The Justice Committee

The Justice Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Ministry of Justice and its associated public bodies (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General’s Office, the Treasury Solicitor’s Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers).

Current membership

Rt Hon Sir Alan Beith (Liberal Democrat, Berwick-upon-Tweed) (Chair)
Steve Brine (Conservative, Winchester)
Rehman Chishti (Conservative, Gillingham and Rainham)
Christopher Chope (Conservative, Christchurch)
Jeremy Corbyn (Labour, Islington North)
John Cryer (Labour, Leyton and Wanstead)
Nick de Bois (Conservative, Enfield North)
John Howell (Conservative, Henley)
Rt Hon Elfyn Llwyd (Plaid Cymru, Dwyfor Meirionnydd)
Andy McDonald (Labour, Middlesbrough)
John McDonnell (Labour, Hayes and Harlington)
Yasmin Qureshi (Labour, Bolton South East)

The following Members were also members of the Committee during the Parliament:

Mr Robert Buckland (Conservative, South Swindon); Christopher Evans (Labour/Co-operative, Islwyn); Mrs Helen Grant (Conservative, Maidstone and The Weald); Ben Gummer (Conservative, Ipswich); Mrs Siân C James (Labour, Swansea East); Gareth Johnson (Conservative, Dartford); Jessica Lee (Conservative, Erewash); Seema Malhotra (Labour/Co-operative, Feltham and Heston) Robert Neill (Conservative, Bromley and Chislehurst); Claire Perry (Conservative, Devizes); Mrs Linda Riordan (Labour/Co-operative, Halifax); Anna Soubry (Conservative, Broxtowe); Graham Stringer (Labour, Blackley and Broughton); Elizabeth Truss (Conservative, South West Norfolk); Karl Turner (Labour, Kingston upon Hull East); and Mike Weatherley (Conservative, Hove).

Powers

The committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via www.parliament.uk.

Publications

Committee reports are published on the Committee’s website at www.parliament.uk/justicecttee and by The Stationery Office by Order of the House.

Committee staff

The current staff of the Committee are Nick Walker (Clerk), Daniel Whitford (Second Clerk), Gemma Buckland (Senior Committee Specialist), Hannah Stewart (Committee Legal Specialist), Ana Ferreira (Senior Committee Assistant), Ellen Bloss (Committee Support Assistant), Conor Johnson (Sandwich Student), and Liz Parratt (Committee Media Officer).

Contacts

Correspondence should be addressed to the Clerk of the Justice Committee, House of Commons, 14 Tothill Street, London SW1H 9NB. The telephone number for general enquiries is 020 7219 8196 and the email address is justicecom@parliament.uk
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## List of Reports from the Committee during the current Parliament

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1 **Introduction**

1. The term in office of Her Majesty’s Chief Inspector of Prisons, Nick Hardwick, comes to an end on 14 July 2015. The post is one of six ministerial appointments made by, or on the advice of, the Lord Chancellor and Secretary of State for Justice which are subject to pre-appointment scrutiny by the Justice Committee. We undertook such scrutiny in 2010 when Mr Hardwick was put forward as the preferred candidate for the post, and endorsed his suitability for appointment. We wish to pay tribute to the work Mr Hardwick has done during his time in the post.

2. HM Chief Inspectorate of Prisons is an independent office, established by the Criminal Justice Act 1982 and sponsored by the Ministry of Justice. The Inspectorate’s main statutory remit is to inspect prisons in England and Wales and immigration detention facilities across the UK, and to report its findings to relevant Ministers on the treatment and conditions of detainees. The Inspectorate also conducts studies into specific custodial issues, often in conjunction with other inspectorates. The Chief Inspector, and the Inspectorate which he leads, is the main independent mechanism to ensure that standards of decency, safety and security are observed in custodial facilities. The other principal means of independent oversight of the prisons system are the Prisons and Probation Ombudsman, another post subject to pre-appointment scrutiny by the Justice Committee, and the Independent Monitoring Boards which exist at each place of detention.

