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# Agenda - Public Accounts and Public Administration Committee

Meeting Venue: For further information contact:

Committee Room 5, Ty Hywel Fay Bowen

Meeting date: 14 December 2023 Committee Clerk

Meeting time: 09.00 0300 200 6565

SeneddPAPA@senedd.wales

This meeting will be broadcast live on www.senedd.tv

#### (Private pre-meeting)

(09:00 - 09:15)

1 Introductions, apologies and substitutions

(09:15)

2 Papers to note

(09:15 - 09:20)

2.1 Letter from the Future Generations Commissioner for Wales - Accounts Scrutiny 2022-23

(Pages 1 - 9)

**Attached Documents:** 

PAPA(6)18-23 PTN1-Accounts Scrutiny-Future Generations Commissioner

for Wales 2022-23

Future Generations Commissioner Risks - Change 2022

3 Public Appointments: Evidence session with the Welsh

#### Government

(09:20 - 11:00)

(Pages 10 – 50)

#### Welsh Government Officials

- Tim Moss Chief Operating Officer
- Kathryn Jenkins Chief Security Officer



#### **Supporting Papers**

• Welsh Government Evidence Paper - Inquiry into Public Appointments

**Attached Documents:** 

Research Brief

PAPA(6)-18-23 P1-Welsh Government Evidence Paper - Inquiry into Public Appointments

4 Motion under Standing Order 17.42 to resolve to exclude the public for the remainder of the meeting

(11:00)

(Break)

(11:00 - 11:10)

5 Consideration of the evidence received from the Welsh Government: Public Appointments

(11:10 - 11:30)

6 Consideration of the Committees draft report: Town Centre Regeneration

**Attached Documents:** 

PAPA(6)-18-23 P2-Town Centre Regeneration

7 Consideration of the evidence received from the Welsh

Government: Amgueddfa Cymru/Museum Wales

(11:50 – 12:05) (Pages 110 – 130)

### Agenda Item 2.1



By email

5<sup>th</sup> December 2023

Dear Mark,

#### Accounts Scrutiny: Future Generations Commissioner for Wales 2022-23

Thank you for your letter dated 22 November 2023. Please find below the answers to your additional questions.

1. Are you content with the Welsh Government's approach to the setting of the budget for your office for 2024-25 and the engagement you've had to date with officials about it?

We have had good engagement with officials around the budget for my office, but Ministerial decisions still haven't been made for next year.

Whilst we send Welsh Government provisional budget information at an early stage (August) to help the budget process for the following year, we do not receive answers or certainty before December. As of 4th December, we do not know what our budget will be for 2024-25. We did receive an indication from officials to plan along the lines set out in last year's settlement budget but with no confirmation if that is the figure we will get.

Of course, we are aware of the difficult financial context facing Welsh Government. However, the process does make it difficult for us to plan adequately for the following year.

As you know, the alignment exercise has limited our resilience, and this is having a direct impact. For example, this year I have not yet been able to meet the Cost-of-Living payment in full as requested by WG. We have not seen a significant change since the publication of the Committee's report on the funding of Commissioners. We have no indication of receiving a more sustainable level of funding as suggested by ESJ Committee, or as requested in our statutory estimate.

2. Do you know when you expect to hear about your funding allocation for 2024-25, which will be reflected in the Welsh Government's Draft Budget?

We expect to find out the figure allocated to us at the publication of the draft budget on the 19<sup>th</sup> of December.

We were given last year an indicative baseline figure of £1,680,000 as part of the two-year flatline indication, but this has not been confirmed.

3. Can you provide an update about discussions you've had with the Welsh Government about extending the number of bodies under the Well-being of Future Generations Act 2015 and the

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related cost implications; what are the implications for your office of not obtaining additional funding for the eight additional bodies the Welsh Government proposes to add?

Initially we requested £129K to cover the recruitment of one Grade 3 lead, plus support and cover for senior staff time as the cost implication of the eight new public bodies coming under the Well-being of Future Generations Act.

Subsequently, Welsh Government officials discussed with us the potential of £8K - £10K per new body as a possible working alternative figure, but this was never confirmed.

Our understanding is that we believe eight new public bodies will come under the Act from 1<sup>st</sup> April but that is not confirmed and at this stage there is no additional funding agreed.

