

House of COMMONS
Oral EVIDENCE
TAKEN BEFORE the
Public Administration Committee
Appointment OF THE Chair of the Charity Commission
Wednesday 5 September 2012
William Shawcross CVO
Evidence heard in Public Questions 124 - 193

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and reported to the House. The transcript has been placed on the internet on the authority of the Committee, and copies have been made available by the Vote Office for the use of Members and others.
2. The transcript is an approved formal record of these proceedings.

Oral Evidence

Taken before the Public Administration Committee

on Wednesday 5 September 2012

Members present:

Mr Bernard Jenkin (Chair)

Alun Cairns

Charlie Elphicke

Paul Flynn

Robert Halfon

David Heyes

Greg Mulholland

Priti Patel

Examination of Witness

Witness: **William Shawcross CVO**, Government's preferred candidate, gave evidence.

Q124 Chair: May I welcome our witness to this preappointment hearing for the Chair of the Charity Commission. Please could you start by identifying yourself for the record?

William Shawcross: I am William Shawcross.

Chair: One or two of us have to put some interests on the record, however peripheral they may be. You are a Director and Trustee of the Henry Jackson Society. The Henry Jackson Society provides the Secretariat for the All- Party Parliamentary Group on Homeland Security, of which I am Chairman. I also published a pamphlet in co-operation with the Henry Jackson Society a couple of years ago. Are there any other interests to declare?

Robert Halfon: I should declare that I was a founding patron of the Henry Jackson Society when it was first set up and I am fairly involved with the organisation.

Paul Flynn: I think perhaps I had better say that the Henry Jackson Society organised a meeting at which I was a prime speaker, to my astonishment.

Robert Halfon: To my astonishment too.

Chair: Various of us are also connected with various charities but we do not need to declare that, unless there are any connections with you.

Q125 Paul Flynn: Welcome, Mr Shawcross. It is a pleasure to meet you in this Committee, as a distinguished biographer and the son of someone who is a hero in my political life: your distinguished father. Could we say something first of all about the preappointment hearing? This Committee had a pioneering role in going to America, having a look at their system there and recommending it cautiously here. I believe this Committee has a record that establishes the worth of the preappointment hearing, particularly recently. I think that all our decisions have been unanimous as a Committee in taking that final decision. Can I ask first of all: if the Committee decide that you are not a fit person for the job, what would you do then?

William Shawcross: Obviously I hope that that would not be the case. I would be very saddened if that were the case, and I would have to reflect very carefully on the reasons that led you to that decision.

Q126 Paul Flynn: Our main interest is to establish the independence of people like the Chair of the UK Statistics Authority and Ombudsman and so on, particularly their independence from Government and independence from influence from the Government. We see that as our role. What we want is someone who will be robustly independent. From reading your biography and your literary output, you seem not to be leftwing but to be decidedly rightwing. Is this a fair description of you?

William Shawcross: I hope that my writings show independence and have shown independent views throughout my career. They have not always been popular on either the left or the right. I grew up, as you kindly pointed out, in a Labour household and my father was a great hero to me too. He taught me the importance of this House as the cherished guardian of our liberties. So I am honoured to be speaking to you and, if you do see fit to approve me, I would look forward to a very close relationship with this Committee because I think this Committee is vital in helping to guard the independence of the Charity Commission, which, as you rightly point out, is essential.

Q127 Paul Flynn: My enthusiasm for his life is for his periods at Nuremberg and in Government but I am less enthusiastic for when he had the nickname of Sir Hartley Floorcross.

William Shawcross: He never actually did cross the floor.

Q128 Paul Flynn: Normally biographers write about people they admire; your principal ones are the Shah of Persia, Rupert Murdoch and the Queen Mother. Does this betray a right-wing tendency?

William Shawcross: I have also written about Alexander Dubček, the hero of the Czechoslovak Spring, and János Kádár, who rescued Hungary from the horrors of the revolution of 1956. The Murdoch biography was actually proposed to me by my American publishers. It had never occurred to me to write about Murdoch until the late 1980s when it was suggested to me. He was just becoming a big figure in the United States at that time. I was rather surprised that I enjoyed writing a business biography as much as I did. I thought that Murdoch had created an enormous change, particularly in this country in terms of the unionisation of newspapers and so on. As a journalist in the 1980s and 1990s, I was very conscious that, but for Wapping, many of us probably would not have jobs.

Q129 Paul Flynn: The Shah of Persia was so successful as a leader that-

Chair: Mr Flynn, can I just ask what bearing this has on independence?

Paul Flynn: It is establishing the independence of the candidate, which is what our job is. The Shah of Persia was so successful as a political leader that his country preferred the Ayatollahs to him.

William Shawcross: My book about the Shah concentrated on his journey into exile and death. It was called *The Shah's Last Ride* and it looked at his relationship, in flashbacks, with the Western world and as a very important ally of the Western world in the Gulf throughout the 1940s, 1950s and 1960s, until he fell in 1979. His fall was obviously a reflection of his own misgovernment, to a certain extent. It is important also to recognise that in the 1960s the Shah was one of the most progressive leaders in the Middle East. I would also suggest to you that, whatever the errors and shortcomings-and they were very serious in the Shah's Government-the Government that has followed has been a catastrophe for Iran, the Iranian people and indeed for the world.

Q130 Paul Flynn: A difficulty in this Committee is that the previous holder of your office was not attacked by this Committee at any time-one Member of the Committee did attack her-

Chair: Can you get on with it? We have limited time, Mr Flynn.

