

CONFIDENTIAL

Chair, Ofcom

The Secretary of State for Digital, Culture, Media and Sport is looking for an outstanding individual to appoint as the new Chair for Ofcom. The appointment will be made in accordance with the Cabinet Office's [Governance Code on Public Appointments](#). The appointment process is regulated by the Commissioner for Public Appointments, who is responsible for ensuring that the appointment is made in accordance with the Governance Code.

DCMS is committed to ensuring its public appointments are diverse, representative of society and benefit from a broad range of skills and perspectives. We would particularly welcome applications from women, those with a disability, and those from a black or ethnic minority background.

Candidates should be aware that the preferred candidate for the post of Chair will be required to appear before a Parliamentary Select Committee prior to appointment.

About Ofcom

Ofcom is the regulator for the UK communications industries, with responsibilities across television, telecommunications, wireless communications, online, radio and postal services. Ofcom is accountable to Parliament and is independent of both Government and those it regulates. Ofcom operates at the cutting-edge of the digital communications industries in the UK and in a fast changing environment. Ofcom's principal duty is to further the interests of citizens and consumers, where appropriate, by promoting competition.

It has responsibility for overseeing television and radio broadcasting throughout the United Kingdom including regulating the BBC and ensuring news is reported with due accuracy and presented with due impartiality; it regulates the postal and telecommunications sectors, taking steps to protect consumers and overseeing universal service obligations. It supports the delivery of new network infrastructure through regulation and has further duties in relation to the security and resilience of communications networks. Ofcom also ensures the effective use of spectrum and that a wide range of electronic communications services are available (such as broadband and mobile telephony). It took on new duties in 2020 in relation to regulating content on Video Sharing Platforms.

In addition, the government has recently announced that Ofcom's remit will be further expanded to include online harms regulation. Ofcom is now working with the Government and legislation will be brought forward later this year.

Ofcom's operating budget for the current financial year is £155.7 million. Ofcom's Annual Plan and Annual Report can be found [here](#).

Role of the Board

Ofcom was created by the Office of Communications Act 2002, which establishes that Ofcom is constituted of the Ofcom Board. Ofcom's functions and duties are set out in a range of further primary and secondary legislation, including, in particular, the Communications Act 2003, the Broadcasting Acts of 1990 and 1996, the Wireless Telegraphy Act 2006, the Postal Services Act 2011 and the Digital Economy Acts of 2010 and 2017.

The Ofcom Board has oversight over the fulfilment of Ofcom's general duties and specific statutory responsibilities and its overall funding and expenditure. The Board is also responsible for approving the strategic objectives and priorities for Ofcom, agreeing an appropriate level of risk appetite and ensuring management maintains an effective system of internal control. The Ofcom Board comprises up to twelve Directors - there are currently six Non-Executive Directors including the Interim Chair and the two Non-Executive Directors for Scotland and Wales and three Executive Directors. The Non-Executive Director for Northern Ireland is still to be appointed.

The Chair leads the Board which is responsible for Ofcom's strategic direction, ensuring that Ofcom has regard to the Secretary of State's wider strategic policies (in certain sectors) and that Ofcom retains its position as an independent regulator. The Chair ensures that Ofcom's affairs are conducted with probity, and that the Board adheres to the principles of good corporate governance and responsibility and ensures Ofcom's commitment to carrying out its duties with independence and impartiality. To do this, the Chair will be regularly reviewing the work of the Board and its members to ensure it is running effectively with the appropriate balance of skills in place. This role is the public face of the Board and will need to effectively represent its decisions and views and uphold Ofcom's reputation in all professional and personal conduct. The Chair will also support and hold to account the Chief Executive and the Senior Team in implementing the Board's strategy.

The Board acts on a collective basis and operates on the principles of collective responsibility, support and respect. It takes decisions after considering recommendations made to it by the Ofcom Executive, which has operational responsibility and answers to the Board. The work of both the Board and Executive is informed by the contribution of a number of advisory bodies.

The Ofcom Board meetings are formally recorded: agendas and notes/minutes of meetings are published regularly on Ofcom's website. Meetings are usually held at Ofcom's London offices. Board members, including the Chair, are expected to attend occasional meetings/functions in the Devolved Nations.