The possibilities of no additional funding or a delay in new bodies coming under the Act have also been flagged with us as options recently, given the extreme pressures on Welsh Government's budget. I have indicated that at a <u>very</u> last resort I would absorb additional costs if the alternative was that the bodies wouldn't come under the Act. It is important that all public bodies meeting the criteria are included, but this would increase yet again the pressures on my office and the services I can deliver.

I have made clear that to avoid any such problems in the future, Regulatory Impact Assessments should include provision for increased costs on my office each time a body is to come under the remit of the Act. We already have absorbed 4 Corporate Joint Committees. To avoid funding omissions in the future, I am encouraged to see that there are now early conversations within WG and with my office on the cost implications of new proposals. For example, with possible introduction of a Bill on Coal Tippings which would create a new body to come under the Act, WG have flagged to their colleagues the need to factor in additional costs for us and AGW, and they invited my office to be part of the discussions. This is a positive and encouraging development for the future, we now need to resolve the position for the 8 existing bodies, where such conversations have been missed.

The new bodies will not have the 7-year experience that the other 48 have and will need extra support. This is why I had costed for introduction meetings, training, an increase in my workforce to provide advice and additional monitoring and assessing of additional bodies. Having said that, some new bodies have already made a strong investment and shown commitment to the Act already (Qualifications Wales, Transport for Wales, Welsh Revenue Authority...).

I have already started to work with these 8 new bodies, in a light touch manner, as the plans were announced two years ago. We have all been preparing and we cannot afford not to. I have allocated a lead official in my team to each organisation, and they have had initial meetings (sometimes several meetings) focussing on advice to set well-being objectives. We have identified the new bodies' support and development needs through these meetings.

I have met with the CEO and / or Chair for each additional body. My team have contributed to the Welsh Government Knowledge Exchange sessions, providing presentations to the additional bodies, as well as

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resources and advice. We have also provided learning and development sessions which have been targeted at new bodies.

The overall level of support I will be able to offer from 1st April 2024 will depend on the budget I will be allocated next year.

4. Has the Welsh Government engaged with you about its evaluation of the Well-being of Future Generations Act 2015 and if so, what is the scope and timescale for it?

Welsh Government officials keep us informed of their plans. We understand they have commissioned research which should be available in 18 months and have appointed a researcher. Our office will be interviewed. Welsh Government will then review that research and write a report for the Senedd. We have not been given a detailed timeline for this yet.

5. In your Annual Report 2022-23, you set out the future focus for your office. You say "Between March and September, my team and I will be taking the opportunity to refresh our approach to what we do and set new areas of focus for our work". Have you done this and if so, are you able to provide details and explain how, as a result, you will more effectively allocate your office's time and resources to generate the biggest impact?

This work has been completed. In November I published my new strategy, Cymru Can. You can find it here: <a href="https://www.futuregenerations.wales/wp-content/uploads/2023/11/2023-11-20-Strategy-English.pdf">https://www.futuregenerations.wales/wp-content/uploads/2023/11/2023-11-20-Strategy-English.pdf</a> In order to prioritise the work programme, have introduced 5 missions for my office for the duration of my term. I have used a Theory of Change model to ensure our work is focussed on impact and to ensure we're making clear links between what we do and what we want to achieve (our impact). Our 5 integrated missions will be:

- Effective implementation of the Well-being of Future Generations Act
- The Climate and nature emergencies
- Health and well-being
- Culture and the Welsh language
- A well-being economy

The first seven years of the Well-being of Future Generations Act put in place solid foundations, achieving impact as part of a movement for change in Wales. We want to maximise the scale and increase the pace of that impact over the next seven years and beyond.

In summary, the key changes I am making are:

- To place a greater focus than previously on the public bodies beyond Welsh Government
- To update our advice, drawing on the experience of the last 7 years, and provide more clarity about our expectations in certain areas



- To deliver more help to public bodies about 'how' they make the changes required to achieve impact
- To undertake more regular reviews where progress is not satisfactory and provide constructive recommendations for improvements
- To set new performance measures that will tell us how we are doing and enable us to change what we do if they are not having an impact.
- 6. How have you engaged with, and sought the views of, staff across your office during your refresh of your office's approach and the setting of new areas of focus for your work?

