

Guidance on Making Direct Ministerial Appointments

Introduction

1. This guidance document explains the processes departments should follow when making a Direct Ministerial Appointment (DMA), as well as where such appointments sit within the routes into government. It is intended to support departments when a Minister is considering making such an appointment. The guidance sets out the expectations and considerations which officials and ministers will need to bear in mind when determining whether a DMA is appropriate to the relevant circumstances, as well as the process steps that should be followed.

Routes Into Government

2. The effective day-to-day functioning of central government draws upon the dedicated work of a wide range of individuals, with a varied set of skills, experience and knowledge. These individuals undertake a panoply of functions which employ varying degrees of delegated executive authority and decision-making. There are five recognised routes through which these individuals are brought into government:

- **Ministers:** roles at the head of government, usually but not necessarily members of the political party which has formed the ruling administration, chosen by the Prime Minister from the members of the House of Commons and House of Lords. Ministers draw their delegated authority directly from the executive and prerogative powers of the Prime Minister, as well as from some individual statutes, and are responsible for the policies and actions of the government departments they lead.
- **Civil Servants:** government employees, appointed on merit on the basis of fair and open competition, who serve the administration of the day, undertaking the practical and administrative day-to-day work of government. They are employed by individual government departments to fulfil the department's business requirements, and are bound by the Civil Service Code which mandates them to carry out their roles with impartiality, integrity, honesty and objectivity. The rules governing civil servant appointments do allow for some exceptions to fair and open competition, where, for example, the roles are temporary to fill a short-term or urgent need, short-term secondments from outside the civil service or where the roles require highly specialist skills that are not readily available within the civil service. For appointments to Heads of Mission roles in the Diplomatic Service, the convention for allowing DMAs is set out in the Constitutional Reform and Governance Act 2010. The Foreign Commonwealth and Development Office has adopted a process for managing any proposed DMAs which follows similar principles to this guidance. In

practice, the vast majority of Heads of Mission roles that are appointed follow diplomatic service meritocratic recruitment principles analogous to those used within the home civil service.

- **Special Advisers:** personal and political appointees, appointed as temporary civil servants, where no formal recruitment process is required, who provide a political dimension to the advice and assistance given to government ministers. They are bound by the Special Adviser Code of Conduct, but unlike permanent civil servants they are not bound by values of objectivity or impartiality, though they also have no direct decision-making or management authority.
- **Public Appointments:** appointment of individuals as public office holders, which can cover a range of roles, such as a chair or non-executive board member for a board of a public body, a member of an advisory committee or commission, or an individual statutory office holder. They are usually appointed by a minister, though in some instances part or all of the appointments process may be delegated to a senior official or head of an arm's-length body. Many are regulated by the Commissioner for Public Appointments, who is responsible for providing independent assurance that such appointments are made in accordance with the Principles for Public Appointments and the processes set out in the Governance Code on Public Appointments. Those appointments which are regulated are generally made via open and fair competition (though there are rules for exceptional cases where ministers decide to do otherwise), though the processes for unregulated appointments may vary.
- **Direct Ministerial Appointments:** appointments made directly by ministers which are also public office holders, but which are not public appointments. They are roles generally designed to be short-term in nature and very specific in both the scope of the activity to be undertaken and any desired outputs, where ministers often have a very narrow, particular candidate pool (or even individual) in mind. Accordingly, there is significant flexibility applied to the appointment process, which is at the minister's discretion. In most circumstances, given the short-term nature of a role and the usually very small potential candidate pool that meets the ministerial requirements for the role, they do not follow an open competition model. However, the usual public law principles applicable to all ministerial decision-making will still apply. Broadly - as reflected in the 'factors to be considered' below - Direct Ministerial Appointments must be rational, procedurally fair and non-discriminatory and there must be compliance with the Public Sector Equality Duty.