3. In the course of this Parliament we have taken evidence on a number of occasions from the Chief Inspector, including in our inquiries into women offenders, older prisoners, and prisons: planning and policies. We have found his evidence on all occasions to be thoughtful and empirically grounded in the observations made by him and his team of inspectors in carrying out their inspectorial functions.
2 The current process

4. In autumn 2014 there were reports that the Secretary of State, Rt Hon Chris Grayling MP, did not intend to re-appoint Mr Hardwick. We wrote to Mr Grayling on 16 October 2014 asking for information on the timing of any recruitment process he was planning to run. Mr Grayling confirmed that the recruitment process would be timed to ensure we could carry out pre-appointment scrutiny, and on 17 December he wrote again to consult us on the arrangements for the recruitment process, advising us of the timing of the exercise, the proposed description of the Chief Inspector’s responsibilities, the essential criteria which candidates would be expected to demonstrate, and the proposed composition of the selection panel. He informed us that the appointment panel would be chaired by Dame Anne Pringle on behalf of the Commissioner for Public Appointments, and that the other members of the panel would be the Director General of Criminal Justice at the Ministry of Justice, Antonia Romeo, and, as independent members, Lord Henley, the Conservative peer and former Home Office Minister, and Amanda Sater, described by Mr Grayling as a member of the Youth Justice Board. Our Chair replied, commenting on the recruitment material and the timing of the exercise, and on 8 January Mr Grayling wrote explaining his response to those comments, which included the addition of a key responsibility for the postholder “to develop and maintain the demonstrable and perceived independence of the inspectorate from the inspected agencies”. This correspondence is appended to this Report.¹

5. We expected to hear the name of Mr Grayling’s preferred candidate for the post in the week commencing 9 March and to hold a pre-appointment scrutiny hearing with him or her on 17 March. In preparation for that hearing we held an evidence session with Mr Hardwick on 4 March. This session took the form of an “exit interview”, enabling the Chief Inspector to express his views about the post and the prisons system on the basis of his experience in the job, as well as to offer advice to his successor on future priorities for the work of the Inspectorate.

6. Shortly after this evidence session it came to our attention that the fourth member of the appointment panel, Amanda Sater, as well as being a member of the Youth Justice Board and holding other public positions, was an active Conservative Party politician. We therefore wrote to Mr Grayling, before we had received any information on the outcome of the recruitment process, asking why he had thought it appropriate for two out of the four panel members to be active Conservatives.² We copied this letter to the Commissioner for Public Appointments, Sir David Normington.

7. Mr Grayling wrote to us again on 11 March.³ He explained that he had no preferred candidate to put forward, because, although one candidate was assessed by the panel as being appointable, he was “not content to propose a preferred candidate to the Justice Committee in the absence of a wider pool of candidates from which to select”. In order to allow a new recruitment process to be run on a reasonable timescale following the

¹ Appendices 1 to 4
² Appendix 5
³ Appendix 6
forthcoming election, Mr Hardwick had agreed to continue in the post for sufficient time to enable the process to take place. Mr Grayling said he noted our comments about the composition of the appointment panel, and repeated the point, which we had acknowledged in our letter to him, that the Code of Practice of the Commissioner for Public Appointments\textsuperscript{4} said that the independent panel members should be independent from the sponsoring department and the body to which the appointment was being made.\textsuperscript{5}

8. Sir David Normington also wrote to us on 11 March.\textsuperscript{6} He said he had been assured by Dame Anne Pringle that Lord Henley and Amanda Sater had been excellent panel members who had operated fully within the requirements of the Commissioner’s Code of Practice. We accept Sir David’s assurances about the fairness and objectivity of the assessment process and the conduct of the panel members.

9. In his letter Sir David went on to point out that in light of this and other cases he was convinced that he should amend the section of the Code relating to panel membership, and that after the election he would therefore consult on amendments to make clear that it did not aid public confidence to have independent members of panels who were active members of a political party or closely associated with the Government. He also stated that the sole candidate recommended for appointment by the panel had been “excellent”, and the panel had been entirely correct to submit only one candidate if they judged him or her to be the only appointable candidate.

\textsuperscript{4} Code of Practice for Ministerial Appointments to Public Bodies, Office of the Commissioner for Public Appointments, 1 April 2012

\textsuperscript{5} Ibid.

