with existing networks and organisations to help us reach those under-represented groups. Our approach will include a plan to showcase role models. In the meantime we will continue to use role models to support specific events. (2.1, 2.3) 😐 😐 😐<sup>11</sup>

2.3<sup>12</sup>The majority of Ministerial departments have a Disability Confident Level 3 rating. They should therefore already be working with their public bodies to promote this. In May, the government announced that it wants to double employers' membership of Disability Confident to 20,000 over the next year. As part of this the Cabinet Office will work with the Department for Work and Pensions in supporting:

2.3.a. other departments which sponsor public bodies to also achieve a Disability Confident rating; and 😐

2.3.b. departments with a Level 3 rating to fulfil their commitments as leaders of Disability Confident by encouraging their sponsored public bodies to join the scheme. 😐

2.4 By July 2020, working jointly with the Public Chairs Forum and the Commissioner for Public Appointments, we will set up a standalone mentoring pilot in a number of departments. This will draw on the experience in Northern Ireland. The pilot scheme will focus on targeting and supporting 'near-miss' candidates, particularly those from under-represented groups, in an effort to assist them to secure a public appointment. As part of this pilot we will explore offering experiential board opportunities to develop board exposure and experience. We will assess the success of the pilot a year after it is launched to determine how we may roll out a sustainable mentoring offer. In parallel we will also develop plans for how we might extend any mentoring pilot to aspiring applicants from underrepresented groups. 😐

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<sup>11</sup> Unable to assess degree of engagement with broad range of candidates from across the UK or strength of links with existing networks and organisations. Role models such as Carly Jones MBE have generously supported events.

<sup>12</sup> This action incorporates review recommendation 3.3.2 in the following section on application process and is covered in the next section.



## 3 Application process

The 2018 review found that there was limited consistency as to how application packs for public appointments are presented. All opportunities were published on the Cabinet Office Public Appointments website although some roles redirected the applicant to a departmental online application system and others to the online portal of a recruitment consultant, this system is still in place.

There was a mixed picture regarding accessibility and feedback to the review ranged from appreciation for a clear and easy to use application pack to the discovery of inaccessible third party websites. The review found that it would be beneficial to have a consistent approach in terms of accessible and inclusive application packs but greater flexibility in terms of the means of applying and selection criteria.

The Disability Confident scheme received a mixed response although overall it was felt to be a positive initiative and should be highlighted in application packs.

The Guaranteed Interview Scheme was another controversial scheme with responses ranging from a positive sense that applicants would have an opportunity to demonstrate their suitability for the role if they could at least get through the door but with many others fearing that it would actually count against them.

The review made ten recommendations in this section and whilst many were incorporated into the DAP 2019 (actions 2.3, 3.1 and 3.3) some recommendations, particularly around alternative means of application (said to already be allowed under the Governance Code on Public Appointments) and piloting and testing alternative means of application and assessment (DAP action 3.3) (postponed to 2021) cannot be assessed for progress.

The majority of the actions in this section of the Diversity Action Plan apply to the guidance promised to help sponsor departments improve the inclusivity of the process and whilst we have not been able to access any guidance this update found, just as with the original review, that there was limited consistency as to how application packs for public appointments are presented. A dip sample of 11 current opportunities found a mixed picture in terms of diversity monitoring forms, different information presented at different stages (for example just one included a diversity statement at the first stage) Most mentioned Disability Confident – although one referred repeatedly to ‘Disable Confident’ rather than Disability Confident. Only one application pack offered alternative formats. So implementation of guidance, even if guidance exists, is patchy at best.

It is welcome that in April this year, the Office of the Commissioner for Public Appointments hosted Amanda Wadsworth MBE from the Department for Work and Pensions (DWP) and public appointments practitioners from across departments to learn more about the DWP's Disability Confident Scheme and how it can be implemented for public appointments. "With Disability Confident replacing the previous Two Ticks scheme, practitioners learned more about how to make practical changes to public appointments processes. In particular, participants discussed offering interviews to disabled people and using a Guaranteed Interview Scheme fairly and consistently, which was highlighted by the Lord Holmes Review in 2018 as being an area for improvement."<sup>x</sup>

As level 3 Disability Confident leaders all departments should be encouraging sponsor bodies to become Disability Confident members although we do not know how successful this has been. There are currently approximately 20,000 organisations signed up to the DWP's Disability Confident programme. It would be helpful to have membership information for all arm's length bodies accessibly and publically available.

*"All departments should be encouraging sponsor bodies to become Disability Confident members"*

# 2018 Review Recommendations

See below for a full list of review recommendations and whether they have been achieved 😊 not achieved 😞 or unclear/not yet known 😐.