3. In addition to the formal routes outlined above, there are many other individuals, from across the public, private and voluntary sectors, who make an important contribution to the breadth of knowledge and effective decision-making within government. These individuals offer their expertise and experience on an informal (and, therefore, flexible) basis, and constitute a wide array of external stakeholders with which the government consults on a daily basis. Many of whom sit as independent members, or organisation and sector representatives, on working groups and departmental task forces. For these individuals, formally defined relationships are unnecessary and not commensurate with the limited expectations

on their time. It is for departments to assess, when defining the scope and expectations of individual roles, whether such a 'light touch' approach is sufficient, or whether a more formal relationship (such as a direct ministerial appointment) is required, with all the appropriate safeguards and responsibilities that such entails.

Who has the authority to make Direct Ministerial Appointments?

4. It is for individual ministers to determine whether to make a Direct Ministerial Appointment within their policy remit. The appointing minister will be responsible and accountable to Parliament for the appointment. However, as with many policy and appointment decisions, the relevant Secretary of State and Number 10 must be consulted on proposed appointees and before any announcement on a direct appointment is made or commitment is entered into. DMAs are at the discretion of the appointing minister and may be terminated at any time, in accordance with the termination terms within the letter of engagement, by the appointing minister, any minister who takes over responsibility for the appointment, or by the relevant Secretary of State.

When might a Direct Ministerial Appointment be appropriate?

5. DMAs may be appropriate for short-term, advisory roles - for example to lead a government review or to advise on, or champion, a specific subject. Such appointments have been made under successive administrations, and those holding these roles play a vital role in providing expert, independent advice to the Government of the day on a range of matters.

6. Ministers may wish to make direct appointments where the role is short-term (usually less than 18 months, but extendable by up to a maximum of another 18 months*), and where it fulfils one or more of the following purposes:

- a. an advisory function directly to Ministers to bring in specialist expertise (beyond, and complementing, advice provided by civil servants); and/or
- b. to publicly highlight a specific issue (such as a 'champion') or to publicly represent HMG in some way; and/or
- c. to carry out a task independently of - but established, resourced and supported by - a department, such as a review into a policy area or a lessons learned exercise.

*Cases where it is deemed necessary and appropriate for a direct appointment to be made for a longer period than that set out at above, will be exceptionally rare and **require specific justification**.

7. A Direct Ministerial Appointment should fill one of the above roles, or a role of a similar nature, where a minister has formally agreed that it is the most appropriate appointment route (see below). This appointment route should **not** be used in order to merely make an appointment quickly (as other routes into government, described

above, can also facilitate this), nor to sidestep more rigorous, transparent, open and fair processes that may be more appropriate to the nature of the appointment being made. Nor should the direct ministerial appointment process be initiated prior to formal ministerial agreement that this is the route (following the appropriate consideration of the advice set out below) the minister has chosen.

What are appropriate advice and clearance processes for agreeing the use of a Direct Ministerial Appointment?

8. When a Minister wishes to consider making a DMA, officials should provide the Minister with written advice, cleared by the Senior Civil Servant sponsor, which considers a number of factors upon which the Minister will need to make a formal decision:

- a. the rationale for why a DMA is the most appropriate appointment route to take, including the pros and cons for alternative appointment options (e.g. an open competition, or procure a contracted service);
- b. the Public Sector Equality Duty (PSED) - the need to have 'due regard' to the aims identified in section 149 of the Equality Act 2010;
- c. whether the scope, nature and duration of the role, including expectations on time commitment and potential remuneration, are appropriate for a DMA (set against the criteria mentioned above and below), and where remuneration is recommended, advice on appropriate levels with which the Accounting Officer would be in agreement;
- d. whether it is possible adequately to manage any risks arising from the proposed appointment as a DMA, including any risks associated with the minister being directly responsible to Parliament for the conduct of the appointment, and risks from any duties or activities the appointee is asked to undertake that might be construed as executive or quasi-executive in nature (see the employment status section, below), including setting out potential mitigation strategies, such as being clear on appropriate channels of executive authority (usually through the Senior Civil Servant sponsor);
- e. whether any additional support, either from the civil service or external, may be required to ensure the role is resourced appropriately to carry out the Minister's priorities, and what reporting and review mechanisms should be put in place; and
- f. where appropriate, any views and advice of legal advisers and/or finance colleagues, including appropriate clearances.

9. It may be that it is most efficient for the Minister to be advised on the appropriateness of making the appointment as a DMA (a-f above) **and** their preferred candidate (see paragraphs 15-16 below) at the same time. This will depend on the specifics of the case.