Paul Flynn: It is important to get this point out. It is the crucial point of this morning. She was attacked for political bias as being a Labour Party member. Now, could you tell us whether you are a supporter of the Conservative Party or a member of the Conservative Party?

William Shawcross: I have never been a member of the Conservative Party. When I was young I was, as my father was, a member of the Labour Party for a very short period. When the Social Democrat Party started, with David Owen and the Gang of Four, I certainly supported them at that time. I have never been a member of another party since then.

Q131 Paul Flynn: Before the last election you said, "Only a vote for the Conservatives offers any hope of drawing back from the abyss".

William Shawcross: I do not remember the context in which I said or wrote that. If I wrote it, I stand by it.

Q132 Charlie Elphicke: Can I ask a quick supplementary on that point? Can you assure the Committee that your previous membership of the Labour Party will not make you biased towards the Labour Party or indeed any political party?

William Shawcross: I certainly would give you that assurance, and I believe it to be absolutely true.

Q133 Paul Flynn: When were you a member of the Labour Party?

William Shawcross: When I was a very young person in the 1960s.

Q134 Paul Flynn: In the 1960s? I think we can absolve you of any accusation that your membership of a party in the 1960s would have any involvement. However, going back two years, you said, "The disaster we now face now is thanks uniquely to Gordon Brown and the Labour Party's postmodern authoritarianism". Again, that is a strongly rightwing view.

William Shawcross: It is a strong view; I am not sure that it is rightwing necessarily but I was critical.

Q135 Paul Flynn: The Henry Jackson Society is a promoter of a particular view in this House, which is representing rightwing American opinion.

Robert Halfon: I have a point of order, Chair. First of all, the Henry Jackson Society has a significant number of Labour MPs, including the MP for Birmingham Edgbaston.

Chair: I do not think that is a point of order.

Robert Halfon: Secondly, this is not a discussion about political biographies and the Henry Jackson Society. We should be discussing the role of the Charity Commission.

Chair: I think, Mr Flynn, that you are making a point perfectly legitimately but I would be very grateful if you could be as brief as possible because we have many other questions to ask.

Paul Flynn: Henry Jackson's personality was rather more diverse than the Henry Jackson Society.

Chair: This is not about your views, Mr Flynn; this is about the candidate's objectivity. Please ask about that.

Paul Flynn: I can understand your obstruction to this because you clearly have a partisan view on this, Chairman, not for the first time, may I say. If I may continue-as usual struggling against the bias of the Chairman on this-my role on this Committee is to introduce some impartiality and do the job that we should be doing, which is to ensure that you are not going to face accusations or suspicions from the charity bodies, who are bruised and battered at the moment, that they have someone who is going to do the political hatchet job that Maude is doing elsewhere. You would be an independent person: can you assure us of that?

William Shawcross: I can assure you of that. If you have any misgivings I would wish to come back at any stage and talk to this Committee, whenever you wish to do that. I am absolutely convinced, as you are, Mr Flynn, that the independence of the regulator is vital and it would be utterly wrong of me to infringe upon that independence in any way. I would not do so.

Q136 Chair: The outgoing Chairman did say that protecting the independence of the Commission was hugely important. She obviously valued that. Personally I think that was reflected in her personal conduct at the Commission. Are there any particular steps that you would take in order to reinforce that independence?

William Shawcross: Obviously I would wish to resign all my memberships of the Henry Jackson Society and other charities with which I am involved. I think the Henry Jackson Society is a great society and I am very pleased that they had you come to speak, Mr Flynn. Henry Jackson himself was a great American senator who stood not just for rightwing views but for freedom and liberty everywhere. That is what the society stands for now. I would do everything necessary and speak to the chief executive of the Charity Commission to make sure I was seen to be always acting in an independent manner.

Q137 Greg Mulholland: I am happy not to ask my questions at the end because I think, frankly, that these are much more important than some of the later questions, given our limited time. Can I ask you, Mr Shawcross, about the article that Mr Flynn referred to, which you wrote on 29 April 2010 in the National Review Online? You said some quite interesting things in that. Do you fully accept and acknowledge that there are people who belong to or actively support all political mainstream political parties in this country and that their contribution to the charitable sector is hugely welcomed?

William Shawcross: Of course.

Q138 Greg Mulholland: I would ask you, in that case, about the very silly and in some cases untrue things that you said about the Liberal Democrats in that article, including saying that we want total control from Brussels, which is quite literally untrue and therefore quite dishonest, I am afraid, and also parroting the nonsense that was coming from Conservative head office at the time that was saying a vote for the Lib Dems would help Brown, when here we are in a coalition, which is working pretty well, between the Conservatives and the Liberal Democrats. Would you, first of all, say you were wrong, but would you also accept

that it will be quite hard for Liberal Democrats and possibly members of the Labour Party to have confidence that you are an impartial, independent Chair because of those comments?

William Shawcross: I am delighted, of course, at the success of the coalition that you allude to. I hope that in everything I do in the Commission, if you see fit to approve me, I would show my neutrality. Whatever political views I expressed two or three years ago are irrelevant; I would be an independent regulator.

Q139 Greg Mulholland: I am afraid that I do not think they are irrelevant, certainly when it comes to the confidence issue. You must accept that confidence is something that is essential for the role. For there to be confidence that you are impartial I think those comments are troubling. I will ask you another question. Dame Suzi Leather was a member of the Labour Party. You clearly said, right before the last general election, "Vote Conservative". It seems to many people, unfortunately, that we have a situation where this appointment is too political and I do not think that is acceptable.