Role Specification

The Chair will be expected to:

- Lead an effective Board and provide appropriate support and challenge to the Chief Executive and wider executive team to deliver Ofcom's strategic and business plans and effectively discharge its statutory responsibilities, having regard to Government's wider strategic priorities; in particular through: ensuring that the Board meets with sufficient frequency; encouraging an open, inclusive discussion and challenge to the executive, where appropriate; ensuring the Board gives due time and attention to matters within its remit including matters reserved for the Board; and, evaluating the performance of the Board, Board Committees and individual Board Directors;
- Ensure the discharge of Ofcom's statutory functions in a proportionate and lawful manner, and having regard to Government's wider strategic priorities in relation to spectrum, telecoms and post, and workforce locations;
- Provide leadership to the organisation as its remit develops, including with the addition of online safety;
- Represent Ofcom to its various stakeholders, including the major companies that Ofcom regulates, the United Kingdom Government and Parliament and the Devolved National Governments of Wales, Scotland and Northern Ireland (working with the relevant Nations' Board Directors);
- Represent Ofcom in discussions with Ministers and building strong relationships with Whitehall;
- Ensure the discharge of Ofcom's statutory obligations, which includes the development of a Broadcasting Code for TV and radio services, covering standards in programming to protect the public from harmful and offensive material. This includes ensuring news is reported with due accuracy and presented with due impartiality; and,
- Uphold Ofcom's strong reputation as an impartial, independent and evidence-based regulator and ensure that the Ofcom Board's work is carried out at all times in accordance with the Seven Principles of Public Life: selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

Key Selection Criteria

Candidates will need to be able to demonstrate that they meet the majority of the following criteria to a high standard:

- the ability to lead the Board of a major national body using sound judgement and decision-making to ensure successful delivery in a highly complex organisation;
- the ability to understand the business and economic principles underpinning the broadcasting, news consumption, online content platforms, telecommunications and postal industries in the digital environment;
- an appreciation of the needs of UK consumers and citizens and the competitive and consumer dynamics of these fast changing sectors;

- the ability to work effectively with the highest levels of Government as well as to command respect from senior stakeholders in industry;
- an understanding of the structures and business drivers of an economic or a regulatory environment; and
- a proven ability to drive through reform.

Personal attributes:

- In providing leadership to the Board, the Chair will be committed to working effectively with Board Directors and building a productive relationship with the Chief Executive;
- Candidates must demonstrate very high levels of personal integrity, and the ability to command respect and trust; and,
- Candidates must be able to demonstrate the ability to make sound, independent judgements under pressure.

Term of office

This is a four-year appointment. The successful candidate must be prepared to commit to taking on the Ofcom Chair as their primary role. This is likely to require a time commitment of up to three days per week.

In addition to chairing meetings of the Board, the Chair will be expected to serve as a member of the People Committee and to attend the Risk and Audit Committee.

Each of the short-listed candidates will have an opportunity to meet Melanie Dawes, the Chief Executive, and Maggie Carver, the Interim Chair.

Remuneration and time commitment

Remuneration £142,500 per annum

Time commitment - up to three days a week.

Expenses

All reasonable and properly documented expenses incurred in performing the duties of these roles will be reimbursed in accordance with Ofcom's expenses policy.

Operating openly and transparently

As a public entity, Ofcom is subject to the Freedom of Information Act 2000 (FOIA), and the Board is required to carry out its work openly and transparently, for example publishing its meeting minutes.

Disclosure or publication of certain information about Board members, and the work of the Board, may be required by FOIA, legislation or Ofcom's Management Agreement with the Department. This may include the fees / salary, expenses, hospitality and external interests of non-executive directors.

Diversity and inclusion

DCMS values and cares passionately about the diversity of its public appointments. Boards of public bodies should reflect our diverse society in order to ensure the sector has a leadership that draws fully on the different skills and perspectives our country has to offer.

We strongly encourage applications from all candidates and particularly welcome applications from women, those with a disability, and those from a black or ethnic minority background.

We ask all applicants to complete a diversity monitoring form. We hope you will help us by providing this information. Your data is not disclosed to the panel, but allows us to constantly evaluate any potential barriers to becoming a public appointee and whether there are any changes we could make to encourage a more diverse field to apply.