Walking the talk of the Act, I have involved fully my team in the design of my new approach. We followed a five-step process (our five 'camau'), using the ways of working set out by the Well-being of Future Generations Act to help us understand the biggest challenges faced by future generations, what public bodies in Wales need to do to address these, and what our role should be in making transformative change happen. We involved more than 1,400 people across all sectors in Wales, building on research to understand global trends affecting Wales now and in the long term.

We tested our thinking along the way, and, through evidence, analysis, and data, we've gathered a wide range of information that's informed the approach we now call Cymru Can (you can read more about this in our Methodology Report which can be accessed here.)

During this process, we also engaged widely with our staff team during each of the five camau via a variety of means, including:

- Staff workshop to review our priority setting process from last time (2016 2023)
- Staff workshop using Futures Triangle technique to input into Cam 1
- All staff encouraged to complete the Our Future Focus survey during Cam 2
- One to one discussions with staff members to gather ideas and feedback for example in our Public Bodies team
- Ongoing input to the process via team meetings
- All staff invited to attend a series of workshops for each of the emerging missions those who could not attend offered one-to-one discussions.
- Whole team input to draft strategy during a two-day away day in September.
- 7. Have you set out your overall vision, along with any changes you intend to make to the operations and ways of working adopted by your predecessor, as requested by the Equality and Social Justice Committee? If so, what does this look like?

The overall vision and key changes are captured in our new organisational Vision, Purpose and <u>Values</u> as part of the strategy (published November 2023). Please see answer to question 5.



As part of the 'Our Future Focus involvement exercise' to prepare for our strategy, we reviewed where we consider that we've had most impact with external (and internal) stakeholders. This has included discussions on our operations and ways of working.

Our new strategy seeks to ensure a greater degree of engagement by our team with public bodies, focusing on implementation and impact to ensure that the legislation fully lives up to its potential.

A team re-structure is underway (see question 11 below) which is part and parcel of delivering on these changes.

We will continue to establish a solid foundation for progressive policies and innovation, walking the talk of the Act, in particular in the corporate areas of change, for example implementing our Anti-Racist Action Plan and our upcoming Decarbonisation Action Plan.

8. What progress have you made with your new corporate plan, which you committed to produce by this autumn, and what can you tell us about it?

See answer to question 5 above.

We published our new seven-year strategy Cymru Can in November 2023 which set out five missions. This document will be complemented by three-year operational plans (our 'Routemap') for 2024 -2027 and 2027-2030).

9. The Equality and Social Justice Committee recommended you identify the outcomes you would like to achieve during your term of office, with accompanying key performance indicators. What progress have you made in doing this?

The outcomes are set out in my new strategy. See in particular the diagrams setting the theory of change model which each include outcomes for each mission.

These outcomes are being further refined into key performance indicators and milestones, which will be included in the three-year Routemap, from 1 April 2024.

10. Do you have plans to determine milestones for delivery for each year of your term of office and if so, how do you plan to report progress made against them?

See answer to question 9 above.

The detail of how we will deliver each of our five missions will be included in a three-year Routemap from 1 April 2024. We'll review our approach as we go, involving others to make sure that we are always achieving



the biggest impact we can within our resources to improve the well-being of people in Wales now and for generations to come.

We have committed to adopting key performance indicators and milestones based along the following lines:

- What we have done. Example the impact of our learning and development sessions and the work we do to share best practise.
- Who we have reached. Example the range and number of organisations engaged through each of our missions.
- **Monitoring and assessing.** Example the number of public bodies able to demonstrate progress in their well-being objectives, the way they apply the five ways of working and in contributing to progress against Wales' 50 national indicators.
- **Advice.** Example organisations taking action following our advice; public bodies and Public Services Boards feeling confident in delivering the Well-being of Future Generations Act.
- **Convening.** Example stakeholders across all sectors agree our team is helping to drive change in our mission areas; a wide selection of partners including the voluntary sector and community groups agree they have a strong voice in setting public sector well-being objectives associated with the missions.
- Advocating. Example -Public bodies have implemented recommendations from our Section 20 review and can provide instances of how it has helped them change practice; an increase in the number of public bodies and Public Services Boards who agree they are clear on the roles of Government, Audit Wales and the Future Generation's Commission in relation to the Well-being of Future Generations Act, and agree the advice they receive is consistent.