What role criteria should be considered before making a Direct Ministerial Appointment?

10. The following factors should be considered before selecting an appointee:
- a. What the Minister wants the role to achieve, which should be set out in a draft terms of reference/remit for the role; and
 - b. the high level criteria for the skills and experience (in light of the ToRs/remit) that would be required for an individual to successfully undertake the role.

What are the process steps for making a Direct Ministerial Appointment once the criteria for the role have been decided?

11. Once the Minister is clear what skills and experience they are looking for, officials should consider and provide advice to the Minister on:

- a. what the best options for the selection process might be. Ministers are not bound by any particular selection process for determining candidates they may wish to consider, and potential options should be based on ministerial preference and the particular circumstances of the individual appointment (such as time constraints in getting someone into the role and the size of the potential pool of candidates with the right skills and experience); and
- b. evidence of compliance with the public sector equality duty (PSED). Where the appointment is not advertised through an open competition, it is good practice for ministers and departmental officials to seek to identify a number of potential candidates that fit the agreed criteria for the role, from a broad range of backgrounds, from which the Minister can make a final decision.

12. In order to ensure that propriety and reputational risks are managed effectively and proportionately, Ministers should also be advised on whether appointees should be considered higher-risk 'Tier 1' DMAs, or lower-risk 'Tier 2' DMAs. This will be case-specific and determine the processes to be followed once a preferred candidate has been identified (see paragraphs 15-16 below). The senior sponsor should be content with the categorisation of the appointment being suggested to ministers.

13. **Tier 1 DMA roles** are those which, because of the nature of the role, require a greater level of scrutiny before an appointment is confirmed. Departments will have the best understanding of which DMAs might be higher-risk, but broadly these will usually include one or more of the following factors:

- a. the DMA role is linked to a high-profile or controversial policy area;
- b. the creation of the role responds to a public controversy;
- c. the DMA role itself is notable or unusual (for example, in its seniority, breadth or proximity to Ministerial decision-making); and/or
- d. (if already known), the appointment of the preferred candidate is likely to be

contentious or could be controversial with Parliament or the public.

14. **Tier 2 DMAs** are those judged to be lower risk of causing controversy or comment. This could be because the policy area is relatively narrowly scoped, technical and uncontentious.

What are the process steps for appointing a Direct Ministerial Appointee once an appropriate candidate for the role has been identified?

15. Once the minister has identified their preferred candidate, then for **Tier 1 DMAs**:

- a. appropriate open-source due diligence should be carried out by the department and the candidate should be asked to complete a formal declaration of interests;
- b. the senior sponsor (or another suitable senior civil servant such as the Director General of Operations) should undertake a pre-appointment interview to discuss any conflicts of interest and management thereof, and to assess any other reputational risks to the government or the individual. The outcome of this should be recorded;
- c. following this interview, the Permanent Secretary of the appointing department should provide an assessment to the relevant Secretary of State to summarise any risks which may arise, including any potential conflicts of interest, any mitigations, and confirmation that the appointment process has been followed correctly as set out in this guidance;
- d. the appointing minister, having received official advice, should be comfortable that the individual selected for the role meets the criteria for the role, that any conflicts of interest can be managed appropriately, and that the individual is otherwise suitable for the post. In reaching a decision, the Minister, or a senior official acting on their behalf, may wish to conduct a 'fireside chat' or discuss the requirements of the appointment with the preferred candidate, bearing in mind the ToRs and criteria for the role; and
- e. share the draft ToRs with the individual so that they can confirm that they are able to fulfil the required duties and/or suggest to the Minister any reasonable amendments to the draft ToRs relevant to the overall objectives and appointee's specific duties.

16. For **Tier 2 DMAs**, there is no compulsory requirement to follow step b (the pre-appointment interview). The other steps, including a formal declaration of interests process, should happen for all roles.

What are the process steps for onboarding a Direct Ministerial Appointee?