William Shawcross: I am very sorry to hear you say that. I am not a member of any party, as I said. I have never been a member of the Conservative Party. I did write those things before the election and obviously I cannot resile from them. I apologise if they caused you undue offence but that was my view at the time: that it was time for a change in government. As I said just now, I am delighted that the Liberal Democrats are part of this coalition.

Chair: Can I just remind Members of the Committee that we are not to use this as a platform to express our own views. This is an opportunity for us to ask questions of the candidate and we have an obligation to exercise our impartiality.

Greg Mulholland: With respect, Chair, we have the job of deciding whether the candidate has sufficient impartiality and independence. That is precisely what Mr Flynn and I are pursuing, which I think it is the most important question we have to ask today.

Chair: You are asking perfectly legitimate questions but this is not an opportunity for you to express your own views.

Greg Mulholland: No, but I do not believe I have, with respect, Chair. I believe that I have questioned Mr Shawcross on his previously expressed views, which I think are very troubling in the light of this proposed appointment.

Chair: Now you are giving your view. You can give your view later on, in the private session, but not during the questions. Do you have any further questions?

Greg Mulholland: No.

Chair: Thank you.

Q140 Priti Patel: Mr Shawcross, I would like to move on to the actual position of Chair of the Charity Commission. The outgoing Chair said that she did not think it was an easy time to be taking over the Commission. I am particularly interested to hear from you about your style of leadership, your priorities in your potential position and what distinctive things you are looking to achieve in your first year in the position.

William Shawcross: I would want to learn a lot first. I am very conscious that I have a lot to learn about the charitable sector and the work of the Commission. As for my leadership style, one of the things I am most proud of doing is having helped set up, create and lead for 10 years Article 19, which was the International Centre Against Censorship, which was created in 1986. I was the founding Chair of that and worked very closely with the two chief executives. The first of those was Kevin Boyle, who has sadly died, and then Frances D'Souza, who is now in an eminent position in Parliament, as you know. She and I worked very closely together. I think the relationship between the CEO and the Chair is absolutely vital in any such organisation and I would hope to have a very close working relationship with Sam Younger. Happily, I worked with him before when he was Director of the World Service and I was on the Foreign Office's World Service Consultative Group, which was created in order to oversee the World Service output in different languages. I think he did a very fine job there and, by all accounts, he has done a very fine job so far at the Commission in restructuring it.

As for what I would hope to achieve in the first year of the job, if you approve me, I would certainly hope to go around all the Commission's offices around the country. I would get to know the members of the board very well. I would speak to as many charities as possible, both large and small. The small charities are really the backbone of the charitable sector. Of the 160,000 charities in this country, the vast majority are small by the standards of the large ones. Sometimes they feel left out and sometimes they find the regulations too tough. That is one of the things I would want to look at. Someone came up to me yesterday and said that they were a member of a charity in south London which was swamped with red tape and asked whether I could help. I said, "That is what the Commission is there to do. The Commission is there to regulate you and to do so in the least onerous way." I would hope that, if there are such changes that need to be made, I would be able to help the chief executive implement them.

Q141 Priti Patel: What do you think the immediate challenges are for the charitable sector?

William Shawcross: The charitable sector is going through hard times because the country is going through hard times. That is reflected in donor weariness and the greater demands upon the sector because of the economic crisis this country, as well as many other countries, is going through. So charities will be called upon to do more at a time when perhaps there are fewer resources. Certainly the Commission has fewer resources than it used to have: in 2005 there were 500 staff in the Commission and by 2015 there will be only 250. So the resources the Commission can deploy are limited and they have to therefore be deployed much more effectively. Dame Suzi has made a very good start, as far as I understand, on downsizing the Commission while continuing to meet its regulatory needs. I would certainly see that as an absolute priority.

Q142 Chair: What particular aspect of the Hodgson Review do you regard as the most important?

William Shawcross: I think the fact that Hodgson celebrated the independence of charities and the role of the trustees in making sure their charities stick to their last, if you wish, and remain properly governed in every aspect. One of the most important things is to emphasise that it is the trustees who come first and the trustees who bear principal responsibility for the running of charities. I know that the Commission has a couple of misgivings about some of Hodgson's recommendations. I must say that it was a remarkable report done in a rather short

space of time and it gives a marvellous overview of the sector, its problems and its successes. The concerns the Commission has expressed are about the payment of trustees and raising the threshold of registration from £5,000 to £25,000. The charities beneath that new threshold, if it were implemented, would still be there but there would be a shadow world-as someone described it; I am not sure if that is too harsh-and that is certainly one of the things that, as Chair, I would wish to look at to see if that concern is correct.

Q143 Chair: Have you developed views on the remuneration of trustees in relation to the threshold for registration?

William Shawcross: I can see why the remuneration of trustees is thought to be necessary and why Lord Hodgson thought-

Q144 Chair: It was about trustees declaring their remuneration.

William Shawcross: Yes, certainly they should declare it. Also, in some charities, some very large charities in particular, the job of trustee is very timeconsuming. I can see why it is thought necessary to remunerate them for some of their time spent. On the whole, I think that should be the exception rather than the rule. Certainly for small charities the voluntary paradigm has been wonderful for hundreds of years and it should continue to be the norm.

Q145 Robert Halfon: In her last hearing with our Committee, Dame Suzi Leather described her time in the Chair as "a taxing privilege". How does your experience in the charitable sector up to now prepare you for this task?

