

CYPE(6)-20-23 - Paper to note 3



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Llywodraeth Cymru
Welsh Government

13 June 2023

Dear Jayne

PRE-APPOINTMENT HEARING REPORT ON THE CHIEF EXECUTIVE, COMMISSION FOR TERTIARY EDUCATION & RESEARCH

I would like to thank the Children, Young People and Education Committee for the pre-appointment hearing report on preferred candidate for the post of Chief Executive, Commission for Tertiary Education and Research. I am pleased the Committee endorsed the appointment of Simon Pirotte OBE following his pre appointment hearing. I have subsequently confirmed Simon's appointment in a Written Statement, and I look forward to him taking up post in September.

The report also considers the process for this appointment and, whilst I note that the Committee's views on the process does not reflect on Simon's suitability for the role, I wanted to respond on certain aspects relating to the process.

I appreciate the Committee have long-standing concerns about the pre-appointment hearing process for public appointments, but as the report acknowledges this was not a public appointment. The first person appointed as Chief Executive to the Commission is a Ministerial appointment as set out in Schedule 1 to the Tertiary Education & Research (Wales) Act 2022. However, in recognition of the significant role that the Committee plays in education and the importance of this appointment, I committed to an introductory hearing during the passage of the Act. This is an important distinction, not least because the appointment process for the Chief Executive is not regulated by the Commissioner for Public Appointments.

I was obviously disappointed when informed that the recruitment panel were unable to recommend a suitable candidate for appointment following an extensive, open and robust recruitment process. I therefore considered professional advice from officials and our appointed executive search company on the merits of repeating the exercise. This advice was clear on the operational risks to establishing the Commission associated with re-running the exercise and the likelihood of it generating a different outcome so soon after concluding the initial process. In this context, the Committee will wish to note executive

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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.

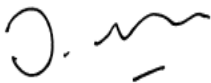
search had already contacted 190 potential candidates from across the tertiary education sector in Wales, the United Kingdom and beyond.

I am increasingly seeing recommendations and requests for the Commission to act in particular ways before it has even been established, as we have seen in the Committee's own report on Mental Health in Higher Education. It is essential the Commission can make decisions in areas for which they will have responsibility. The Commission would simply not have been established in September had I not taken the decision to move to a direct appointment, moreover there is absolutely no guarantee the Commission would have been operational by 1 April 2024 had the recruitment exercise been re-run. I considered this an unacceptable outcome for learners in Wales.

I note the Committee's report into the Chief Executive highlights "*concerns of stakeholders during our scrutiny of the Bill about protecting the independence of the Commission. It is important that the recruitment process for this critical post does not call that into question in any way.*" I absolutely agree it is important we protect the independence on the Commission but would highlight Simon's appointment has been widely welcomed across the various post 16 sectors. This is no small feat and, of course, there is no guarantee that re-running an open recruitment exercise would have led to this outcome.

In the Committee's pre-appointment hearing report endorsing the appointment of the Chair and Deputy Chair of the Commission, you referred to your "*disappointment that the mix of backgrounds of the two appointments do not give effect to the breadth of the sector*". I gave careful thought to addressing this point in the appointment of the Chief Executive and I am confident Simon's skills and experience compliment those of Professor Dame Julie Lydon and Professor David Sweeney, producing a respected leadership team capable of delivering our innovative and ambitious vision for Wales's tertiary education and research sector.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a wavy line and a short horizontal stroke.

Jeremy Miles AS/MS

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Minister for Education and Welsh Language