

Pre-appointment hearing report

The process and preferred candidate
for the post of Chief Executive,
Commission for Tertiary Education
and Research

June 2023



1. Introduction

1. This report is split into three sections; the first one introductory; the second discussing the process for this particular appointment and the third, looking at the preferred candidate for the post of Chief Executive of the Commission for Tertiary Education and Research (“the Commission”).

The Commission for Tertiary Education and Research

2. The Commission was established by the Tertiary Education and Research (Wales) Act 2022, which we scrutinised as a Committee. The Commission will be the “national steward for tertiary education and research.”¹ It will be responsible for the funding, oversight and regulation and quality of all post-16 education and training. This means it will bring together oversight and strategic direction for:

- Higher education;
- Further education;
- Local authority maintained school sixth forms;
- Apprenticeships;
- Adult community learning; and
- Research and innovation.

3. The Commission’s expected annual budget of around £800m will be second only to the NHS, and will be “one of the highest allocated budgets to an arm’s length body in Wales.” The Commission is expected to be fully operational by April 2024, and is expected to have around 160 staff.²

4. The 2022 Act set out 11 strategic duties which the Commission is required to exercise across all its functions.

¹ [Welsh Government, Information Pack for applicants, Appointment of a Chair of the Board for the Commission for Tertiary Education and Research, September 2022](#)

² [Welsh Government, Information Pack for applicants, Appointment of a Chair of the Board for the Commission for Tertiary Education and Research, September 2022](#)



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The post

5. According to the candidate pack, the purpose of the role is to “provide strategic leadership in establishing CTER and have a key role in developing and delivering the vision of the new Commission, developing an aspirational and enabling culture for the Commission and among its stakeholders.” The full role description and person specification is available in Annexes A and B.

³ Welsh Government, Information Pack for applicants, Appointment of a Chair of the Board for the Commission for Tertiary Education and Research, September 2022

2. The recruitment process

Pre-appointment hearings

6. Welsh Ministers and the Welsh Parliament agreed to introduce pre-appointment scrutiny by Senedd committees of certain public appointments which are of significant public interest or which will have a significant impact on the public. The aim is to improve the scrutiny and transparency of the public appointment making process. Pre-appointment scrutiny generally takes the form of a public pre-appointment hearing with the preferred candidate. For appointments to these agreed roles, it is for the relevant committee to decide whether or not it wishes to carry out a pre-appointment hearing.

7. While this post is not a public appointment as set out in the agreement between the Welsh Government and Senedd,⁴ the Minister for Education and Welsh Language gave a commitment during scrutiny of the then Tertiary Education and Research Wales (Bill) that the “relevant Senedd Committee” would be able to hold “introductory hearings” for the Chief Executive, Chair and Deputy Chair.⁵ We have already held pre-appointment hearings for the Chair⁶ and Deputy Chair.⁷

The process for this appointment

8. Ahead of our pre-appointment hearing, we were provided with information from the Welsh Government. This included:

- Simon Pirotte’s CV and personal statement;
- A briefing summarising the recruitment process and setting out diversity data of the 18 candidates at the application stage, the 6 who were shortlisted, and the 4 who were interviewed.
- A copy of the candidate pack that was provided to candidates when the post was advertised and the advert.

⁴ This agreement sets out those public appointments which will be subject to a pre-appointment hearing by Senedd Committees.

⁵ Children, Young People and Education Committee, 12 May 2022, Record of Proceedings, paragraph 55.

⁶ Children, Young People and Education Committee, Pre-appointment hearing report, The preferred candidate for the post of Chair, Commission for Tertiary Education and Research, December 2022.

⁷ Children, Young People and Education Committee, Pre-appointment hearing report, the preferred candidate for the post of Deputy Chair, Commission for Tertiary Education and Research, December 2022

- The written statement announcing the preferred candidate.