William Shawcross: I think there is very little that would prepare me for this task as it is a very big task. I have worked in the charitable sector-not full time of course, but pro bono-for many years. I worked with Article 19, as I said. I was on the board of the Disasters and Emergency Committee. I helped create an international voluntary agency called International Crisis Group, which was set up after the debacle in Bosnia, to try and make international responses to crises, such as Bosnia or Rwanda, better. That was to try to prevent conflict and save lives. I was on the board and the executive committee of that board for 10 years. That was a very important organisation and I think it has done a lot of good. However, it did not require the sort of work that the Charity Commission would require. This is advertised as a twodayaweek job, although I know that Dame Suzi did it as a threedayaweek job. I suspect that at the beginning, at any rate, it would be much more than two days a week and I would need to devote a lot more time to it to in order to understand it and do it properly. Obviously I would be more than prepared to do that.

Q146 Robert Halfon: What were your experiences of having to deal with the Charity Commission when working with Response?

William Shawcross: I have always found my dealings with the Charity Commission, such as they have been, to be terrific. The website has improved enormously in recent years; it is now very easy to file reports quickly and without problems. In this changing technological world, websites and other digital innovations change all the time, so one has keep abreast of that.

Q147 Robert Halfon: Response was removed from the Register of Charities at one point. What was the reason for that?

William Shawcross: It is on the register now. I am ashamed to say that it was because the reports were filed rather late. It is a tiny charity that I set up when my mother died in an accident and some insurance money came to me. I did not want to spend it on ordinary things, so I set up this little charity to help refugees and to give little bits of money to people who had suffered for their political views.

Q148 Alun Cairns: You referred to the time commitments. Your predecessor worked three days a week in the role. This has been reduced to two days a week. There have been some changes to the responsibilities and obligations; how confident are you that two days a week is reasonable and fair, and how much time would you plan to spend in the role?

William Shawcross: As I just said in my answer to the previous question, I suspect that it will be more timeconsuming than that, certainly to begin with when getting around to all the offices throughout the country and meeting with charities large and small. I think that as little as two days a week is optimistic, at least to begin with, and if it needs more time, I will give it more time.

Q149 Alun Cairns: Why do you think there has been a change from three days a week to two days a week and do you think the reduction in salary is reasonable? Your predecessor received £80,000 a year and the salary on offer to you is £50,000 a year.

William Shawcross: I think the reduction in salary is perfectly appropriate for the reduction in time expected to be spent. I am not really qualified to say why the job was reduced. The job description for the job was not something that I was involved in.

Q150 Charlie Elphicke: Mr Shawcross, the Charity Commission has had a 33% reduction in its budget in real terms. Times are very tough because the nation's finances were progressively destroyed over the past decade. How confident are you that, with a reduced budget of £21.3 million a year by 2015, the Commission will be able effectively to regulate the third sector?

William Shawcross: The Commission has to effectively regulate the third sector; that is its task. The reduction has been agreed and it is the Commission's responsibility to see that, in whatever way it needs to, it can continue with that task. It will not be easy, I can see that, but it has to be done. With the digitalisation of so much more all the time it becomes easier to meet that requirement. Like all other official or semiofficial bodies its task will be more difficult now than it has been in the past.

Q151 Charlie Elphicke: Lord Hodgson, in his report, set out recommendations that one should think about charging charities to register and file their annual returns. What is your perspective on this? On the one hand, it would cost charities money but, on the other hand, it would be a more stable form of funding so you would not be subject to the vagaries of the nation's finances.

William Shawcross: Absolutely. It is something that needs to be looked at very seriously. I think it is a sensible suggestion. It is unprecedented and will cause a bit of grief amongst charities. However, many other regulatory agencies charge for their regulation-for that privilege-and it is something that we may have to come to.

Q152 Robert Halfon: Where do you stand in relation to minority religious groups on the public benefit test?

William Shawcross: The public benefit test applies across the board. It is the law and it applies to every group, whether it is a minority religious group, a school or anything else. With the greatest respect, I am not quite sure what you mean about it in terms of its application to minority religious groups.

Q153 Robert Halfon: I am going to come onto that. There is one particular group, the Plymouth Brethren-

Paul Flynn: Isn't this private interest, Chairman, for which you stopped Mr Mulholland asking a question?

Chair: No, it isn't; he is asking about a particular case.

Robert Halfon: They believe that they have been discriminated against because they have been refused charitable status as they are accused of not having enough public benefit in terms of their religious activities. Yet, an organisation like the Druids, for example, is given charitable status by the Charity Commission. I just wondered what your view is on that and if you are going to review those kinds of decisions if you do become the Chair?

William Shawcross: I think the case of the Exclusive Brethren is now before the Upper Tribunal so it is *sub judice*, so I should not really comment on it.

Q154 Chair: Mr Shawcross, you are free to comment on it.

William Shawcross: Am I?

Chair: I am advised that the tribunal does not constitute *sub judice*.

William Shawcross: I do not know the details very closely but I am sure the Commission has not so far displayed an anti-Christian bias, and I would certainly not wish it to do so if I were the Chair of it. The work of the Exclusive Brethren, as I understand it, is involved in the public sector as well as for the benefit of members of that religious order, if that is the right word for it. In other cases, like with the Masons, the Upper Tribunal has already decided that the fact it is a small group does not mean that it cannot display public benefit. I imagine that that might be the same outcome in terms of the Exclusive Brethren.

Q155 Robert Halfon: During the passage of the 2006 Act, Edward Miliband, who was the then Minister, said the public benefit test for religious groups would not be onerous and that religions had nothing to fear. As this clearly was the intention of Parliament at the time, will you give the assurance that you will uphold this principle?

William Shawcross: Absolutely, yes.

Q156 Robert Halfon: Would you be prepared to have a meeting with concerned minority religions who feel that they have been discriminated against?