\textsuperscript{6} Appendix 7
3 Matters of concern

10. We have several concerns arising from this matter which we draw to the attention of the House.

11. We do not think it appropriate that we were not informed, when originally given details of the appointment panel, that both independent members were active members of the same political party as the appointing Minister.

12. The fact that two members of the panel were members of the same party as the appointing Minister is a cause of particular concern for a post in which it is vital the incumbent commands public confidence in his or her ability to resist political pressure or interference. The posts of Chief Inspectors in the criminal justice system are quintessentially such posts. We welcome the intention of the Commissioner for Public Appointments to consult on amendments to his Code of Practice concerning membership of appointment panels by active members of political parties.

13. We are concerned that the Secretary of State has decided not to put forward for our consideration as a preferred candidate a person the appointment panel considered would make an “excellent” Chief Inspector. We have no knowledge of the individual concerned, but we note Sir David Normington’s clarification that there is no requirement that the Secretary of State should be given more than one candidate from whom to make a choice, and we have been given no convincing reason for this candidate not to be put forward for a pre-appointment scrutiny hearing.

14. These events reinforce our previously expressed view that, in order to safeguard the independence of the post, the Chief Inspector of Prisons should be appointed by Parliament, not the Executive (by means of an Address to Her Majesty from the House of Commons).
Appendix 1

Letter to Rt Hon Chris Grayling MP, Secretary of State for Justice, from Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, 16 October 2014

Appointment of HM Chief Inspector of Prisons

My Committee has seen a report that you are not intending to renew the appointment of Nick Hardwick as HM Chief Inspector of Prisons when his term ends in June 2015. If that is correct, a recruitment process for the next Chief Inspector will presumably be launched in the next few months.

Of all your ministerial appointments in relation to which my Committee has a pre-appointment scrutiny role, this is arguably the most important, and the impending dissolution of Parliament means that, if you are running a recruitment process, we would need to have held a hearing with your preferred candidate, and published a report, before the dissolution of Parliament at the end of March 2015.

Please would you let us know whether you are intending to begin a recruitment process? If you are, we would be grateful for an assurance that the timing of it will enable us to carry out our pre-appointment scrutiny function. We would also be grateful if you would confirm that there would be no bar on Mr Hardwick applying for re-appointment if a competition takes place.
Letter to Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, from Rt Hon Chris Grayling MP, Secretary of State for Justice, 17 December 2014

Recruitment of HM Chief Inspector of Prisons

As you know, I am responsible for Her Majesty's Chief Inspector of Prisons for England and Wales, an appointment that is subject to pre-appointment scrutiny. I am writing to you to inform you of our plans to recruit a new Chief Inspector. I have also written to David Ford, the Northern Ireland Justice Minister and Kenny MacAskill, the Cabinet Secretary for Justice in Scotland.

This is a Royal appointment established by the Criminal Justice Act 1982, as an amendment to the Prison Act 1952. The appointment is regulated by the Commissioner for Public Appointments.

The Inspectorate is an independent body which advises the Government on conditions for, and treatment of, those in prison, young offender institutions, Secure Training Centres, immigration detention facilities, police and court custody suites, customs facilities and military detention. It provides independent scrutiny of the conditions for, and the treatment of, prisoners and other detainees promoting the concept of "healthy establishments" in which staff work effectively to support prisoners and detainees to reduce reoffending and achieve positive outcomes for those detained and for the public.

The Chief Inspector has a statutory duty to report to the Secretary of State on conditions in prisons and the treatment of prisoners in England and Wales. This includes men's and women's adult prisons in both the public and private sectors and young offender institutions. The Immigration, Asylum and Nationality Act 2006 extended the Chief Inspector's remit to all forms of immigration detention throughout the UK. The Police and Justice Act 2006 gave the Chief Inspector the statutory duty to co-operate with other inspectorates in the criminal justice sector and other specified bodies. Under these provisions, the Chief Inspector jointly inspects police and customs custody facilities with Her Majesty's Inspectorate of Constabulary.

