

EQUALITY OF OPPORTUNITY COMMITTEE

Date: 17 January 2001

Time: 9.30am

Location: Committee Room 3, National Assembly Building

Title: THE ESTABLISHMENT OF A SEPARATE COMMISSIONER FOR PUBLIC APPOINTMENTS FOR WALES**Purpose**

1. The Committee asked for a note on the establishment of a separate Commissioner for Public Appointments for Wales at its 22 November meeting.

Recommendations

2. The Committee is invited to consider in principle whether there should be a Welsh Commissioner for Public Appointments (WCPA) and an accompanying office and whether the proposal should be included in the consultation on the future of the public appointments process in Wales.

Background

3. The Committee has recommended that the report to the Committee on Public Appointments by Wendy Morgan be put to Cabinet. The Chair has recommended to Cabinet that the report should form the basis of a review of the Assembly's Public Appointments process, which would involve consultation on the issues involved. It is recommended that the question of the establishment of a separate Welsh Commissioner for Public Appointments should be considered as part of that wider review and consultation.

4. The Government set up the post of Commissioner for Public Appointments in 1995, in response to the Nolan Committee report. The remit of the Commissioner currently extends to the whole of the UK, although for those bodies in Northern Ireland which fall within the remit of the devolved administration, there is a separate post of Commissioner (the GB Commissioner, Dame Rennie Fritchie is currently acting as Commissioner there until a separate Northern Ireland Commissioner is appointed). The GB Commissioner is appointed by The Queen, by Order in Council, on the advice of the Prime Minister.

5. The Commissioner's Code of Practice for Public Appointments sets out the principles by which Ministerial appointments should be made to the boards of public bodies which fall within her remit. The Commissioner's role also includes the monitoring, regulation and provision of advice on departmental procedures and dealing with complaints. She carries out audits of departmental procedures and practice.

Position in Scotland

6. The Scottish Executive began a full consultation exercise on public appointments in February 2000 and they are on the point of publishing their conclusions. The consultation included the proposal that the Office of a Scottish Commissioner for Public Appointments (SCPA) should be established. We understand the Scottish Executive is likely to proceed with the establishment of a separate Commissioner.

Consideration

7. The Welsh Commissioner, if established, could have a broadly similar role and powers to those of the current UK Commissioner. But it would be possible to give the Welsh Commissioner slightly different responsibilities, reflecting the nature of the devolution settlement. For example, the Commissioner could have an auditing role over the Assembly's own Code of Practice on Public Appointments. One significant aspect of this Code is the role of the subject committee nominees in the

appointments process. Similarly the Commissioner could carry out audits of public appointments and report to the National Assembly. The WCPA could have responsibility for appointing and managing the independent assessors who, under the Commissioner's Code, act as 'guardians' of its governing principles.

Action for subject committee

8. The Committee is asked to consider in principle whether there should be a Welsh Commissioner for Public Appointments (WCPA) and an accompanying office and that this should be consulted on as part of the wider consultation on the public appointments process in Wales.

Public Appointments Unit