William Shawcross: Yes. I should say, in that context, that I am aware that the job of the Commission is to be the regulator of the sector, not to hold the hands of every single charity that is feeling nervous. I know that this is a difficult line to draw and I would want the Commission to be seen as totally sympathetic to any concerns charities have. Nonetheless, the principal job of the Commission is to regulate.

Q157 Robert Halfon: The Brethren-of the many religious groups that are associated with the Charity Commission, recognised as charities like the Druids that I mentioned-have thousands of members and hundreds of churches all over the country. They seem to be discriminated against unfairly and accused by some of-

Chair: I must remind you not to give your own views.

Robert Halfon: I said, "Accused by some". I welcome that you have said you will look at this. Can I finally ask what approach you will take to the question of public benefit if you were Chair of the Charity Commission?

William Shawcross: It is the law, since 2006, that all charities have to display public benefit. Parliament did not define exactly what public benefit is, correctly I am sure, and it will be a question of developing new case law, principally with the decisions of the Upper Tribunal, as to how public benefit is defined. That will occur, over time, with reference to the several hundreds of years of case law that already exists. Religion has always been seen as a charitable purpose.

Q158 Robert Halfon: So will you ensure there is equal treatment of all religions, including Christian religions, across the board?

William Shawcross: Of course.

Q159 Chair: How do you feel the Commission conducted itself with regard to the public benefit test and the independent schools sector?

William Shawcross: The Commission is in a difficult place because of the Charities Act not properly defining what public benefit actually means. It cannot be defined by Parliament to fit every single case and every single charity. In the case of independent schools, the Commission produced guidelines that were challenged in the Upper Tribunal. The Upper Tribunal produced a decision that was very important and the Commission, as a result, revised its guidance. That is the proper way these things develop and the case law is established.

Q160 Paul Flynn: Won't you be in an embarrassing position as a former pupil of Eton, the most privileged school in the country and which is a charity, which most people find difficult to understand?

William Shawcross: Many hundreds of schools in this country are charities. Education, like religion, has always been seen as one of the principal purposes of charitable organisations. I do not need to tell you, Mr Flynn, that the principal purposes are religion, education and the relief of poverty. I was very lucky to go to Eton. Eton, when I was there and still now, has a much larger charitable sector. It performs considerable public benefits. The difficulties will not be for schools like Eton but for smaller, much poorer, independent schools.

Q161 Paul Flynn: There is one public school that set out to provide education for the orphans of the Battle of Waterloo. The aims of some of the public schools are a bit remote from what is actually happening. Are you suggesting that one of the main aims of Eton is the relief of poverty among the very rich?

William Shawcross: I did not suggest that.

Q162 Paul Flynn: This is a nonsense, isn't it? Most people with common sense would come before this Committee and say that of course public schools and privileged schools should not be regarded as charity. It damages the whole system if you have a sector for charities which are helping the relief of poverty and you have some that are helping the most privileged people in the country.

William Shawcross: Education has always been regarded as a charitable purpose.

Q163 Paul Flynn: Can I just ask: would you be embarrassed? You are taking over this job and you are a person who has had a very privileged background. Would you like to be criticised in your future decisions because of your background?

William Shawcross: You are absolutely correct; I have a very privileged background and I am not embarrassed about it. It would be foolish of me to be so.

Q164 Charlie Elphicke: I would just like to go back to public benefit, religion and those sorts of issues. Do you feel that freedom of religious belief, freedom of religious expression and freedom to practise a religion should be a cornerstone of our way of life?

William Shawcross: Yes, of course.

Q165 Charlie Elphicke: Given that, would you then object and act in the Charity Commission if you felt that public benefit was being used as a weapon to suppress religious belief and freedom of determination?

William Shawcross: I would have to look and see whether the responsibility of the Chair of the Commission covers that and enables the Commission to do that, but I would certainly not wish to see that happen. The proposal you are making is a nightmare one and I certainly would not think it appropriate that this should happen in this country. I hope that it would not. I hope the situation you have described would not arise. Certainly, if the Commission is responsible for upholding religious freedom, I would make sure that it was strongly active in that way.

Q166 Charlie Elphicke: My constituents who have religious beliefs and are Christian complain to me saying that their view is that the Charity Commission had been using the public benefit test as a weapon to suppress religion and that it has been anticlerical and overly secularist in its approach. Would you want to restore the confidence of the constituents who complained to me about these things and assure them that the Charity Commission is not antireligious, as they feel it has been?

William Shawcross: Of course, the simple answer is that yes, I would want to restore their faith in the Commission in that sense. I hope what you describe is not the case. Perhaps the teething problems that are attendant on such a major and important piece of legislation as the

public benefit test in the Charities Act are being worked through with early references to the Upper Tribunal. I certainly think your constituents deserve every assurance that the Charity Commission is not trying to campaign against Christianity. That would be a deplorable thing.

Q167 Charlie Elphicke: So the Charity Commission under you would uphold freedom of religious expression?

William Shawcross: Yes.

Q168 Charlie Elphicke: And freedom of religious practice?

William Shawcross: Yes.

Q169 Charlie Elphicke: And freedom of belief?

William Shawcross: Yes. Freedom of belief should be nothing to do with any of us.

Q170 Charlie Elphicke: But where there is a charity that is religious and, as part of what it is doing, undermines the security of the state, would you also take an interest and act to ensure charitable funds were not used for activities of a more nefarious or dangerous nature.

