

Cabinet Secretary for Constitution, External Affairs
and Culture
Cabinet Secretary for Finance and Economy
Angus Robertson MSP
Kate Forbes MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Dawn Bowden AS/MS
Dirprwy Weinidog y Celfyddydau a Chwaraeon, a'r Prif Chwip
Deputy Minister for Arts and Sport, and Chief Whip

Lee Waters AS/MS
Dirprwy Weinidog y Newid Hinsawdd
Deputy Minister for Climate Change



Llywodraeth Cymru
Welsh Government

The Rt Hon Nadine Dorries MP
Secretary of State for Digital, Culture, Media and Sport

19th November 2021

Dear Nadine

We are writing to you to express our concern about the ongoing and prolonged process to select the next Chair of Ofcom and how this matter, along with the handling of other public appointments by the UK Government, might adversely affect the standing of the public service broadcasting system whose duty is to serve all the nations.

We wrote in similar terms to your predecessor to ask for assurances the appointment process at Ofcom would be carried out transparently and with due propriety and regard for the interests of all the nations of the UK. Unfortunately we did not receive a reply and, in the ensuing months, delays, changes and an apparent lack of transparency have caused us to lose further confidence in the process.

Given the significance of the role of the Ofcom chair both in leading the regulator and in overseeing the public service broadcasting system, in particular how the BBC fulfils its public purposes for all the UK, it is natural the devolved nations have a strong interest in how the chair is selected and how our interests are protected.

We are extremely concerned about the perceived lack of impartiality and transparency of the current appointment processes at Ofcom. Appointment processes that are tarnished, or perceived to be so, might impact on the authority of Ofcom to regulate public service broadcasting for the benefit of all the nations.

Having written to your predecessor to highlight our expectations for a fair, impartial and transparent appointment process, we now feel the need to go further.

We would ask that we are brought in to the current Ofcom Chair process and given a role that ensures the selected candidate is someone who can work impartially and independently in the interests of all the nations. Involving the devolved governments would return credibility to an appointment process that has been tarnished by delays and questions about the real independence of those involved.

We regret that UK processes including public appointments being run by your department are failing to show due respect for the role and rights of the devolved governments. Another public appointment process in which we have a role is that of appointing the Nations' members to the BBC Board.

The manner in which these appointments are being conducted is also falling below the standards we expect. There has been an unreasonable and unexplained delay, for instance, in the appointment of the BBC Scotland member. The nations have a clear role to jointly appoint Nations' members, as set out in the BBC's Royal Charter, and we do and will continue to exercise our right to approve these representatives. However, it is unfortunate these delays and a continuing failure to show true partnership in these appointments imply the UK Government is not respecting the rightly-recognised rights of our devolved nations.

Given the importance of public service broadcasting to our nations and the real impact for our nations of any decision on selecting the Ofcom Chair which is not transparent or impartial, we urge you to involve us fully in the process as is right to protect a system which is so important to the public in Scotland and Wales and all the UK.

We are copying this letter to the relevant committee at the UK, Scottish and Welsh Parliaments to highlight the level of our concern in this important matter.

We look forward to receiving your reply.

Yours sincerely,

Angus Robertson MSP, Cabinet Secretary for the Constitution, External Affairs and Culture

Kate Forbes MSP, Cabinet Secretary for Finance and the Economy

Dawn Bowden MS, Deputy Minister for Arts and Sport, and Chief Whip

Lee Waters MS, Deputy Minister for Climate Change.