3.1 Government should produce standards for all public appointments packs on accessibility and openness to disabled applicants, which both appointing departments and third party recruiters must adhere to. 😞<sup>xi</sup>

3.1.1 Use online tools and toolkits to ensure packs are accessible. Appointing departments should test packs against existing free-to-use tools on GOV.UK related to WC3 standards, openness to neuro-diverse candidates and free online guidance on making applications accessible. 😐 (DAP 3.1.e)

3.1.2 All packs should be offered in multiple alternative formats. Short videos from senior figures in the public body explaining each role should be posted with the job pack or on social media. 😞

3.1.3 Positive and purposeful language on inclusion and adjustments. All appointing departments to review the language used in packs to weed out outmoded or overly legalistic text concerning disability. Government guidance should include standard language for packs to use on openness to disabled applicants and positive language around adjustments. 😐<sup>xii</sup> (DAP 3.1.b)

3.2 Appointing departments should be open to alternative means of application and assessment. Government should commission, analyse and publicise pilot recruitments innovations including: 😐<sup>xiii</sup> (DAP 3.1 f)

3.2.1 Ideas to pilot could include video or audio submissions, short pre-interview phone discussions, free-form submission in any text format. 😐 (DAP 3.1f)

3.2.2 Moving 'essential' criteria towards skills, output and potential. All appointing departments should review job descriptions to sense-check if essential criteria from the last recruitment can be pared back. Government should commission pilots to test CV-free, strengths based applications, selection criteria that explicitly weigh lived experience equally to other experience, and skills-based selection frameworks. (DAP 3.1c) 😐

3.3 All public bodies should aspire to a Disability Confident rating and retain the principles of the Guaranteed Interview Scheme. The review acknowledges the strength of feeling these schemes elicit, but concludes that the benefits of their consistent use outweigh the drawbacks. 😊

3.3.1 All appointing departments should have a policy to offer interviews to disabled people who meet the minimum criteria, and elect to be considered for this scheme. As ticking this box is optional, and a large minority of those we spoke to valued GIS highly, its successor should be offered across the board. However, it is essential that retention goes hand in-hand with changes outlined in 3.2 regarding 'essential' criteria.

Appointing departments should consider offering feedback to GIS applicants who do not get an interview and ask for feedback. 😊

3.3.2 All bodies should be Disability Confident by summer 2019. All should have a Disability Confident level and display this on their websites and application packs and have a clear pathway to progress up the levels. Departments should consider how to support the smaller public bodies they sponsor to meet this goal. Progress and levels should be monitored annually. 😊 xiv

*“It was completely demoralising knowing that I had the minimum requirements but had still not been offered an interview.”*

# Public Appointments Diversity Action Plan 2019

See below for a full list of actions and whether they have been achieved 😊 not achieved 😞 or unclear/not yet known 😐.

3.1 Starting in November 2019, we will produce a series of guidance and resources to help sponsor departments improve the inclusivity of their appointment processes. 😐

This will include:

- a. tips and suggestions for increasing diversity recording rates (informed by the trial work we commit to undertake at Action 1.2b); 😐
- b. ways to produce accessible application packs and provision of standard, positive language on disability; (review rec 3.1.3) 😐
- c. setting out the importance of ‘candidate experience’ and ways to improve this; (review rec 3.2.2) 😐
- d. best practice use of Disability Confident; (review 3.3.2) 😐
- e. sign posting existing online accessibility and diversity toolkits and resources; (review 3.1.1) and, 😐
- f. approaches to adjustments for interview. 😐

We will keep this guidance under review, add guidance on further topics if needed and learn from the use of ‘Success Profiles’ in civil service recruitment. 😐

3.2 As part of our work to produce the guidance at 3.1(f), by April 2020, we will explore the feasibility of developing a commercial framework for providers who can supply adjustments during and after the assessment process. 😞

3.3 During 2021, we will run pilot schemes to test and evaluate new innovative approaches to the application process such as diverse Advisory Assessment Panels, alternative forms of application and alternative means of assessment. We will review the impact of these measures after a year and decide whether to roll them out further, or to trial alternative approaches. 😐 (review recs 3.2 & 4.1)

3.4 By September 2019 we will refresh the approach to reappointments to ensure that ministers are provided with comprehensive advice that fully takes into account considerations on the diversity, skills mix and stability of boards. 😊

# Helen Dolphin MBE

**Co-Chair Heathrow Access Advisory Group, British Science Association EDI Advisory Group, Member DPTAC, Member CCA Consumer Panel, Chair Motability Consumer Group**

I recently applied for a public appointment as a lay member of the Human Fertilisation and Embryology Association (HFEA). I don't usually ask for a 'guaranteed interview' as I worry that it will automatically cause my application to be considered weak, but on this occasion I was particularly confident in the strength of my application and I know I'm good in interview so I thought I would request one. Basically, you tick a box that means if you have a disability and meet the essential criteria at sift you should be offered an interview. However, I was surprised and disappointed to be told I did not meet the minimum criteria and was not offered an interview.