William Shawcross: Of course. That is a very dangerous situation. Unfortunately it has become more of a crisis in recent years, not just in this country. It is absolutely critical that the law in all its forms, regulations and aspects, be used to stop abuses of charities of that sort. It is absolutely unforgiveable that charities should be used to foment violence in the ways that you are suggesting.

Q171 Charlie Elphicke: So religion, but peaceful religion?

William Shawcross: Yes.

Q172 Paul Flynn: Can we follow the logic of Mr Elphicke's comments into the absurdity it creates? I do not know if you are aware of the controversy about Pastafarianism? Pastafarians believe in a supreme being who is a blob of spaghetti in the sky. When challenged by people saying that this is absurd, they say that the idea of a man with a beard in the sky is also absurd. The previous Charity Commission accepted Pastafarianism because their rules are the same as those which Mr Elphicke has put out and they do have a belief in a supreme being, which happens to be a blob of spaghetti in the sky. Do you think we should look again at your definitions of religion? Do you think that Pastafarians, who exist and, publish books and so on, should be regarded fully as a religion in the same way as Eton is regarded as a charity? Aren't you in the field of absurdities?

William Shawcross: What, with the greatest respect, is the field of absurdities?

Paul Flynn: Pastafarianism.

William Shawcross: I am glad to say that I do not know about Pastafarianism. I should say that I am sorry to say.

Paul Flynn: In America, Pastafarians have the same tax breaks as other religions.

Chair: Mr Flynn, allow him to answer the question.

Paul Flynn: No, he was asking me a question.

Chair: Mr Shawcross?

William Shawcross: I apologise, Mr Flynn. I do not know about Pastafarianism, I apologise for not knowing that.

Paul Flynn: I am shocked.

William Shawcross: If I get this job, I will find out about it. It does not sound like a very well substantiated religious belief to me.

Paul Flynn: It is.

Q173 Charlie Elphicke: Likewise, Druidism, which seems to involve cutting mistletoe on Midsummer's Eve and running around in strange cloaks, has been granted charitable status by the Charity Commission, as we learnt from Mr Halfon. Do you think that that should have charitable status and that it was a well-founded decision?

William Shawcross: I do not know the nature of the decision. I do not know why it was decided that Druidism had enough public benefit to be a charity. That is something I would look at. This is a really difficult area but the basic point is that, since charitable law began, religion has been granted charitable status and I would wish to see that continue.

Q174 Greg Mulholland: I need to take you back to 1996 and your quite extraordinary comment. You said in *The Independent* that "if private companies can handle aid for the poor better than the charities, they should replace them". Do you think, having espoused such views, that you can be the Chair of the Charity Commission?

William Shawcross: In the 1990s I wrote a lot about the delivery of charitable assistance, particularly overseas. I wrote a book called *The Quality of Mercy*, which looked at the relief operations in Cambodia in particular, as well as other countries, after disasters. It was a book that was extremely favourable to the whole charitable sector and looked at the work of organisations like the International Committee of the Red Cross and, in this country, Oxfam, War on Want and Save the Children. Oxfam in particular were very helpful to me in my researches. I simply said that, if it is more efficient for aid to be delivered-for example to the border of Cambodia where there were hundreds of thousands of starving people-by a commercial company, which probably would have been employed by the British Embassy or somewhere else to get aid quickly, then it was the best thing to do.

Q175 Greg Mulholland: Having looked at some of your other previous articles I would just like to mention a few of them. On 3 May 2012 you wrote an article called, "Murdoch has been the bravest media owner in Britain in the last 40 years". There is another article on your website in praise of Rupert Murdoch. On 17 January 2012 you wrote, "The case for Guantanamo". Back on 5 March 2010 you wrote, "Why Bush and Blair were right about Iraq". As a liberal, I am absolutely committed to journalistic freedom. You are a very powerful journalist, you have very strong views and I think that is fantastic. Regardless of the excellent work you have done in the charitable sector-and of that there is no question-because

you are such an outspoken journalist with such strong views that many people would find uncomfortable, even though I would defend entirely your right to have them, do you really think that makes you able to lead an organisation that needs sensitivity and impartiality? Do you think it is possible for you to command respect in that position?

William Shawcross: I hope so, otherwise I would not have applied for this job. I do have strong views, you are right. I would wish to continue writing if I were lucky enough to get this job. If there was anything controversial that I was asked to write about I would obviously discuss it with the chief executive and perhaps with members of the board. I certainly would not want to write publically about this sector if I was in this job. If you want to go into detail about any of the things you have just mentioned I have actually got a copy of my book on Iraq and my book on justice, called *Justice and the Enemy*, which was published earlier this year. The subtitle is *From the Nuremberg Trials to Khaled Sheikh Mohammed* and I am certainly happy to leave those with the Committee if you wish to have them.

Q176 Greg Mulholland: That is a good plug for your book there. Can I ask about your website, "William Shawcross-writer and broadcaster"; would you take that down?

William Shawcross: The whole website?

Q177 Greg Mulholland: Yes, would you accept that you have a very different role and you cannot carry on being a writer, broadcaster and journalist espousing such controversial views when you are holding a position of that sensitive and impartial nature?

William Shawcross: With great respect, those are two different questions: would I take down the website or would I expunge my past? I would have thought it was slightly odd to do a self censorship like that. In terms of what I would write about in the future, let me say again that I would obviously have to consider what I wrote about and I would not want to write about anything that brought the Commission into any disrepute. Obviously that would be completely grotesque and I would therefore consult with the chief executive about that.