Other powers enable the Chief Inspector to inspect court custody, Secure Training Centres jointly with Ofsted and prisons in Northern Ireland at the invitation of the Criminal Justice Chief Inspector for Northern Ireland. By invitation, they may conduct inspections outside the United Kingdom and in other detention settings.

The Chief Inspector is responsible for determining how the work of the Inspectorate can best be organised to provide sufficient coverage of all places of detention within a reasonable cycle, while ensuring that focus on developing or acute areas of concern is not lost. The Chief Inspector develops this inspection framework and programme in consultation with the Secretary of State and others specified by statute. They then lead teams of inspectors, research and support staff in carrying out this work.
Currently the majority of inspections are full and unannounced, assessing progress made since previous inspections and undertaking in-depth analysis. Inspections currently total about 100 a year. Prisons are inspected at least once every five years but on average every two to three years. Other types of custodial sectors have different inspection cycles. Inspectors have unrestricted access to prisoners, staff, records and all areas of an establishment during an inspection. Thematic reviews of service wide issues are also carried out. All reports are published at the Chief Inspector’s discretion.

The Chief Inspector works with other Inspectorates to deliver joint programmes and minimise inspection burdens. In relation to inspection of places of custody, they work in partnership with Ofsted, the Care Quality Commission and their equivalents in Wales and Northern Ireland, under agreed Protocols. The Chief Inspector also works closely with the Chief Inspectors of the other three Criminal Justice Inspectorates to deliver an enhanced programme of joint inspection of the criminal justice system, agreed with Ministers, examining end to end processes that span two or more of the criminal justice agencies. Previous joint inspections in which the Inspectorate has been involved have included life sentence prisoners, restorative justice and transition from youth to adult services.

The Chief Inspector also leads on coordinating for the National Preventive Mechanism (NPM) required under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The NPM has to ensure independent and regular inspection of all places of detention. The Inspectorate has a track record in assisting inspections in overseas jurisdictions ranging from Albania, to Jamaica. At the request of the Foreign and Commonwealth Office, the Chief Inspector has been engaged in a major project to develop an independent prisons inspectorate in Bahrain.

The Chief Inspector is responsible for:

- Developing and publishing a robust, rigorous and fully consulted inspection methodology and standards against which prisons, immigration detention facilities and other places of custody are inspected;
- Delivery of an inspection programme to assess the extent to which prisons immigration detention facilities and other places of custody are meeting those standards and also examining particular themes across the prison and immigration detention estate;
- Production of inspection reports including findings and recommendations;
- Providing clear and visible leadership to a team of about 70 full-time and associate staff and manage a tight budget against competing priorities;
- Building effective working partnerships with inspectorates and agencies to support well-rounded, informed inspection of prisons, immigration detention, and other places of custody and the coherence of the criminal justice system;
- Coordinating the UK’s National Preventive Mechanism under OPCAT.

Candidates will be able to demonstrate the following essential criteria:
• Ability to lead a multi-disciplinary team, including professional staff, at the highest level;

• A successful track record in managing and leading a complex organisation, driving continuous improvement in a challenging environment. Strong organisational skills and positive evidence of successfully managing limited resources and evaluating competing priorities;

• Ability to carry out a demanding workload in a challenging environment, and be at ease with a variety of stakeholders including prisoners, prison staff, senior managers and politicians;

• Highly developed inter-personal and communication skills, including evidence of using a variety of communication methods and a proven ability to handle the media, along with the ability to build and maintain successful working relationships and partnerships and to deliver difficult and challenging messages;

• An ability to process and interpret complex information and to offer well-developed analytical reasoning skills and grounded judgment based on evidence.

The following criteria although not essential will be taken into account by the selection panel;

• Strong understanding of the penal system and the broad reforms to the criminal justice landscape including the current transformation of offender management services.

The proposed Selection panel for this competition:

• Dame Anne Pringle, the selection panel chair nominated by the Commissioner for Public Appointments;

• Antonia Romeo, Ministry of Justice Director General, Criminal Justice;

• Lord Henley as the independent member of the selection panel;

• Amanda Sater, a member of the Youth Justice Board and as the second independent member of the panel.