17. Once the Minister, having taken account of the advice received in the above steps and the outcomes of any discussions with the preferred candidate, confirms they wish to make an appointment, the following steps should be taken:

- a. if this has not already taken place, the ToRs or remit for the role should be finalised and agreed with the appointee, to allow a final version to be included with the appointment letter and published upon announcement of the appointment;
- b. the appointee should be issued with an appointment/engagement letter (a good practice model letter of engagement is provided in **Annex A**), which sets out formally the duties they are appointed to undertake (in the form of the ToRs) and their terms of engagement that, at a minimum, contain:
 - i. reference to the applicability of the Code of Conduct for Board Members;
 - ii. reference to the Seven Principles of Public Life;
 - iii. information about management of any conflicts with their declaration of outside interests and a reminder of the ongoing duty to declare and manage new interests;
 - iv. notice and termination provisions;
 - v. provisions so that public records, FOI and security of government information requirements can be met; and
 - vi. relevant duties of confidentiality.

18. Where necessary, security vetting processes should be undertaken after appointment but before an individual takes up their role. National Security Vetting is not part of the DMA appointment process but is a separate process. The level of national security vetting is determined by the classification of information that a postholder requires access to.

What is the employment status of a Direct Ministerial Appointee?

19. Direct Ministerial Appointees are public office holders. There is no contract of service and no intention to create an employment relationship. The expectation is that such roles are unpaid (although reasonable expenses can be paid in line with the department's expenses policy). However, if the Permanent Secretary/Accounting Officer is content, then reasonable remuneration (in line with current policy on pay levels) may be payable.

20. Appointees are not civil servants; executive authority may not be delegated to those appointed to these roles, but their advice to civil servants and ministers may inform executive decision-making. They should be assigned a sponsor who is a Senior Civil Servant and will hold formal budget responsibility.

What public announcements should be made of the appointment of a Direct Ministerial Appointee?

21. For transparency purposes, all Direct Ministerial Appointments should be announced publicly, along with their Terms of Reference. This should generally be done at the time at which the appointment is made and include information such as the time commitment expected of the role, expected end date of the appointment and remuneration details, where such is incurred. Public announcements should generally not go ahead until any security vetting and other standard checks have been completed.

22. The responsibility for the publication of this information rests with individual departments. Departments should manage their Direct Ministerial Appointments via the Cabinet Office's public appointments digital platform, which will allow departments to record and track their data on such appointments and will aid departments in meeting their reporting and publishing commitments. It will be for individual departments to decide the most appropriate processes to strategically manage the DMAs they make. This may be separate from the day-to-day management of policy and delivery activities of individual appointees undertaken by relevant sponsor teams. The strategic management of DMAs should include the periodic review of all DMAs across the department.

23. Individual exemptions to publication of the details of DMAs (which may relate to only partial non-disclosure, such as the personal data of an incumbent, rather than withholding publication of all relevant details) should be approved by the responsible Permanent Secretary and agreed with the Cabinet Office Propriety & Ethics Team in advance. Such exemptions may apply to very sensitive roles where, for example, there is a need to ensure anonymity or in matters involving national security and international relations.

24. Copies of the ToRs/remit for the appointment, declaration of interests, appointment letter and terms of engagement should also be retained by the department for the duration of the role.

What are the expectations placed on and the conduct expected of a Direct Ministerial Appointee?

25. The duties to be undertaken by the appointee and the expected outcomes or deliverables of those duties, including where applicable any direction or expectation on how those duties should be undertaken, should be set out clearly in the ToRs, which have been agreed with the appointee and published. The general conduct expected of an appointee should be set out clearly in the appointment letter and terms of engagement.

26. All appointees must follow the Seven Principles of Public Life and are required

to adhere to the Code of Conduct for Board Members of Public Bodies¹. They owe a duty of confidentiality in relation to their duties (as set out in their terms of engagement).

What support should be given to a Direct Ministerial Appointee?

27. An SCS sponsor must be clearly identified and hold the day-to-day relationship with the appointee, including managing any budgets and staff, helping the appointee understand their responsibilities and access relevant specialist advice, such as legal and communications advice.

28. Where appropriate, the appointee may be supported by a civil service secretariat and/or agreed external expertise where this is not available or appropriate within the department.