When I asked for further information, I was told the panel "felt that there wasn't any experience of working on a national board" and also that although I met the criteria that "specified a patient perspective .... the panel felt it was a question of scale of that experience." Overall, I was told that the panel concluded "that there were limitations from the application in meeting the criteria and were therefore unable to offer an interview."

I found this response incredibly disappointing as it felt like a really poor excuse to not give me an interview. I had hoped for something constructive, something that I could perhaps learn from for future applications but on the basis of this feedback – that they disputed that the NED roles I already held on national boards counted as experience of working on a national board – or that my patient perspective was not of the correct 'scale' – I just felt that there was nothing more I could have done.

It was completely demoralising knowing that I had the minimum requirements but had still not been offered an interview. This is not the first time I have been turned down for public appointment interviews when I met the minimum requirements and this recent experience has made me feel like giving up on the public appointments process. I actually believe the private sector is far more forward thinking in its board recruitment.

It has also made me think about what could be done to improve things – I wondered if there might be a way applicants could give feedback on the process so that a situation like this could be a learning for everyone. Obviously, people will often be nervous about making a formal complaint in case it threatens future prospects, but it would be nice to open up the conversation and make people more aware of the issues.

I have no idea why the HFEA chose to neglect their obligation under the Disability Confident scheme but I don't think it is right that they continue to say they are signed up to it as from my experience they have not even met the basic standard. If this scheme is to mean something and if boards genuinely want to improve their diversity, then they need to do more than just say they encourage applicants from diverse backgrounds and actually do something about it.

## 4 Interviews and beyond

The original review found that an experience-focused competency interview can embed disadvantages in three ways:

- Tendency to judge interview technique rather than suitability for role often compounded by lack of basic disability awareness that could be very off-putting and intimidating for candidates.
- Challenging format for candidates on the autistic spectrum and British Sign Language (BSL) users.
- Focus on sector knowledge, long experience and competencies rather than candidates skill and impact.

The review recommended alternative approaches to the selection process could supplement the panel interview and offer a more equitable process.

“Making reasonable adjustments is absolutely essential and is about more than physical access – as important as that is – access is also emotional and attitudinal. Clear communication and enquiry rather than assumption should be the starting point.”

The review also noted that feedback following a guaranteed interview scheme was often found to be unhelpful or discouraging.

The review made three detailed recommendations in this part that the government reflected in DAP actions 3.1, 3.2 and 3.3 and an additional DAP action point committed to the creation on an Inclusive Boards Charter by June 2020. As discussed above, for a variety of reasons it has not been possible to establish what guidance has been issued to departments, what pilots are underway and there are no signs of either a commercial framework for providers who can supply adjustments during and after the assessment process or an Inclusive Boards Charter.

***“At the interview I was congratulated on getting there ‘on merit’. Then when I did not get the role I was told it was because my experience was too disability focussed. It was pretty horrible. I felt that they viewed my disability and my experience in a really negative way.”<sup>xv</sup>***



# 2018 Review recommendations

See below for a full list of review recommendations and whether they have been achieved 😊 not achieved 😞 or unclear/not yet known 😐.

4.1 Appointing departments should consider more open and innovative selection processes than one-off panel interviews. Government should commission, analyse and publicise pilot selection processes. Proposed alternative methods could include: job trials, mock board meetings, extended shadowing of the board or the whole organisation, board paper exercises (shared in accessible formats in advance), multiple two person interviews, considering applications with equal weight to interview, offering phone or online video calls as standard. 😐

4.2 Appointing departments and public bodies should be aware of the impact of poorly administered adjustments. Government to provide good practice guidance on how to provide adjustments efficiently and effectively. 😐

- Be proactive – if adjustments have been requested, contact the interviewee in advance to plan ahead.
- Be guided by the individual – do not make assumptions about what adjustments they need.
- Consider that access is more than physical – is the room or alternative facility appropriate and giving the candidate the same opportunity as everyone else?
- Costs – it is a statutory requirement to offer reasonable adjustments. Public bodies and their sponsor teams in Whitehall must plan and budget for the potential costs.

4.3 Better training and awareness for boards and panels. Issues around interview practices, unconscious bias and poor application of adjustments could be addressed through better awareness or training. Public bodies and appointing departments should offer disability awareness courses and the Civil Service Disability Confident Manager course to their chairs and panellists. This should be monitored. Training should include awareness on effective use of Disability Confident's successor to GIS. Training and promotional material should be drawn up and shared to reflect what happened in the pilots proposed in 2.2, 3.2 and 4.1 above. 😐

4.4 Recruit and train more disabled independent panellists. Departments should proactively recruit more disabled people to become independent panellists. This should be measured and monitored. 😞

## Public Appointments Diversity Action Plan 2019

See below for a full list of actions and whether they have been achieved 😊 not achieved 😞 or unclear/not yet known 😞.

