

National Assembly for Wales Procedure for selection of candidates for Appointments made by the Assembly or by Her Majesty on the nomination or recommendation of the Assembly

Application of this Procedure

1. Subject to paragraph 4, this Procedure applies where legislation confers power on the National Assembly for Wales (“the Assembly”) either:
 - a) to nominate or recommend an individual for appointment to a public office by Her Majesty; or
 - b) to make an appointment to such an office itself.
2. The public appointments to which this Procedure currently applies, together with any specific statutory requirements which apply to the appointment procedure are set out in the Schedule.
3. This Procedure is intended to ensure compliance with any specific statutory requirements relating to the appointments in question. It is not intended to modify or supersede those requirements.
4. Although the First Minister is also appointed by Her Majesty on the nomination of the Assembly, this Procedure does not apply to that appointment.

Terms and conditions of appointment

5. Selection of candidates for appointment must be by fair and open competition and will be on merit.
6. Responsibility for making arrangements for the selection (including arrangements relating to the membership of the Selection Panel (see paragraph 11 below) is that of the Clerk of the Assembly (“the Clerk”).
7. The Chief Executive and Clerk of the Assembly (“the Clerk”) is responsible for settling proposed terms and conditions of appointment.
8. Paragraph 7 does not require all terms and conditions of appointment to be fully fixed when applications are invited. Some matters (e.g. starting salary within a specified range or at an approximate level, or the date when the appointment is to take effect) may be left open to be agreed with the preferred candidate in the light of that candidate’s individual circumstances. But insofar as terms and conditions have been settled before applications are invited, these must be offered in common to all applicants.
9. A candidate who accepts nomination, recommendation or appointment (as the case may be) thereby agrees to accept the proposed terms and conditions of appointment, as supplemented by any further matters

negotiated in accordance with paragraph 8 and, when appointed, will hold the office in question on those terms.

The Selection Panel

10. Where an office is, or is expected to become, vacant, a panel (referred to in this Procedure as the “Selection Panel”) must be established for the purpose of selecting a candidate for nomination or recommendation by the Assembly to Her Majesty for the appointment in question, or for appointment by the Assembly (as the case may be).

Membership of the Selection Panel

11. The Selection Panel must consist of four persons, namely:
 - (i) an Assembly Member. If the appointment relates to the remit of a particular Assembly committee or committees this will normally be the Chair of that committee (or one of the Chairs of those committees);
 - (ii) the Clerk (or the Clerk’s nominee);
 - (iii) a person independent of the Assembly who has particular expertise relevant to the appointment;
 - (v) a person independent of the Assembly chosen with regard to the requirements of accepted standards for the making of public appointments (e.g. the need to respect diversity and to ensure equality of opportunity in when making appointments to public office).

Nomination, recommendation or appointment of the selected candidate

12. Where there is a statutory requirement to consult a specified body or bodies before a nomination, recommendation or appointment can be made (for example the requirement in paragraph 1(2) of Schedule 8 to the Government of Wales Act 2006 for consultation of bodies representative of local government in relation to the nomination of a candidate for appointment as Auditor General for Wales) it is the responsibility of the Clerk to ensure that the requirement has been complied with before a motion to make the nomination, recommendation or appointment is laid.
13. The Clerk will then invite an appropriate Assembly Member (usually the Member who was a member of the Selection Panel) to lay a motion proposing that the Assembly nominates, recommends or appoints (as the case may be) the candidate selected by the Selection Panel. The motion must identify the date on which the appointment is to take effect and the term for which it is to be held.

Appointment

14. In the case of appointments made by Her Majesty, the Presiding Officer will communicate the Assembly's nomination or recommendation to Her Majesty (in accordance with the protocol on Crown Appointments made by Her Majesty on the Nomination of the National Assembly for Wales (January 2009) between the Assembly and the Crown Office). The appointment will then be made by the issuing of a Royal Warrant.
15. In the case of appointments made by the Assembly, the Clerk will draw up a document confirming the appointment for signature by the Presiding Officer.

SCHEDULE

Public offices to which this Procedure currently applies

Office	Additional statutory requirements
Auditor General for Wales	Section 145 of and Schedule 8 to the Government of Wales Act 2006.
Public Services Ombudsman for Wales	Section 1 of and Schedule 1 to the Public Services Ombudsman (Wales) Act 2005 as amended by the Government of Wales Act 2006.
[National Assembly for Wales Commissioner for Standards]	[Section 2 of and paragraphs 1 and 2 of the Schedule to the National Assembly for Wales Commissioner for Standards Measure 2009]