9. These documents were circulated to Committee members before the hearing.
10. The post was advertised in a number of publications including the Times Higher Education Supplement, The Guardian, the Sunday Times and on Linked In. It was also advertised on Odgers Berndtson (the appointed executive search company) website. It was advertised for five weeks.
11. 16 applications were received and an additional two applications were received after the deadline due to extenuating personal circumstances. Odgers Berndtson undertook a 'name free' pre-sift report for the assessment panel. They recommended that 6 candidates be invited to a 'fireside chat' with Julie Lydon, the Chair of the Commission, and James Owen, the Welsh Government's Director of the Commission, and online tests and 1:1 interviews with a psychologist. One of these candidates withdrew their application following the psychometric test and 1:1 interview. The panel reviewed all the applications and agreed that the five remaining candidates should proceed.
12. The remaining 5 candidates then took part in a stakeholder engagement events which required candidates to engage with panel members and to lead a discussion on a pre-determined topic.. After these events, a further candidate withdrew their application.
13. The remaining 4 candidates were interviewed in February / March. The interview consisted of a prepared presentation by each of the candidates, followed by questions from the panel. Following this process, the panel was unable to recommend a candidate for appointment.
14. The Welsh Government's paper set out that the next steps were then discussed between the Minister for Education and Welsh Language and James Owen, Director of the Commission. The Minister said that he "carefully considered the options available to me" and decided to appoint directly into the role for a fixed term basis of two years. He said that in "determining my preferred candidate, I was conscious of the views" that we had expressed during our pre-appointment hearings for the Chair, and Deputy Chair. In particular those that there was a need "to ensure the Commission has experience which recognises the breadth of the sector in Wales."⁸
15. During the discussion between the Minister and the Welsh Government official, the preferred candidate was identified as a suitable candidate to approach.. The preferred

⁸ [Welsh Government, Written Statement: Establishment of the Commission for Tertiary Education and Research – Appointment of the Chief Executive Officer \(CEO\), 19 April 2023](#)

candidate was approached by Odgers Berndtson to ascertain their interest in the role. Once the candidate confirmed their interest in the role, the Welsh Government official James Owen made direct contact with the preferred candidate to discuss the role and possible appointment.

16. The preferred candidate subsequently met with two Welsh Government officials and the Commission's Chair to discuss the role. This was not an interview but provided opportunities to discuss the role and some of the key challenges. The Minister subsequently met with the preferred candidate for a "fireside chat", before the Minister announced him as his preferred candidate.⁹

17. Due to the unusual circumstances around this process, we wanted more information ahead of the hearing. We were concerned about the move to a direct appointment after an unsuccessful public recruitment process, so sought more information from the Minister for Education and Welsh Language.¹⁰ We wanted to know:

- how involved in the process the Minister had been prior to the panel being unable to recommend a candidate;
- in more detail why the Minister had decided to move to a direct appointment;
- the process followed in identifying and contacting potential candidates through this route;
- whether there were any identified or potentially perceived conflicts of interest; and
- whether the preferred candidate had declared any political activity or affiliation.

18. In responding, the Minister provided further details against each of our specific questions. He stated that he had not provided any steer to the panel on suitability of any candidates before the panel made formal recommendations to him. On receiving the panel's advice that they could not recommend a candidate, he "noted" this and "stressed the importance of the person ultimately recommended for appointment having good Further Education or Work Based Learning credentials." Further briefing was then provided by officials about options

⁹ [Welsh Government, Written Statement: Establishment of the Commission for Tertiary Education and Research – Appointment of the Chief Executive Officer \(CEO\), 19 April 2023](#)

¹⁰ [Letter from the Chair, Children, Young People and Education Committee to Minister for Education and Welsh Language, Appointment of Chief Executive, Commission for Tertiary Education and Research, 10 May 2023](#)

including the “implications” for the Commission of “having a shorter period to undertake preparatory activity...” ahead of it being operational.¹¹

19. On the specific decision not to re-advertise he said:

“The Tertiary Education and Research (Wales) Act 2022 provides that the Commission comprises a Chief Executive, a Chair, a Chair of the Research and Innovation Committee (who is also the Deputy Chair) and at least four Board Members.

To ensure a smooth transition and continuity of provision in advance of it becoming operational by 1 April 2024, the Commission needs to undertake a range of preparatory activity. This includes preparatory activity on the registration system; consulting on the appointment of Associate Board Members; developing employment terms and conditions and associated HR policies; consulting on measures relating to the transfer of staff; concluding work on organisational design (i.e. operating model and structure); and commencing any necessary recruitment activity.

The Commission cannot undertake this activity until the aforementioned appointments are made. The timely appointment of the Chief Executive is therefore essential in order for the Commission to be operational by 1 April 2024.

