



by combining open advertising and assessment by appointment panels with ministerial input and choice. This differs from some other countries, such as the US, where a wide range of public appointments are nominated by the President and confirmed by Congress.

The rules for appointments made by UK ministers are set by the [Governance Code on Public Appointments](#), which is published by the government and lays out the division of responsibilities and powers between ministers and the appointment panel:

Appointments must be publicly advertised. Ministers agree the job specification and panel composition, can suggest potential candidates, and give their views on candidates to the panel at every stage of a competition. Number 10 is also [involved](#) on high-profile positions.

The appointment panel – usually comprising senior officials from the sponsoring government department, plus an independent member – shortlists and interviews, and advises the minister on which of the interviewed candidates are appointable.

The final decision then lies with the minister, who can appoint any shortlisted candidate. Ministers typically choose between the appointable candidates, but can choose a candidate deemed unappointable by the panel. Should that occur (which it never has) the minister would have to justify their decision before the relevant departmental select committee. This differs from the [judicial appointments process](#), where the minister is presented a single name by the panel.

More recently, reports by the [Committee on Standards in Public Life](#) (CSPL), House of Commons [Public Administration and Constitutional Affairs Committee](#) (PACAC) and the [Institute for Government](#) (IfG) have analysed the strengths and weaknesses of the public appointments process. The government has [accepted](#) some of their recommendations, and some welcome recent changes have been made for example, extending the public appointments process to cover the appointment of departmental Non-Executive Directors. But various other recommendations [remain outstanding](#).

## 1. Status of the Commissioner for Public Appointments

Unlike many other [ethics regulators](#), the Commissioner for Public Appointments, and the Code that they oversee, are established through Orders in Council rather than primary legislation. There have been consistent calls, including from the bodies named above, to put the Commissioner and the existence of the Code into statute. As CSPL has pointed out, this would give the Commissioner a firmer footing from which to raise concerns without fear that they could be easily abolished in retaliation for criticism. Ministers recently [rejected](#) this recommendation.

appointment processes. CSPL has recommended that all such regulators should be appointed through the process for significant appointments.

## 2. Pre-briefing candidates and packing panels

This series of briefings is produced by the Constitution Unit, a research centre based in the UCL Department of Political Science. We conduct timely, rigorous, independent research into constitutional change and the reform of political institutions, and work closely with other expert research organisations such as those named above. The briefings in this series form part of an ongoing  
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