29. Appointees should be provided with departmental IT (where necessary), and/or appropriate access to departmental systems (such as ring-fenced server space for project documentation), and supported to ensure that whilst fulfilling their duties, official business is secure, in line with public records and wider information handling obligations. Appointees may not access material that ministers would not be able to access, and may not make information related to their role public, outside of the government's own approach to publication.

**Cabinet Office Propriety and Ethics Team
October 2025**

¹ There are some elements of the Code of Conduct for Board Members of Public Bodies that may not be relevant to the proposed DMA. In such instances, these should be made clear in the issued terms of engagement.

Annex A

TERMS AND CONDITIONS OF ENGAGEMENT FOR THE APPOINTMENT OF [FORMAL NAME OF ROLE]

This document sets out the principal terms and conditions of your appointment as a [short description of role], to conduct [short description of activity].

Parties

- (1) [appointee]
- (2) [departmental name] ('The Department')

Commencement and Term of Appointment

1. Subject to earlier termination, your appointment will be for the duration of the [activity], which we expect you to conclude by [agreed current end date of the appointment]. Your appointment will commence on the date of the covering letter and expire automatically upon completion of the [activity] and delivery of [expected outcome or deliverables, such as a report to Government], unless terminated earlier in accordance with the termination provisions set out in clauses 14 to 17.

Role

2. You are appointed as the [formal name of role], acting in the capacity as [short descriptor of role, e.g. an independent reviewer], to conduct [short description of activity].

Duration

3. Your appointment will begin on [date of commencement].
4. Your appointment will be until [current agreed end date] (with the possibility of extension, where such is agreed by both parties). It will automatically expire on [current agreed end date] (or such later date as agreed) unless terminated earlier in accordance with clauses 14 to 17.
5. There is no presumption of reappointment. Any reappointment or extension of your appointment will only be made with the agreement of the [departmental name].

Duties

6. Your current duties are to undertake the [activity] as set out in your Terms of Reference (as set out at Annex [A]), and may be amended from time to time. Any changes will be discussed with you fully and notified to you in writing.
7. By accepting this appointment you confirm that you are able to allocate sufficient time to meet the expectations of your role.

Status

8. You are not an employee of the [departmental name]. Accordingly, nothing in these terms shall be construed as, or taken to create, a contract of employment between yourself and the Department. In addition, nothing in these terms and conditions shall be construed as, or taken to create, any contract of service or contract for services between yourself and the Department.
9. This appointment will be treated as an appointment to a Public Office. Consequently for tax purposes you will be treated as a Public Office Holder in relation to this appointment.

Fees

10. No fee will be payable for undertaking this work [the general expectation is that such roles are unpaid, however, in some limited circumstances reasonable remuneration may be agreed as part of the role].

Expenses and Subsistence

11. The Department will reimburse all reasonable expenses (including travel, subsistence and other expenses) properly and necessarily incurred in respect of your appointment. Invoices for reimbursement with supporting receipts should be sent to [responsible official] at: [contact email address]. You are entitled to claim expenses at the rates applicable to the Department, as amended from time to time.

Reporting lines and Civil Service support

12. You will report to the [title of appointing minister and/or SCS sponsor] in respect of your duties pursuant to the appointment, at such intervals and in such form as they may determine. You will be supported by [details of any civil service secretariat or external support being provided].

Notice and termination of these terms

13. You may terminate this appointment for any reason before the expiry of the fixed period by giving one month's notice in writing. If you have given written notice, the Minister may, at [his/her] absolute discretion, elect to terminate your appointment earlier than the expiry of your notice period. The Minister may terminate your appointment at any time with or without notice.
14. No notice period is applicable if this appointment is terminated early by mutual consent.
15. The [departmental name] may terminate your appointment immediately by writing to you to that effect if:
 - you are guilty of any misconduct that makes you unsuitable to continue to hold this appointment; or
 - your attendance becomes so erratic as to interfere with the good running of the Department; or
 - you are, in the opinion of the Minister, unable or unfit to discharge the functions of the appointment for any other reason of whatsoever nature.
16. On termination of this appointment, you shall only be entitled to reimbursement of any expenses properly incurred prior to that date.