In making my decision, I also considered that a rigorous, open appointment process had only just concluded and re-advertising the post immediately was not likely to deliver an outcome in which a different field of candidates would materialise and be suitable for appointment.”¹²

20. He provided more detail on how the potential candidates were identified and who was involved in this process.

¹¹ Letter from the Minister for Education and Welsh Language to Chair, Children, Young People and Education Committee, Appointment of Chief Executive, Commission for Tertiary Education and Research, 19 May 2023

¹² Letter from the Minister for Education and Welsh Language to Chair, Children, Young People and Education Committee, Appointment of Chief Executive, Commission for Tertiary Education and Research, 19 May 2023

Our view

21. We have long-standing concerns about the pre-appointment process, and the limited role played by Senedd Committees in them. We have stated these in all the pre-appointment hearing reports we have published which were for the Children’s Commissioner for Wales¹³; the Chair¹⁴ and Deputy Chair¹⁵ of the Commission. We also set them out in our response to the Public Account and Public Administration Committee’s inquiry into public appointments.¹⁶

22. We note that this is a ministerial appointment unlike those appointments which are public appointments. The reason we have undertaken this hearing is because the Minister gave commitments during the legislative scrutiny of the then Tertiary Education and Research Wales (Bill).

23. However, regardless of whether this is a ministerial or public appointment, we should still expect a robust process which is fair and transparent. This is a very important appointment, with the Chief Executive being responsible for a budget of over £800million, a budget second only in size to the NHS in Wales. It is also a challenging role as it looks to bring together a diverse and disparate range of education providers together who have previously been regulated by a range of different organisations.

24. We would like to make clear that our comments on the process do not reflect on the preferred candidate’s appropriateness for the role. Our concerns about the process are a matter for the Welsh Government and not the preferred candidate. We know it is unusual in the public appointments process we are usually involved in for a direct appointment to be made. But it is unclear to us how often they happen with ministerial appointments and will be writing to the Welsh Government to seek more information on this. We would be concerned if this was regular practice for ministerial appointments, just as we would if this was regular or even semi-regular practice for public appointments. We note that despite our concerns about the process, the fact that we have pushed to put information in the public domain about the move to a

¹³ Children, Young People and Education Committee, Pre-appointment hearing report. The preferred candidate for the post of Children’s Commissioner for Wales, December 2021

¹⁴ Children, Young People and Education Committee, Pre-appointment hearing report. The preferred candidate for the post of Chair, Commission for Tertiary Education and Research, December 2022

¹⁵ Children, Young People and Education Committee, Pre-appointment hearing report. the preferred candidate for the post of Deputy Chair, Commission for Tertiary Education and Research, December 2022

¹⁶ Letter from Chair, Children, Young People and Education Committee to Chair, Public Accounts and Public Administration Committee, Public Accounts and Public Administration Committee Inquiry into Public Appointments, 26 January 2023

direct appointment is important for transparency and provides more confidence for the Senedd and the public on the appointment.

25. We are incredibly disappointed with the process that has been followed for this appointment. This is an incredibly important post, which will be responsible for ensuring the bold ambitions for the Commission will be delivered upon. The establishment of a new organisation is a critical time and decisions made now will shape how successful the Commission will be. While we understand the challenging timeframe in terms of establishing the Commission and the need to get key posts recruited, the importance and significance of this role means we believe an open recruitment process should have been re-run. In particular, we highlight the concerns of stakeholders during our scrutiny of the Bill about protecting the independence of the Commission. It is important that the recruitment process for this critical post does not call that into question in any way.

26. We will continue to monitor closely the establishment and effectiveness of the Commission. We intend to hold annual scrutiny sessions with the Commission, and would expect the Chief Executive, Chair and Deputy Chair to be involved in these sessions. We will also continue to scrutinise the Welsh Government's role in establishing the Commission, and once established, the extent to which it is ensuring the Commission's independence.

27. We will also be writing to the Welsh Government to understand how often direct appointments occur for ministerial appointments. This is a process to be avoided, and we believe this case has made us aware of the need for more transparency around the processes followed for ministerial appointments. This is particularly relevant in a small country like Wales, where often there are relationships within and across different sectors.

28. Finally, on the process, and this does not in any way reflect on the preferred candidate, and their suitability for their role, but we note the contrast between the open recruitment process and that of the direct appointment. The open recruitment process as well as including an interview, also involved psychological and psychometric elements, a stakeholder engagement event and a formal interview including a pre-prepared presentation. In contrast, the direct appointment process has not even involved a formal interview, with our pre-appointment hearing the closest to such an interview. We have concerns about the lack of a formal interview for such an important post, and this is in stark contrast to the multiple steps in the open recruitment process following shortlisting.

Conclusion 1. The Welsh Government should have restarted and reinvigorated the open recruitment process to ensure that an appropriate candidate could have been appointed through an open recruitment process. Direct appointments should be avoided as far as

possible, and in particular to roles of this magnitude. This in no way reflects on the preferred candidate's candidacy and is solely about ensuring the integrity of the recruitment process.

