



[REDACTED]  
Permanent Secretary  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

30 October 2023

Dear [Permanent Secretary](#),

I am writing in response to a complaint raised about [NICW Commissioner](#) and a potential conflict of interest relating to his role on NICW.

In responding to the complaint I refer to guidance provided by the UK Government's Code of Conduct for board members of public bodies<sup>1</sup>, and to the seven principles of public life<sup>2</sup>. With regard to the appointments process, I make reference to the person and job specification which I enclose as an attachment to this letter.

The issues I will address in this letter are:

- The issue of the appointment
- Transparency and the register of interests
- The update of the NICW website

### **The appointment**

The appointment process undertaken is the standard mechanism by which people are appointed to boards of public bodies in Wales. The position of Commissioner was publicly advertised and applications were received from a number of applicants.

All candidates were asked for their potential conflict of interests, and [NICW Commissioner](#) declared his current position on his application. A sift of suitability against the advertised criteria was carried out, and a recommendation of shortlisted candidates was made to the Deputy Minister. Note that the First Minister was not involved in the recruitment process.

The shortlisted candidates were all of a suitable standard to be appointed. In the meeting I undertook with the Minister, no personal preference was given by him to any applicant. The discussions related only to the skills and experience of the applicants, and how the scoring related to the different criteria.

I am personally satisfied with the robustness of the process, and that there was no undue influence of personal interest in the selection of the Commissioners.

With regard to the appointments process, the person specification asked for a range of skills and experience, including the following:

- Experience or an active interest in an economic, social or environment infrastructure sector (such as energy, transport, waste, flood, digital communications) or a related field (such as economics,

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<sup>1</sup><https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies>

<sup>2</sup><https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

planning, regulation, project/infrastructure finance, design, engineering, systems architecture and analysis, technology and innovation).

- A track record of communicating and influencing at all levels. We are interested in hearing from individuals who can evidence success in communicating very complex, challenging information in a sensitive and effective way
- Experience of representing organisations in public and engaging with a wide range of stakeholders

It is unsurprising that many of the applicants demonstrated potential conflicts of interest with issues of infrastructure, because the skills and experience being demanded of them required that they have previously worked, or are currently working, at organisations with an interest in infrastructure. In this regard, [NICW Commissioner's](#) suggested conflict is no different to other Commissioners who work within sectors related to energy.

For example, [NICW Deputy Chair](#) has a declared interest in a company working in the hydrogen sector. [NICW Commissioner 2](#) and [NICW Commissioner 3](#) both work for Atkins, an engineering firm with a strong interest in the renewable energy sector. I have a personal declaration of interest in a renewable energy company, and have previously worked for a trade body for renewable energy.

Given the advertised requirement for the role, and the similarity of [NICW Commissioner's](#) potential conflict with that of the other Commissioners, I do not see that the conflict perceived by the complainant with Deryn project work meets the threshold of 'reasonably perceived'. Therefore on the issue of his appointment, I believe that [NICW Commissioner](#) fulfils the criteria, and that there is no reason to uphold a complaint about the process.

### **Transparency and the register of interests**

The rules state that Commissioners should remove themselves from discussions or determinations where they have a financial interest; or where their interest might suggest a danger of bias.

Although [NICW Commissioner](#) is a valuable member of the Commission, his opinion and voice carries no more weight than any other Commissioner. He has not lobbied directly on behalf of any individual organisation, nor spoken or acted in a way that gives me any concern that he is stepping out of his role of providing impartial advice based on his best judgement.

[NICW Commissioner](#) was not selected as one of the Commissioners to lead on the work of the renewable energy project.

I am satisfied that [NICW Commissioner's](#) declared interests did not constitute a financial interest in the response to any of the discussions that have arisen during this Commission, or via contributions made to our opinion pieces or publications.

### **The update of the NICW website**

The website has now been updated with meeting notes and the register of interests. We will ensure that we expedite such information in future.

Yours sincerely,



Cadeirydd / Chair