

Nick Ramsay AM  
Chair of Public Accounts Committee  
National Assembly for Wales  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA

3 May 2019

Dear Nick

## **Relaxation of the Establishment Cap**

I am writing to update the Committee on the Commission's cap on its staff establishment. During our evidence session (Scrutiny of Accounts 2017-18) on 8 October 2018, we informed the Committee that the Commission had a staff establishment cap of 491 posts. We had committed to this cap, in good faith, during correspondence with the Finance Committee in November 2017.

For the last 15 months, we have been able to meet all of the demands placed upon the Commission's within this establishment limit. We have been able to achieve this by prioritising how we use available resources and through the successful reallocation of 12 existing posts from services across the Commission, to support preparations for Brexit.

However, in our letter of 20 November 2018 to the Finance Committee, we did make it clear that the above approach 'will help to ensure that the Commission can continue to provide the necessary skills, expertise and capacity to support the Assembly through the particular challenges brought by Brexit and Constitutional change, whilst continuing to work, for as long as possible, within the overall establishment cap of 491 posts'; in other words, there may come a point in time when a different approach would be needed.

As indicated, in presenting our budget overview at the beginning of this Assembly, it was impossible to forecast the effects of Brexit and constitutional change over the five years or when the impact would be felt. We have reached that point. Our capacity planning exercises in January and February of 2019 identified a significant gap between demand and capacity and also that it was no longer sustainable to continue to reallocate existing posts, without causing a significant impact to service delivery.



At its meeting on 4 March 2019 the Commission considered proposals to relax the establishment cap of 491 posts, to provide additional resources, principally to meet the challenges of Brexit. The Commission recognised the pressures and were supportive in principle, but asked for further detail about the expected number of additional posts and reassurance that they could be managed within the existing budget .

Further information was provided to the Commission at its 1 April meeting. This information is shown in Annex 1. Following a discussion, the Commission agreed an increase to the establishment cap of 6 posts, from 491 to 497. These posts are also detailed in Annex 1.

We have committed to keep the Commission informed of the establishment number and any changes at each Commission meeting and we will continue to look closely at options to re-prioritise internal posts, as they become vacant, in order to minimise the overall change on the establishment.

I would also like to take this opportunity to assure the Committee that we remain as committed as ever to providing assurance through external scrutiny and audit as well as our internal governance framework. This work is vital in underpinning our confidence that we use resources efficiently, economically and effectively in delivering our services to the Assembly.

If you would like any further information on this matter, please do not hesitate to let me know.

Yours sincerely



Suzy Davies

cc Assembly Commissioners, Manon Antoniazzi, Nia Morgan



# Annex 1

## Extract from 1 April 2019 Commission Paper.

There has been a marked increase in the volume and range of Brexit activity since September 2018, with an increase in the volume of legislation (Brexit and non-Brexit) between January and March. For example, more statutory instruments were tabled in January/February 2019 than during the whole of 2018. At its 18 March 2019 meeting, the Constitutional and Legislative Affairs (CLA) Committee considered an unprecedented volume of legislation: a Bill and 40 statutory instruments.

Across the Assembly Business Directorate there is a need to increase flexibility, skills and resilience to respond to the current and future legislative and other challenges. Short-term staffing arrangements have worked well but are no longer sustainable and there is a significant gap between demand and capacity. As was described in the recent paper to Commission, this demand can be addressed if we have some flexibility to vary our establishment around the current cap of 491, whilst remaining within existing financial resources.

The capability to vary the establishment and headcount, alongside our existing processes for reviewing and re-prioritising vacant posts would enable us to minimise the permanent impact on the establishment, whilst allowing us to meet immediate needs. To provide assurance that the changes do not become excessive, we would intend to report establishment numbers and any changes to the Commission at every meeting.

We have carefully considered whether fixed term or temporary appointments would work. However, we cannot readily set defined timescales for the posts we need to appoint, we need to be competitive in the market against other employers offering permanent contracts and finally, given the levels of churn in the organisation we believe we can minimise the overall establishment impact. Thus, permanent appointments will be necessary.

We have an immediate need for 6 additional posts, as follows:

- 2 European/International Affairs Officers, both based in the Research Service, but supporting activities across the Assembly Business Directorate. In the short to medium term, these officers will support Brexit work. In the longer term, these posts enable the Directorate to develop specialism across a range of policy areas,



which will enable effective monitoring of post-Brexit arrangements, such as common frameworks, trade agreements, and intergovernmental agreements.

- 1 deputy clerk for the CLA Committee, to support the increased volume of legislation due to Brexit as well as to provide resilience for this team in the longer term. This would enable succession planning; we have an experienced Clerk and Second Clerk on whom staff are reliant for advice and guidance on legislative scrutiny.
- 1 Clerk / Team Leader for Legislation, based in the Chamber and Committee Service, but working across the Directorate. There are many projects that require a dedicated senior level resource. This will further boost our capacity and capability by having specialism and depth of knowledge across the whole legislative process. We would rotate clerks through this role, increasing skills and resilience across the Directorate. This is a recast version of an established position that has been vacant since the postholder moved to a temporary role. Filling this vacancy on a permanent basis will increase our headcount.
- 1 specialised legal translator + 1 multi-skilled interpreter/editor. As the volume of Assembly business increases, so does demand on translation and reporting. This includes written, reporting and live interpretation. Some demand can be met from outsourcing, but we need specialised resources inhouse, particularly for legislation.