Q178 Greg Mulholland: Just to be clear, I am not asking you to expunge your past. You have written what you have written and it is entirely your right as a journalist to do so, and you are a very well respected journalist. What I am asking you specifically is whether you would continue to have your website, "William Shawcross-writer and broadcaster", and would you continue to be a controversial journalist at the same time as being Chair of the Charity Commission? Do you think that is tenable?

William Shawcross: I am very happy to change the nature of the website. I think it would be wrong to take it down and pretend I have not written what I have written.

Q179 Greg Mulholland: I am not talking about the past; it is an ongoing thing. Would you carry on doing that and presenting yourself as William Shawcross, the writer and broadcaster?

William Shawcross: This is only a twodayaweek job and I would have to carry on doing other work, and my work is as a writer. I think it would be appropriate for me to not do things that are too controversial. Again, I would seek the advice of your Committee, if you wished, on specific subjects. I would certainly seek the advice of the chief executive. Obviously it would be selfdefeating to say things that lead to bringing the Commission to disrepute.

Q180 Chair: Would you accept that your role as Chair of the Charity Commission is your prime responsibility and therefore you have to modulate your other activities in order to respect that position?

William Shawcross: Of course, absolutely. Let me just tell you what I have in the pipeline now. I have just completed the page proof of a book of the Queen Mother's letters, which is a publication of all the letters she wrote in her 90 years of writing life. That is coming out in October. I am also writing a question and answer book with George Weidenfeld who is, as you know, one of the last great Jewish intellectual refugees from Hitler's Austria in 1938. This is a book of questions and answers to him, so it is his opinions, rather than mine. Those are the only two books I have in the pipeline at the moment. I would obviously try to find another book to write on the days of the week that I was not committed to the Charity Commission. You are absolutely right, Mr Chairman, that that would be my principal responsibility.

Q181 Paul Flynn: Helena Bonham Carter delivered a critique of your book, which was admirably brief. She described the biography you did of the Queen Mother as "crap". I think the criticism was based on the idea that it was sycophantic and some of the more interesting facets of the Queen Mother's personality were absent from this very long book.

Chair: What is the relevance of this question?

Paul Flynn: It is about whether it was an independent book or whether-

Chair: We are not here to review Mr Shawcross's books.

Paul Flynn: It is establishing his independence, Chairman. I am sorry we did not have a preappointment hearing for you. We would not have chosen you if it was an independent Chairman, I am afraid.

Robert Halfon: I would have done.

Paul Flynn: But you must try to work on it and try to put your bias to one side when we are dealing with a witness.

William Shawcross: I think Helena Bonham Carter is a great actress.

Q182 Paul Flynn: She does not think you are a great writer, I am afraid.

William Shawcross: I am sorry about that; it is my loss.

Q183 Paul Flynn: Indeed. What of the book? The book was done as a flattering portrait of the Queen Mother. She was an interesting lady with an interesting personality, which was sadly absent from the book.

William Shawcross: This was the official biography-

Paul Flynn: Yes indeed, so you had to write what would please the family.

William Shawcross: That is not the case. The family imposed no censorship whatsoever upon me.

Q184 Paul Flynn: The union of biographers would take a different view.

William Shawcross: That is your opinion, Mr Flynn.

Q185 Priti Patel: Mr Shawcross, you are very well known and very accomplished. You have a tremendous background and the Committee has explored that already today. In the light of that and the fact the job is a twodayaweek position, although it may take more time, can I ask you what excites you about the role of becoming Chair of the Charity Commission and what motivated you to apply for the position?

William Shawcross: That is a very good question. I have been involved in writing about the issues that face the charitable world and the way in which charities work all over the world, not just in Britain, for many years. They are issues that have always interested me. I wrote a book called *The Quality of Mercy* and a book called *Deliver Us From Evil* more recently, about how the world deals with disasters. I have always felt that, being a writer is a wonderful privilege but that I would like to try and get involved somehow in public service. When I read that Dame Suzi was standing down after six years I thought that this would be an interesting job to apply for and try to bring the benefit of my own experience as a writer around the world to this job so I decided to apply for it. Some people said, "You are mad; it is a poisoned chalice," and others said, "It would be a very interesting challenge and you could add benefit to it"; I hope that is the case. It is obviously a difficult thing because of the questions you have raised. I do have views that not everybody agrees with and I accept that that is a problem. I would hope that, if you do see fit to approve me, that I would be able to convince this Committee and the wider public that I am there to act entirely properly in the interests of the Commission and the charitable sector.

Q186 Priti Patel: We have touched on the issue of independence. For the benefit of the Committee, can you give us your insight on how you found the process, having applied? Presumably the question of independence came up. What was your experience of that and how did you find the actual process?

William Shawcross: The process was, in a way, wonderfully simple because it was a question of filling in the long form published by the Cabinet Office in as much detail as I could, and then, when I got through that stage, there was an interview by an independent board. Following that stage there was a final interview with the Minister. So it was a remarkably streamlined process, if you like, and a simple process, which reflected very well on the way these things are done in the public sector. I was very pleased by that. The interviews were quite tough but I suppose I did reasonably well as I would not be here otherwise. I enjoyed the process; I thought it was very good.

Q187 David Heyes: I am sorry to labour this theme again but I do have some concerns. I have seen enough today to convince me that you are perfectly well aware of what a difficult task you are going to have in this job of shaking off this image that you bring a bias to it. It was certainly the case with Suzi Leather that she struggled with that throughout her term of office and she was little more than a dormant member of the Labour Party, and, to the best of my knowledge, she never voiced any controversial political views to any extent. That is not the case with you. You are on public record with your views on the big political issues of the day. Not too long ago you were recording your support for the actions of Bush and Blair in the Iraq war, which is perhaps one of the most controversial political issues of the day. You have partly answered the main question but I would like to hear more. What actions are you going

to take from tomorrow, from your first day in the job, to rid yourself of this incumbrance? It will not just be damaging to you personally but, potentially, extremely damaging to the Charity Commission.