We want the KPIs to be meaningful and show progress on the things which are under our control; to see how our work is having an impact to learn lessons on what to stop or continue year on year.

Our KPIs are based on things we can directly impact, rather than wider, less specific indicators.

Ultimately, we need to see progress also at the national level in the well-being national indicators and demonstrating impact on people's lives.

11. You told the Committee you were reviewing your senior staff structure, and you were meeting, the day after the meeting, with the team to discuss it. Are you able to tell, at this stage, the outcome of the review and share the detail of any proposed changes, together with the rationale for them?

I have undertaken a restructuring process covering the whole organisation, not just the senior leadership team. This was for two reasons: (I) because of the challenging budget situation we are facing and (ii) because of the need to reorganise the team in line with the new structure.

At the time of writing, five people will be leaving the organisation at the end of March 2024 and two people have reduced their hours. Changes have been made at different levels from the SLT to Team Support.



You also agreed to write to the Committee with further information including:

• further detail on where you think there are opportunities for you to deliver against the duties and powers of your office, and to be able to draw in funding from elsewhere.

Over the years my office has secured additional resources, mainly through partnerships and secondments; and charging for services for ad hoc services.

We intend to look at developing a model for charging for services to give me additional resources in future, but that work has not yet started.

We are also looking at continuing 2 specific programmes which have been successful in promoting sustainable development:

- o <u>Future Generations Leadership Academy:</u> We are currently running the third academy. Each academy trains 30 future leaders from the public, private and voluntary in leadership skills to support the achievement of the well-being goals. We fundraise for this programme, which cost around £180,000 each year, raising the corresponding funds from the public and private sector. We will begin fundraising and planning for the fourth academy imminently. The programme has undertaken two independent evaluations which found a positive impact on participants and on the organisations they work for in terms of improved leadership skills and knowledge of how to implement the well-being goals.
- o <u>Welsh Government International programme</u> as a strategic partner to the Welsh Government international team we have received specific funding in the last few years to run a programme to facilitate good practice and knowledge exchanges between Welsh public bodies with their global counterparts on an annual basis. In the current financial year, we received £200,000 for the international programme. We have been invited to submit a proposal for the next financial year and we will propose a similar funding arrangement − however we have not been given an indication of funding level as of 4<sup>th</sup> December.
- copies of the Future Generations Commissioner's Office two risk registers.

See document attached, confidential.

We are currently looking at amending our risk register to align it with the new strategy by March 2024.

- clarify why your internal auditors completed three reviews during 2022-23, compared with six in 2021-22 and whether this reflected the programme of work set out in the internal audit plan for 2022-23. Does it explain why the remuneration to internal audit decreased by £4k to £7k in 2022-23, compared to 2021-22? There are two reasons for the smaller number of internal audits that year:
  - We delayed an audit to the following year, so that it would be more meaningful i.e. the cyber security audit was delayed because work was being conducted to get new IASME Level 2 accreditation and it was felt by our Audit Risk and Assurance Committee and management team that the audit would make more sense after the IASME accreditation had been secured.



The previous year had included additional audits (including procurement).

In terms of costs, this meant that a budgeted 4 day audit was cancelled (cyber security). In addition, 1 day of contingency had been included (as is done every year) and that was not used that year. As our auditors only bill for work that has been completed, the reduction in the fee corresponds to the five days planned for but not used.

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I believe I have answered all your questions in full, but please do not hesitate to contact me if you require further information.

Yours sincerely,

Derek Walker

Comisiynydd Cenedlaethau'r Dyfodol Cymru **Future Generations Commissioner for Wales** 



Commissioner

By virtue of paragraph(s) vi of Standing Order 17.42

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## Agenda Item 3

#### The Role of the Public Bodies Unit

The Public Bodies Unit (PBU) is led by a Deputy Director and sits within the Chief Security Officer's Division. Working with Corporate Governance and Finance colleagues, PBU provides the framework for governance and accountability of all Arm's Length Bodies (ALBs), including Welsh Government-owned companies and independent statutory office holders. It currently has responsibility for regulated public appointments to some 50 organisations, including NHS bodies, and oversight of 34 Commissioners, companies and sponsored bodies along with their partnership teams within Welsh Government. It is also responsible for ensuring that the details of over 200 devolved Welsh public sector bodies are published on a regular basis.

