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Gweinidog y Gymraeg ac Addysg
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Llywodraeth Cymru
Welsh Government

Jayne Bryant MS,
Chair, Children, Young People and Education Committee
Seneddchildren@senedd.wales

19 May 2023

Dear Jayne,

Appointment of Chief Executive, Commission for Tertiary Education and Research

Thank you for your letter of 10th May relating to the appointment of a CEO to the Commission of Tertiary Education and Research. In your letter, you posed several questions which I have addressed below.

1. Prior to the panel making its formal recommendations to you, did they receive any feedback – either formally or informally, or any steers or indication from either you or someone acting on your behalf on the acceptability or otherwise of any of the candidates?

No, I did not provide a steer to the panel on the acceptability of any of the candidates prior to the panel making its formal recommendations to me. Officials provided advice at various stages of the appointment process after the panel had concluded its deliberations.

2. What involvement did you have in the process prior to your meeting in March, after the recruitment process had concluded, to discuss next steps?

On receiving the panel's advice that they were unable to recommend a candidate for appointment, I noted the position and stressed the importance of the person ultimately recommended for appointment having good Further Education or Work Based Learning credentials. Officials then provided me with a briefing paper on potential options in relation to the appointment of a Chief Executive and the implications of the Commission having a shorter period to undertake preparatory activity in advance of it becoming operational.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

3. Can you provide more information on why you decided to move to direct appointment and not re-advertise?

The Tertiary Education and Research (Wales) Act 2022 provides that the Commission comprises a Chief Executive, a Chair, a Chair of the Research and Innovation Committee (who is also the Deputy Chair) and at least four Board Members.

To ensure a smooth transition and continuity of provision in advance of it becoming operational by 1 April 2024, the Commission needs to undertake a range of preparatory activity. This includes preparatory activity on the registration system; consulting on the appointment of Associate Board Members; developing employment terms and conditions and associated HR policies; consulting on measures relating to the transfer of staff; concluding work on organisational design (i.e. operating model and structure); and commencing any necessary recruitment activity.

The Commission cannot undertake this activity until the aforementioned appointments are made. The timely appointment of the Chief Executive is therefore essential in order for the Commission to be operational by 1 April 2024.

In making my decision, I also considered that a rigorous, open appointment process had only just concluded and re-advertising the post immediately was not likely to deliver an outcome in which a different field of candidates would materialise and be suitable for appointment.

4. To what extent was the original recruitment panel involved in the decision to move to direct appointment, and the identification of potential candidates? The paper provided seems to suggest that one member of the panel was involved in these discussions, were other members involved? If the whole panel was not involved in these discussions and decisions can you outline why they were not, and who decided which members of the panel would be involved?

Three members of the original panel (below) were involved in the discussions to move to direct appointment. Two are Welsh Government officials and one is the Chair, and therefore necessarily involved. They also met the candidate to discuss the role in more detail. Whilst this was not an interview, it gave the panel members an opportunity to talk with Simon about the role and identify key themes and challenges associated with the CEO position.

- Jo-Anne Daniels - Chair of Panel, Interim Director General Education, Social Justice, and Welsh Language
- Professor Dame Julie Lydon – Chair of CTER
- James Owen – Director, CTER Implementation Programme

I am incredibly grateful to Clare Pillman and Ellen Hazelkorn for their time and perspective on candidates as part of the original interview process. I understand their contribution to the panel's deliberations on candidates was invaluable, but as I mentioned there was no interview for the direct appointment and, as independent panel members, they were not therefore involved in this process.

5. When you decided to move to direct appointment, how were potential candidates identified, and who led on this work?
6. Where any external bodies, such as recruitment agencies, involved in the process of identifying candidates?

James Owen (Director, CTER Implementation Programme) worked with the appointed executive search company (Odgers Berndtson) to identify potential candidates with Chief Executive level operating experience and a background in Further Education or Work Based Learning.

7. How many possible candidates were approached as part of the direct recruitment process?

As part of the process of identifying potential candidates, executive search spoke with two people in advance of my meeting with James Owen on 13 March. Following our meeting, Simon Pirotte was the only potential candidate approached by executive search.

8. Were there any identified or potential perceived conflicts of interest between those people involved in the direct recruitment and the people identified as possible candidates through direct recruitment?

Officials assessed the direct appointment process to ensure the actions recommended met the four accounting officer standards of regularity, propriety, value for money and feasibility expected by the Senedd and the public for use of public resources. No conflicts of interest were identified.

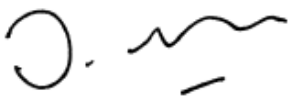
9. Has the preferred candidate declared any political activity or affiliation?

Simon has confirmed he has not undertaken any political activity in the past 5 years.

I am aware of your concerns regarding the public appointments process and as you acknowledge this was a Ministerial appointment not a public appointment. I welcome the additional scrutiny provided by a pre-appointment hearing which is why I proposed that the CEO attend a CYPE hearing during the passage of the Bill.

I hope the responses provide you with the clarity and reassurance you seek in relation to the direct appointment process.

Yours sincerely,



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