4.5 Working across all key partners including sponsor departments, public bodies, networks, membership groups, and the voluntary sector we will create an Inclusive Boards Charter by June 2020. 😞

# 5 Retention, remuneration and expenses

Retention, remuneration and expenses were beyond the scope of the 2018 review, however whilst the review was unable to make formal recommendations, these were found to be important areas that came up consistently during evidence-gathering. The review urged the government to study retention statistics, and consider if further work on public board culture, practice and disability awareness was required.

The review also urged the government to consider the interaction between remuneration and benefits payments for potential public appointees and draw up guidance to help public appointees to negotiate this process. In the dip sample undertaken for this update, two diversity monitoring forms (used by the Department of Health) highlighted the issue of remuneration and benefits stating: *“If you are disabled and in receipt of benefits you need to be aware that under current regulations, if you are remunerated for an appointment it may affect your entitlement.”*<sup>13</sup>

The review also urged the government to follow the evaluation for the Government Equalities Offices Access to Public Office fund and consider whether to pilot an Access to Public Appointments fund.

Although the government’s response to the Lord Holmes Review did not directly commit to action on this point, it was noted in the refreshed Diversity Action Plan:

*“We will undertake further exploratory work on remuneration for public appointees, with the understanding that a clarified and consistent approach to pay, adjustments and expenses may attract, and continue to support, diverse applicants.”*<sup>xvi</sup>

The Commissioner is also concerned that limited remuneration for some roles may also discourage applications from those for whom a public appointment cannot make financial sense and has committed to a thematic review on this topic to better understand how we can increase the diversity of those applying to public appointments. I look forward to the publication of this research next year and hope it will shed more light on the impact of remuneration on public appointments.

With the review, the DAP and the Commissioner all stating the need for guidance, further exploratory work and a better understanding regarding remuneration, it is clear that government must undertake meaningful action.

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<sup>13</sup> Form attached at end.

## **References:**

**Public Appointments Diversity Stocktake 2018**, published 3<sup>rd</sup> December 2018

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[https://webarchive.nationalarchives.gov.uk/20070708141154/http://www.drc-gb.org/about\\_us/leadership\\_strategy/opportunities/slwg\\_d\\_findings\\_and\\_recommenda.aspx?styletype=BlackonPalePink&styleclass=Colours](https://webarchive.nationalarchives.gov.uk/20070708141154/http://www.drc-gb.org/about_us/leadership_strategy/opportunities/slwg_d_findings_and_recommenda.aspx?styletype=BlackonPalePink&styleclass=Colours)

## ENDNOTES

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- <sup>i</sup> P.10 Commissioner for Public Appointments, Annual Report, November 2020
- <sup>ii</sup> Thanks to Stephen Brookes MBE for sharing the 2004 SLWG Report. The recommendations are also available from the Disability Rights Commission (2007) at the National Archives – link provided above.
- <sup>iii</sup> Office of the Commissioner for Public Appointments, Annual Report, October 2019
- <sup>iv</sup> Oliver Dowden, Government’s letter in response to Lord Holmes Review, 27<sup>th</sup> June 2019
- <sup>v</sup> Data sourced from Office of the Commissioner for Public Appointments Annual Reports
- <sup>vi</sup> Data sourced from Office of the Commissioner for Public Appointments Annual Reports
- <sup>vii</sup> Data provided by the Office of the Commissioner for Public Appointments
- <sup>viii</sup> P.15. Commissioner for Public Appointments, Annual Report, December 2020
- <sup>ix</sup> Grace Quantock, The Guardian, 8<sup>th</sup> March 2019 <https://www.theguardian.com/society/2019/mar/08/burned-pyjamas-volunteered-largest-health-board-wales-public-appointments>
- <sup>x</sup> P.14. Commissioner for Public Appointments, Annual Report, December 2020
- <sup>xi</sup> Although DAP 3.1 commits to guidance this is less substantial than the standards recommended by the review
- <sup>xii</sup> Just one -DCMS- role from the dip sample clearly demonstrated positive language about encouraging applications from disabled people at an early stage.
- <sup>xiii</sup> The Govt. response says this is already allowed under Governance code on public appointments – also says it will pilot different approaches and act as a hub – DAP 3.1 f – but we have no information or evidence on this.
- <sup>xiv</sup> Reflected in Diversity Action Plan as action 2.3
- <sup>xv</sup> Conversation with applicant who wished to remain anonymous.
- <sup>xvi</sup> Diversity Action Plan 2019, Next Steps, p.21