Conduct

17. As a Public Office Holder, you are required to follow the 'Seven Principles of Public Life' which are attached as Annex [B], and such relevant provisions of the Code of Conduct for Board Members of public bodies as could reasonably be applied to the appointment, which can be found [here](#).
18. If you believe you are being required to act in a way which: is illegal, improper, or unethical; is in breach of constitutional convention or a professional code; may involve possible maladministration; or is otherwise inconsistent with the Seven Principles of Public Life, you should report the matter to the [departmental name]. You should also report to the appropriate authorities evidence of criminal or unlawful activity by others. You may also report if you are required to act in a way which, for you, raises a fundamental issue of conscience.
19. You are required to cooperate with any process set up to investigate and determine any complaint made in respect of your conduct whilst fulfilling the duties of the offices including attending meetings, providing material,

co-operating with any investigation or responding in a timely manner to correspondence in each case as may reasonably be required.

Conflicts of Interest

20. You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your private interests - financial or otherwise.
21. You must comply with the Code on handling conflicts of interest. As a minimum, these will require you to declare to the department any private interests which may, or may be perceived to, conflict with your public duties. In general, all financial interests should be declared. You must comply with the measures agreed between yourself and the Department to manage any actual, potential or perceived conflicts of interest. The Department will determine whether any interests should be published.
22. You must comply with the measures agreed between yourself and the department to manage any actual, potential or perceived conflicts of interest. You must remove yourself from the discussion or determination of any matters in which you have a financial interest or any other matter where your interest might suggest a danger of bias.
23. During the periods of appointment, and in addition to the outside interests already declared, you are required to notify the Department should you intend to take up any other appointment or employment or be directly or indirectly engaged in any other public body, any business, trade, profession or occupation, whether paid or unpaid. Any such additional appointments or employment should be handled through the declaration of interests process and you should comply with any mitigations or measures agreed between yourself and the Department.
24. Information on potential conflicts of interest will be held by the Permanent Secretary's Office and could be disclosed to the public under the Freedom of Information Act 2000.

Gifts and Hospitality

25. You must not accept any gifts or hospitality which might, or might reasonably appear to compromise your personal judgement or integrity or place you under an improper obligation. If you choose to accept a gift or hospitality this must be declared to the Department, who will decide whether this should be recorded in a public register.

26. You must comply with the Code on the acceptance of gifts and hospitality.

Political Activity

27. During the periods of appointment, you are expected to comply with paragraphs 3.11 to 3.15 inclusive of the Code of Conduct for Board Members of Public Bodies which are incorporated ([here](#)). If you have any doubts or questions about any current or future activities, you should seek advice from [responsible official or team] before undertaking significant political activity.

Confidentiality and use of official information

28. You must not misuse information gained in the course of your public service for personal gain or for political purposes. You must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after your appointment has ended. You are required to exercise care in the use of information that you acquire in the course of your duties and to protect the information that is held in confidence.

29. The provisions of the Official Secrets Act 1911 to 1989 apply to the role of Chair. Unauthorised disclosure of any information gained in the course of this appointment, or its use by the member or others for personal gain or advancement, could result in the appointment being terminated early, and/or criminal prosecution.

Personal liability

30. In any legal proceedings brought against you by a third party in connection with the performance of your duties in the offices, the [departmental name] will meet any civil liability which you incur, provided that you acted diligently, honestly and in good faith, and did not act recklessly, in relation to the matter in respect of which the liability was incurred.

31. You may be personally liable if you make a fraudulent or negligent statement which results in a loss to the third party, and you may commit a breach of confidence under common law or a criminal offence under insider dealing legislation if you misuse information gained through holding the offices.

Data Processing

32. The Department will collect and process information about you for legal, personnel and administrative purposes in accordance with its privacy notice which is provided ([link to departmental privacy notice]). In the interests of

open government and public access to information, the Department may need to disclose information about you, the role you are undertaking and the sums paid by the Department. This could be made necessary or desirable by legislation, Parliamentary questions, and/or requests for information under the Freedom of Information Act, or by central guidance or departmental policy on disclosure making such information available in appropriate circumstances, including within the Civil Service in reporting to Parliamentary Committees or National Audit Office or otherwise.

..... Dated
[appointee]

..... Dated
On behalf of the [departmental name]