The advert and candidate information packs for this campaign will make clear that applications are particularly welcome from under represented groups.

Subject to receiving Select Committee and devolved government comments the intention is to advertise during January 2015, sift and interview in February and put the name of the preferred candidate to the Select Committee in March.

I would like to see the advertising start in early January, and would therefore be grateful if you could provide a response early in the New Year.
Appendix 3

Letter to Rt Hon Chris Grayling MP, Secretary of State for Justice, from Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee

The recruitment of Her Majesty’s Chief Inspector of Prisons

Thank you for your letter of 17 December regarding plans to appoint a new Chief Inspector of Prisons, which included information on the job description and criteria that will be used in the recruitment process for the role. I have a few specific comments regarding your proposed essential criteria which you may wish to consider in advance of launching the advert.

First, I note that the ‘core competencies’ that were used in 2010 prior to the current Chief Inspector’s appointment included an emphasis on ensuring and maintaining the independence and objectivity of the role, as well as credibility with the public. In comparison, the proposed essential criteria for the planned recruitment process this time round lack any requirements in this regard. The independence of the Chief Inspector is of great importance, particularly in ensuring the public’s trust in the findings and recommendations of the Inspectorate, and I would therefore suggest that you include an emphasis in this regard within the essential criteria for the role.

I also note that although not essential, a strong understanding of current and recent reforms, particularly in relation to the transformation of offender management services, is likely to be considered important in the recruitment process. While an appreciation of such issues is of course important, I do not believe a strong understanding of current Government policy in this area should be given such emphasis in the job advertisement or the ensuing recruitment process.

Finally, your letter outlines a proposed timetable for the recruitment process. As I have previously mentioned in correspondence, given uncertainty with regards to the exact date of the dissolution of Parliament, it is important that the recruitment process allows good time for the Committee to hold a pre-appointment hearing with the preferred candidate, preferably in early March.

I hope you find these suggestions of use, and I look forward to discussing this important role further with your preferred candidate upon their appearance before the Committee in the New Year.
Appendix 4

Letter to Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, from Rt Hon Chris Grayling MP, Secretary of State for Justice, 8 January 2015

Recruitment of HM Chief Inspector of Prisons

Thank you for your recent letter setting out your comments on the criteria and proposed timetable for the Chief Inspector of Prisons recruitment campaign.

I have considered the points you have raised in your letter regarding the criteria and the key responsibilities required for the Chief Inspector's role.

I agree that it is of great importance that the Chief Inspector is able to demonstrate and maintain the independence of the inspectorate from the agencies that are being inspected. In order to ensure that applicants are aware of the need to maintain the inspectorate’s independence, the role’s key responsibilities in the information for candidates will be revised to reflect this as a core component of the position.

I also note your comments concerning the desirable criteria relating to a strong understanding of the penal system and the broad criminal justice landscape. I am content to remove this from the campaign documentation.

Finally, I have noted your comments around the proposed recruitment timetable and can assure you that the Committee will be given appropriate time to hold a pre-appointment hearing with the preferred candidate.

I have attached a copy of the amended campaign details for your information.

Key responsibilities

- Developing and publishing a robust, rigorous and fully consulted inspection methodology and standards against which prisons, immigration detention facilities and other places of custody are inspected;

- Delivery of an inspection programme to assess the extent to which prisons immigration detention facilities and other places of custody are meeting those standards and also examining particular themes across the prison and immigration detention estate;

- Production of inspection reports including findings and recommendations;

- Providing clear and visible leadership to a team of about 70 full-time and associate staff and manage a tight budget against competing priorities;

- Building effective working partnerships with inspectorates and agencies to support well-rounded, informed inspection of prisons, immigration detention, and other places of custody and the coherence of the criminal justice system;

- Coordinating the UK’s National Preventive Mechanism under OPCAT.
• To develop and maintain the demonstrable and perceived independence of the inspectorate from the inspected agencies.