PBU has an oversight role for all ALBs, ensuring there is parity in how all bodies are treated and being a source of expertise on recruitment of Chairs and Board members (including making sure the governance code on public appointments is followed), diversity of the Board, and pay and remuneration. PBU implements Welsh Government policy on pay, reward, and terms and conditions across Welsh public bodies and acts as a conduit between them and UK Government departments when necessary. PBU also oversees the programme of Tailored Reviews.

The ALB's Board is responsible for the governance of the organisation and its internal control. Financial control is delegated to the organisation's Accounting Officer. The ALB is responsible for deciding how it will implement the objectives it has been given and setting these out in a business plan.

Partnership Teams deal with the day-to-day relationship with the ALB and its Board. An ALB delivers objectives for Welsh Ministers and the Partnership Team is responsible for making sure that these objectives are delivered. If there are issues relating to objectives, management of funds, board effectiveness or other aspects of governance then the partnership team would address these. The Partnership Team advises on Government policy and any changes which occur to this. They are responsible for assessing risk and setting out a communication structure to facilitate good working relationships. Partnership Teams are responsible for ensuring that their staff are trained to deliver sponsorship work.

#### **Public Appointments**

Between 1 April 2022 and 31 March 2023, PBU delivered 53 recruitment campaigns, resulting in 60 appointments and 73 reappointments made to 29 public bodies and health boards (an increase on the previous year which delivered 29 recruitment campaigns, 52 appointments and 15 reappointments).

PBU works with Partnership Teams in 20 divisions across Welsh Government and with Health Board secretaries to deliver Health Board appointments for all regulated board appointments. We encourage several unregulated boards to follow the same appointment process to ensure equity and fairness. We undertake circa 450 regulated appointments, including c110 in health and around 75 unregulated.

PBU works with the Partnership Teams to quality assure the adverts for public appointments and facilitates the publication of the roles. Advisory Assessment

Panels (usually made up of a senior official from the Partnership Team, a representative of the public body and an independent member) sift and interview, providing the Minister with a list of appointable candidates. PBU ensures that all regulated appointments are made in line with the Code of Practice on Public Appointments. Ongoing Board support lies with the Public Body and the Partnership Teams.

### The views of those corporate bodies that receive public appointments on the public appointments process

PBU has limited direct contact with the bodies to which public appointments are made. PBU's role is to work with the Partnership Teams to advise and facilitate the recruitment process, ensuring that the Partnership Teams, Panels and processes are compliant with the Code of Practice on Public Appointments.

Recent feedback from one Health Board reported that the process worked well from their perspective with good communication from PBU, particularly towards the critical 'end' points in the process when time was short. The feedback was that we all worked effectively together to deliver what was needed on time to a high standard.

#### The role the Commissioner for Public Appointments

The role of the Commissioner (William Shawcross CVO) is to provide independent assurance that appointments by Ministers to the boards of public bodies are made in accordance with the HM Government's Principles of Public Appointments and Governance Code. His remit covers appointments made by ministers in Whitehall and those of the Welsh Government ministers to Arms-Length Bodies (ALBs).

The Public Appointments Order in Council requires the Commissioner to undertake audits of public appointments procedures, conduct investigations and where necessary to consider complaints. The Commissioner's duties include the compilation of an annual report (with diversity statistics), to act as an advocate for diversity, and to be notified or consulted on certain stages of the appointments process.

The Commissioner oversees the appointments made to over 300 public bodies by ministers in Whitehall and 50 by the Welsh Government, following the abolition of the Community Health Councils in April 2023.

### The main barriers to increasing the diversity of candidates for public appointments in Wales

Stakeholder engagement conducted by PBU during the development of Welsh Government's Diversity and Inclusion Strategy "Reflecting Wales in Running Wales 2020 to 2023", included those involved in public appointments, equality policy, and those working in academia. Underpinning this is the Social Model of Disability which

recognises that people with impairments are disabled by barriers that commonly exist in society such as negative attitudes, organisational and environmental barriers resulting in discrimination and people's inclusion and participation in all areas of life. These barriers also apply to public appointments.

A key finding from the interviews and information gathered is that there is a general lack of awareness and knowledge of the existence of public bodies and what they actually do. This means that many people are not "put off" or feeling that it is an unfair process, rather they do not know of the potential opportunities in the first place.