Disability Confident

We guarantee to interview anyone with a disability whose application meets the minimum criteria for the role. By 'minimum criteria' we mean that you must provide evidence in your application which demonstrates that you meet the level of competence required under each of the essential criteria.

If you wish to apply under this scheme, please state this in the covering email or letter when submitting your application.

Reasonable adjustments

If you would like a confidential discussion regarding any reasonable adjustments during the process, please also indicate this in the covering email or letter.

If you are not completely satisfied

We aim to process all applications as quickly as possible and to treat all applicants with courtesy. If you have any complaints about the way your application has been handled, please contact publicappointments@dcms.gov.uk.

Supporting information

This process is regulated by the Office of the Commissioner for Public Appointments' (OCPA's), in line with Cabinet Office's Governance Code for Public Appointments. All applicants are expected to have adhered to the Seven Principles of Public Life.

Eligibility Criteria

You cannot be considered for a public appointment if:

- you become bankrupt or make an arrangement with a creditor
- your estate has been sequestrated in Scotland or you enter into a debt arrangement programme under Part 1 of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) as the debtor or have, under Scots law, granted a trust deed for creditors;
- you are disqualified from acting as a company director under the Company Directors Disqualification Act 1986;
- you have been convicted of a criminal offence, the conviction not being spent for the purposes of the Rehabilitation of Offenders Act 1974 (c. 53);
- you become subject to a debt relief order or a bankruptcy restrictions order;
- you fail to declare any conflict of interest.

Conflicts of Interest and Due Diligence

If you have any interests that might be relevant to the work of the Ofcom, and which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your application. If you have queries about this and would like to discuss further please contact the Public Appointments Team.

Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of Parliament and the public. If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment, or cause public confidence in the appointment to be jeopardised, it is important that you bring them to the attention of the Advisory Assessment Panel and provide details of the issue(s) in the statement supporting your application. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media.

As part of our due diligence checks we will consider anything in the public domain related to your conduct or professional capacity. This will include us undertaking searches of previous public statements and social media, blogs or any other publicly available information. This information may be made available to the Advisory Assessment Panel and they may wish to

explore issues with you should you be invited to interview. The information may also be shared with ministers and the Cabinet Office.

Pre-appointment scrutiny

This role is subject to pre-appointment scrutiny by the Digital, Culture, Media and Sport select committee.

Pre-appointment scrutiny is an important part of the appointment process for some of the most significant public appointments made by Ministers. It is designed to provide an added level of scrutiny to verify that the recruitment meets the principles set out in the Governance Code on Public Appointments.

The pre-appointment scrutiny aspect of the appointment has two parts.

First, information concerning the appointment and the Minister's preferred candidate will be

shared with the relevant select committee. As part of this process you will need to be content for your name and your CV to be shared with the Select Committee as the Government's preferred candidate. You may also be required to complete a pre-appointment hearing questionnaire which could include, among other things:

- declarations of any relevant potential conflicts of interest,
- what you see as the priorities and key risks for the organisation,
- questions about how you would lead the board and work with stakeholders,
- your commitment to standards in public life and how you would handle being in the public eye.

Normally any information provided to the select committee by the Government or a candidate will be published.

Second, it is likely that the select committee will decide to call the Government's preferred candidate to a public hearing before the select committee to answer questions relating to their suitability to the role. You would not be expected to have an in depth technical knowledge of how the body works or an exact plan of what you would do in the role, however you will be expected to provide a credible representation of your understanding of the work of the body and what your role in its future would be.

The proposed date for a pre-appointment hearing for this role will be confirmed as soon as possible after the launch of this campaign.

The Government is committed to making the public appointments as accessible as possible

so that no one is deterred from applying. The Department will provide support to you to help you prepare for the hearing and the clerks to the select committee will also be available to discuss with you how the hearing will run. You will also be supported by the Department in working with the select committee should you require any adjustment to enable you to participate fully in the hearing process.

For more information about pre-appointment scrutiny, please see the '[Cabinet Office Guidance: Pre-appointment scrutiny by House of Commons Select Committees](#)'.

The Liaison Committee also publishes [guidelines](#) to select committees for pre-appointment.

You may also find it helpful to review the [Code of Conduct for Board Members of Public Bodies](#), which sets out the expectations which the Government places on non-executive members of public bodies.