**Essential criteria**

• Ability to lead a multi-disciplinary team, including professional staff, at the highest level;

• A successful track record in managing and leading a complex organisation, driving continuous improvement in a challenging environment. Strong organisational skills and positive evidence of successfully managing limited resources and evaluating competing priorities;

• Ability to carry out a demanding workload in a challenging environment, and be at ease with a variety of stakeholders including prisoners, prison staff, senior managers and politicians;

• Highly developed inter-personal and communication skills, including evidence of using a variety of communication methods and a proven ability to handle the media, along with the ability to build and maintain successful working relationships and partnerships and to deliver difficult and challenging messages;

• An ability to process and interpret complex information and to offer well-developed analytical reasoning skills and grounded judgment based on evidence.
Appendix 5

Letter to Rt Hon Chris Grayling MP, Secretary of State for Justice, from Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, 5 March 2015

HM Chief Inspector of Prisons

As you know, we are expecting to receive from you shortly the name and details of your preferred candidate to succeed Nick Hardwick as HM Chief Inspector of Prisons. We have scheduled the morning of Tuesday 17 March to hold a pre-appointment scrutiny hearing and would hope that you will be able to provide us with the details in good time to prepare for that session. If we have to defer the meeting we may be in difficulty about reporting our views before the dissolution of Parliament.

In the meantime the Committee would like some clarification about the composition of the interview panel for the post. In your letter to me of 17 December, you gave the names of the panel members, saying that in addition to the Chair, Dame Anne Pringle, and Antonia Romeo, your Director of Criminal Justice, the two independent members of the panel would be Lord Henley, the Conservative peer and former Minister, and Amanda Sater, whom you described as a member of the YJB.

It has been drawn to our attention that in addition to being a member of the YJB and holding a range of other public positions, Amanda Sater is an active member of the Conservative Party, who has stood for election to the House of Commons for the Conservatives and who has also acted as adviser on women to Grant Shapps as Chairman of the Party.

We note that the Commissioner for Public Appointments Code of Practice for Ministerial Appointments to Public Bodies says that panels should include an external perspective from a member independent of the appointing Department and the body to which the appointment is being made.

Assuming the information we have received about Amanda Sater is correct, please could you explain why you thought it appropriate that both independent members of the panel should be active and prominent Conservative politicians, and whether the panel composition was agreed by the Commissioner for Public Appointments?

You will understand that for such a crucial role as HM Chief Inspector of Prisons, where it is imperative that the holder of the post is wholly independent from Ministers and political pressure when carrying out his or her functions, my Committee must satisfy itself that political impartiality has been observed, and can be demonstrated to have been observed, in the recruitment process.

At the time of writing this letter, we have no knowledge of who your preferred candidate might be.

I would be grateful for a response as swiftly as possible.
I copy this letter to Sir David Normington GCB, the Commissioner for Public Appointments.
Appendix 6

Letter to Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, from Rt Hon Chris Grayling MP, Secretary of State for Justice, 11 March 2015

Recruitment of HM Chief Inspector of Prisons

I am writing in response to your letter of 5 March 2015 regarding the competition to recruit a new Chief Inspector of Prisons and can now confirm that the recent competition has not been successful. Although one candidate was assessed by the selection panel as being appointable, I was not content to propose a preferred candidate to the Justice Committee in the absence of a wider pool of candidates from which to select.

In the circumstances, and taking into account that the dissolution of Parliament occurs very soon, I am instructing MoJ officials to take a fresh look at the recruitment of the Inspector role and make proposals to the next administration. Officials will ensure that the newly formed Justice Committee will be appropriately consulted.

In the meantime, Nick Hardwick, the current Inspector whose appointment was due to end on 14 July, has kindly agreed to have his appointment extended to allow sufficient time to run a fresh recruitment process with the appropriate consultations with the Committee.

I note your remarks regarding the independent members of the selection panel who were involved in this most recent competition. I can confirm that the competition was chaired by an Independent Public Appointments Assessor. Whilst there is no requirement for a department to seek OCPA approval for the membership of the selection panel, the Commissioner for Public Appointment’s Code of Practice is clear that departments are required to ensure that the independent members are independent of both the department and the body to which the appointment is being made. This was the case for both Lord Henley and Amanda Sater.

