

Y Gwir Anrh/Rt Hon Mark Drakeford AS/MS
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru
Welsh Government

Jayne Bryant MS
Chair
Children, Young People and Education Committee

3 October 2023

Dear Jayne,

Ministerial appointments

I am writing in response to your letter of 6 July regarding Ministerial Appointments.

Our public appointments follow the Governance Code on Public Appointments, published by the Minister for the Cabinet Office in line with the Public Appointments Order in Council 2016. The regulation of public appointments against the requirements of this Code is carried out by the Commissioner for Public Appointments who is appointed by the King and whose remit is independent of the Government and the Civil Service.

The Commissioner's functions are set out in the Public Appointments Order in Council 2016 which sets out which appointments are covered by this Code. CETR was not a public appointment as listed in the agreement between the Senedd and the Welsh Government. As CETR is a new organisation, it only joined the Order in Council on 20 July 2023. However, all public appointments made to the Board of CETR have adhered to the code in principle.

The appointment of the CETR Chief Executive role was somewhat unusual and sits outside the process which is concerned with the appointments of Non-Executives to Boards. I note the Minister for Education and Welsh Language wrote to you on 13 June;

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.

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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.

Ministers have ultimate responsibility for appointments and thus the selection of those appointed rests with Ministers who are accountable to the Senedd for their decisions and actions.

In addition to the Code, I have established the pre-appointment hearing process to ensure wider engagement with the Senedd previously agreed to introduce pre-appointment scrutiny of some Chair appointments by Senedd Committees in order to further improve the scrutiny and transparency of the public appointment making process. Pre-appointment scrutiny is held in the form of a pre-appointment hearing of the preferred candidate conducted by the relevant Senedd Committee.

The team dealing with Public Appointments is very small and deals with over 500 appointments. We are not seeking to extend the remit to include Chief Executive Officers or those deemed to be employed by the organisations they work for. This process will still be overseen by the Chairs of those Boards with whom you engage via the pre-appointment process.

The latest version of the OiC is attached. We currently have circa 450 regulated appointments and a further 75 unregulated appointments.

We do not keep the data in the format that you request. All appointments are advertised openly with each candidate assessed against the same criteria for the role in question. For all competitions there is full transparency of the appointee's details, [published here with the decision report](#). Decision reports are published once appointments have been made by the relevant Minister or Deputy Minister.

In rare and exceptional cases, such as during Covid or a Health Board going into Special Measures, Ministers may decide to appoint a candidate without a competition. When this happens, we make the decision public alongside the reasons for doing so and, as per the Code, consult the Commissioner for Public Appointments in good time before the appointment is publicly announced.

I hope this goes some way to responding to your interest.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD

Annex A – Order in Council

[Public-Appointments-Order-in-Council.pdf \(papt-publicly-accessible-docs.s3.eu-west-2.amazonaws.com\)](#)