For 2021-22, data for regulated Public Bodies from the Public Appointments Team in Welsh Government shows that:

- women made up 58.8% of all appointments rising from 55.6% in 2020-21.
- 18% of all appointments made were disabled people rising from 5% in 2020-21. Black, Asian and Minority Ethnic people made up 12.7% - rising from under 5% in 2020-21 and 8.1% in 2019-20.
- Across UK Government departments, women make up 50.9% of all appointments, 8.2% appointments made were disabled people
- Black Asian and Minority Ethnic people made up 20% of appointments.
- 82.5% of appointed and reappointed chairs and members declared their residence within Wales, with the remaining 17.5 percent based in England.

### Effectiveness of the current approaches to encourage and increase the diversity of candidates

To encourage greater diversity in public appointments, the Diversity and Inclusion Strategy was launched in February 2020 to engage with under-represented groups and provide developmental opportunities to both board members and candidates.

In 2021, 13 Senior Independent Panel Members were recruited from across Wales to join recruitment panels for some of the most significant public appointments. Individuals were drawn from all walks of life and protected characteristics. Members have shared their knowledge, expertise and lived experience to add value to the recruitment process. Wales is the first UK nation to actively recruit Senior Independent Panel Members in this way.

PBU is keen to work with our external partners to facilitate mentoring and shadowing opportunities for people from protected groups to help us to build a pipeline of individuals who are interested in applying for a board position. PBU held engagement events with Partnership Teams in November and February and are working with Partnership Teams to discuss Equality and Diversity objective setting for Board and Chairs.

PBU are widening networks by extending stakeholder reach. The internet presence is being enhanced to better explain what PBU is and also to include links to relevant information such as vacancies and Diversity training.

PBU are working with Knowledge and Analytical services and the Race and Disability Evidence Units in Welsh Government to collect diversity data for the boards of Regulated Public Bodies. Questionnaires have been developed to collect diversity data from Public Sector Bodies and their boards for 2023. These will be issued in May 2023 and an initial assessment of the pilot will be published in summer 2023.

A suite of training and development programmes commenced in April 2022 through to October 2023 and consist of 5 modules, including Development Programmes for people from Black and Asian minority ethnic backgrounds and disabled people.

208 delegates attended 16 sessions during the 6-month period for year one of the training.

- Modules 1 to 4 43% of attendees identified as being from a Black, Asian and Minority Ethnic background and Module 5 (existing Board Members) –
   14% identified as being from a Black, Asian and Minority Ethnic background.
- Modules 1 to 4 –30% of attendees identified as disabled and Module 5 (existing Board Members) – 15% identified as being disabled.

Following an interim evaluation and positive feedback, the programme will run the programmes again in May 2023 and extended into March 2024, which is the second year of the 2-year pilot for the training programmes.

#### Testimonials supporting the positive impact of the training include:

- "The programme was a great opportunity to meet people from other backgrounds and build relationships."
- "I loved that we were encouraged to be inquisitive and ask difficult guestions."
- "The protected characteristics and unconscious bias elements of the training were especially beneficial and interesting to learn about."

#### Creating a more transparent and open public appointments process

Welsh Government's new CAIS HR system will support name free recruitment, reducing the possibility of unconscious bias. Discussions are also underway concerning:

 Candidate packs - removing complex language which may only apply to people who have worked in senior public sector roles, including "lived" experience in the person specification and moving towards a behaviour-based approach.

- Development of guides for prospective candidates to improve the chances of success.
- Development of guides and training for Partnership Teams when running a campaign.
- Keeping in contact with 'near misses' e.g. look at opportunities for shadowing opportunities.
- Actively seek feedback from candidates post interview.
- Provision of more robust feedback as to why the applicants were unsuccessful to give them something to build upon for the next application they submit.

#### Examples of best practice elsewhere in the UK and internationally

There is no published evidence of best practice in the UK or internationally with respect to Public Appointments. However, we work closely with our UK Cabinet Office and Devolved Administration colleagues sharing areas of learning and development. For example, UK Government are just bringing in the ability for applicants to track their application, whereas we already have that option. Similarly, we implemented Pre-Appointment Hearings which others have yet to adopt.

## Agenda Item 6

#### By virtue of paragraph(s) vi of Standing Order 17.42

### Agenda Item 7