The role of the Commissioner’s own Public Appointments Assessor, who chaired the competition, was to ensure that the process adhered to the Code and followed the principles of merit, openness and fairness – her report confirmed this to be the case.

I am sending a copy of this letter to Sir David Normington, the Commissioner for Public Appointments for information.
Appendix 7

Letter to Rt Hon Sir Alan Beith MP, Chair of the Justice Select Committee, from Sir David Normington, Commissioner for Public Appointments, 11 March 2015

HM Chief Inspector of Prisons

Thank you for copying to me your letter of 5 March about the process to select a new Chief Inspector of Prisons.

One of my most experiences Public Appointments Assessors, Dame Anne Pringle, was in the chair of the selection panel for this appointment. Her particular role is to ensure that the panel makes a fair and objective assessment of the candidates against the agreed criteria for the post. She assures me that both Lord Henley and Amanda Sater were excellent panel members and operated fully within the requirements of my Code of Practice.

The panel judged only one candidate to be appointable. I understand that in the event the Secretary of State decided, as he is entitled to, not to make an appointment on the grounds that he wished for a greater choice of candidates. This is disappointing. The selection panel was entirely right, under the Code of Practice, to submit only one candidate, if he or she was, in their judgement, the only appointable candidate. Furthermore, their judgement was that the individual concerned was an excellent candidate.

I do, however, think this case highlights a problem. Although, in my view, no criticism can be levelled against Lord Henley and Ms Sater, this and a number of other cases have convinced me that I should amend the section of my Code relating to panel membership. It does not aid public confidence in the public appointments process to have an independent member who is an active member of a political party or indeed to have two panel members, who are so politically associated with the Government. I propose, therefore, after the General Election, to consult on amendments to the Code to make this clear.

I am copying this letter to the Secretary of State for Justice.
Formal Minutes

Tuesday 17 March 2015

Members present:

Sir Alan Beith, in the Chair

Jeremy Corbyn  Andy McDonald
John Howell  John McDonnell
Mr Elfyn Llwyd

Draft Report (Appointment of HM Chief Inspector of Prisons: matters of concern), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 14 read and agreed to.

Several papers were appended to the Report as Appendices 1 to 7.

Resolved, That the Report be the Fourteenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[The Committee adjourned]
List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee’s website at www.parliament.ukjusticecttee.

The reference number of the Government’s response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report Revised Sentencing Guideline: Assault HC 637
Second Report Appointment of the Chair of the Judicial Appointments Commission HC 770
Third Report Government’s proposed reform of legal aid HC 681–I (Cm 8111)
Fourth Report Appointment of the Prisons and Probation Ombudsman for England and Wales HC 1022
Fifth Report Appointment of HM Chief Inspector of Probation HC 1021
Sixth Report Operation of the Family Courts HC 518–I (Cm 8189)
Seventh Report Draft sentencing guidelines: drugs and burglary HC 1211
Eighth Report The role of the Probation Service HC 519–I (Cm 8176)
Ninth Report Referral fees and the theft of personal data: evidence from the Information Commissioner HC 1473(Cm 8240)
Tenth Report The proposed abolition of the Youth Justice Board HC 1547 (Cm 8257)
Eleventh Report Joint Enterprise HC 1597 (HC 1901)
Twelfth Report Presumption of Death HC 1663 (Cm 8377)
First Special Report Joint Enterprise: Government Response to the Committee’s Eleventh Report of Session 2010–12 HC 1901

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First Report Post-legislative scrutiny of the Freedom of Information Act 2000 HC 96–I (Cm 8505)
Second Report The budget and structure of the Ministry of Justice HC 97–I (Cm 8433)
Third Report The Committee’s opinion on the European Union Data Protection framework proposals HC 572 (Cm 8530)
Fourth Report Pre-legislative scrutiny of the Children and Families Bill HC 739 (Cm 8540)
Fifth Report Draft Public Bodies (Abolition of Administrative Justice and Tribunals Council) Order 2013 HC 927
Sixth Report Interpreting and translation services and the Applied Language Solutions contract HC 645 (Cm 8600)
Seventh Report Youth Justice HC 339 (Cm 8615)
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