William Shawcross: If I thought I was damaging to the Charity Commission I would not wish to have this job and, if you feel that, you will not approve me. I hope that it is not the case. I would just like to say something about Iraq. It is clear that the aftermath of the overthrow of Saddam was catastrophic. My Iraqi friends, some of whom were in exile under Saddam Hussein and then went back, all still say that, despite everything that has happened, they now have the chance to build a decent society in Iraq, which never existed under Saddam Hussein. In particular, one woman who lived in exile in London for 20 years went back in 2003, immediately after the invasion, and then became a member of various political movements. She was Deputy Minister of Culture and created women's organisations in Iraq that flourish still today. I think she is a very important witness and she says that, despite the horrors of the Sunni-Shi'a blood letting since 2003, despite the fact the United States did not exercise effective control over that, they are now building something better, and she is grateful about it. She is someone whose views I take extremely seriously. If she ever said to me that it was a disaster then I would take that very seriously too but she has not, and nor have other Iraqi friends. Of course there were terrible mistakes made after the invasion.

Q188 David Heyes: The question was: what actions will you be taking from tomorrow to rid yourself of this? Your response to my question was to defend your controversial position. Is that what you will do in this job?

William Shawcross: I am certainly not going to resile from positions that I have taken. It would be ridiculous for me to say that everything I have said over the last 40 years is wrong. I could not possibly do that, nor would you expect that. I would just try to work to be seen to be the independent Chair of this very important regulator. I think the proof will have to be in the pudding, and I hope that I would be able to do that. Obviously, if you do approve me and you felt at any stage that I was damaging the Commission then you would have to haul me back before you and tell me so in no uncertain words.

Q189 Paul Flynn: Those of us who were in Parliament in 2003, when your position was the majority position, now know that a lot of MPs were bribed, bullied and bamboozled into supporting the war in Iraq.

Chair: I am sorry; I do not think this is relevant.

Paul Flynn: Do you really think now, in 2010, that it was worth the sacrifice of 179 British lives in pursuit of weapons of mass destruction and to replace one rotten regime with what was likely to develop into another rotten regime in the future. Was it worth 179 British lives?

Chair: I think Mr Shawcross has made his views clear on this matter and I see no further relevance.

Paul Flynn: Can I ask a final question?

Chair: Briefly, because we are running out of time.

Q190 Paul Flynn: Yes, it is a very brief question. Do I sense, in the course of this morning, that your enthusiasm for this job is waning and you might think that the advantages you would bring to the independent Charity Commission might not be as substantial as the loss that the world of biography would suffer by you taking this job?

William Shawcross: No, that is not the case, Mr Flynn.

Paul Flynn: Oh dear.

Q191 Robert Halfon: Can I just ask: what would you like to achieve by the time you have left, if you do become the Chairman? What are the key things you would like to achieve?

William Shawcross: I would like, first of all, to dispel these concerns, but that is a personal achievement. I would like to help the Commission maintain its reputation for excellence and impartiality as the vital regulator of this sector. Charities face a lot of problems, which we have talked about already, because of the economic hardship that the country and many people find themselves in. The task of the regulator is probably more important than ever, and I would wish to make sure, regarding some of the concerns that you have expressed about the regulator being seen to be anti-Christian, if that is a perception, I would hope to try to dispel that perception and any other misperceptions that there are about the work of the Commission. It is a very difficult job that the Commission has and, from what I have seen, it has done it very well in most instances. If there have been mistakes and some of its guidance has been criticised, for example, by the Upper Tribunal, this is a process that is inevitable after a major piece of legislation like the 2006 Act. I would want to try to help the Commission overcome these teething troubles following that legislation. I would want to be seen by everybody—those on the left as well as the right—as an impartial, proper regulator. I would hope that if there was any hint that I was not doing that you would call me here as soon as warranted.

Q192 Charlie Elphicke: Can I just ask you about chugging? An Ipsos MORI poll showed that 67% of people feel uncomfortable with the way charities raise funds. You can barely walk in any shopping centre these days without being pestered senseless by people asking you to fill in so-called surveys and all the rest of it. Chugging has caused substantial loss of confidence in charities and harms the public reputation of charities. Your predecessor, Dame Suzi Leather, said that it was all fine, it would self-regulate and did not need any action when I pressed her on whether the part of the 2006 Act that could regulate this should be brought in. Will you look at chugging and will you consider bringing in regulation, for which powers exist under the 2006 Act?

William Shawcross: I think it certainly should be looked at because it causes such concern, as you say, and damages charities. I am not sure whether it is the job of the Commission itself to insist on what is or is not allowed in shopping centres. As Lord Hodgson pointed out, it is principally the task of the trustees of those particular charities to regulate themselves. If one particular charity is causing gross public disturbance, it is the trustees' responsibility above all. If they do not regulate it then the Charity Commission may wish to step in but, again, I would have to look at that carefully.

Q193 Charlie Elphicke: Lord Hodgson said in his report that the Charity Commission "need to address the confused self-regulatory landscape". You have a key role in leading this and sorting it all out. Will you do that?

William Shawcross: Yes.

Chair: That concludes our questioning. Mr Shawcross, thank you very much indeed for coming today. We will now adjourn to a private session to reach a conclusion.

William Shawcross: Thank you very much, Mr Chairman.