3. The Welsh Government's preferred candidate: Simon Pirotte

29. Simon Pirotte is currently Principal and Chief Executive of Bridgend College. He has held this position since June 2013. He began his professional career as a teacher, and has worked in the secondary, further and higher education sectors in Wales, England and the USA over the last 30 years. He has also held a number of Board positions on a range of organisations.

4. The pre-appointment hearing

Before the hearing

30. As outlined in paragraphs 8-9 we received some information from the Welsh Government ahead of the hearing. We also asked Simon Pirotte to complete a short questionnaire in advance of the pre-appointment hearing to provide a framework for Committee members' questioning. These questions, and Simon's responses, are set out in Annex C.

The hearing

31. In line with the guidance on pre-appointment hearings agreed between the Welsh Government and the Senedd, our role is to set out our views on the suitability of the Welsh Government's preferred candidate. In the previous section of the report we have set our views on the process. These views on the process in no way reflect on Simon's candidacy.

32. During the hearing, which lasted around 45 minutes, we asked Simon Pirotte a range of questions about how Simon intends to fulfil the role of Chief Executive, Commission for Tertiary Education and Research. A full transcript of the hearing is available online.¹⁷

33. Our session covered:

- His involvement in the recruitment process;

¹⁷ Children, Young People and Education Committee, Transcript of meeting 25 May 2023

- His skills and experience and how they link to the demands of this role;
- What success would look like;
- Challenges facing both the sector, and the Commission specifically;
- Working with stakeholders, both within Wales and outside Wales;
- Working with key partners such as the Coleg Cymraeg Cenedlaethol; and
- The independence of the Commission and relationship with the Welsh Government.

5. Committee view

The candidate

Conclusion 2. We see no reason not to endorse the Welsh Government's preferred candidate Simon Pirotte for the role of Chief Executive, Commission for Tertiary Education and Research.

34. We explored a wide range of issues with the preferred candidate, which is to be expected when the Commission has such a broad remit. We were impressed when he was talking about the need to establish effective relationships between the often sometimes disparate stakeholders and sectors within the Commission's remit. He was also strong on the importance of embedding a positive culture. He reflected on his previous leadership experience which would help him establish an effective culture within the Commission and effective relationships both inside and outside the Commission.

35. The candidate comes primarily from a further education background but has also worked in the school sector. We had concerns when undertaking the pre-appointment hearings for the Chair and Deputy Chair about ensuring the right skills and experience mix at the senior level of the Commission. We therefore welcome that the preferred candidate comes from a further education background and has extensive experience across the wide remit of FE. We continue to believe it is important that these three vital roles have a balance of knowledge, expertise and experience across the breadth of the Commission's remit. We hope this will continue as people move in and out of roles.

36. During the session, we explored with the preferred candidate, how he would look to fill the gaps in his knowledge and expertise of certain elements of the Commission's remit, such as research and development and the higher education sector. The preferred candidate talked

about how he would work closely with the Chair and Deputy Chair, who both have extensive knowledge and experience in these areas.

37. We feel that the candidate could have provided more detail in some of his responses, in particular on his personal strategic priorities for the Commission; how the Commission could look to deliver on ambitions for expansion of degree apprenticeships; how the Commission can support and protect the research sector in Wales; and how he will work with the Coleg Cymraeg Cenedlethol. We look forward to exploring these further with the preferred candidate as he takes up the position, and we undertake our ongoing scrutiny role of the Commission.

Annex A: Chief Executive, Commission for Tertiary Education and Research Key responsibilities

- Provide strong and inspirational leadership, vision, and strategic direction to CTER staff to achieve the highest levels of performance and ensure a culture of collaboration, inclusion and continuous improvement.
- Lead on the development of CTER's strategic plan, taking full account of the Welsh Government's strategic priorities for the post 16 sector and the Vision for Change principles of social partnership and the statutory obligations placed on public bodies.
- Working in partnership with the WG to deliver a more engaged, excellent and equitable TER sector that prioritises the interests of learners and contributes to national prosperity.
- Develop and design the new organisational strategy to shape the new organisation's structure, operating systems, and its ways of working in accordance with the Tertiary Education and Research (Wales) Act.
- Ensure the new organisation performs its functions effectively, providing value for money to the public purse and, as Accounting Officer, act in accordance with the terms of the Accounting Officer's memorandum in managing Welsh public finances.
- Lead the sector to deliver world class innovative solutions to future challenges, placing learners at the heart of the system.
- Create an organisation culture where staff feel valued providing a stimulating environment for innovative thinking and nurturing of new ideas enabling the transformation of vision into results.
- Develop and maintain high-value relationships with Ministers, key Welsh Government Departments, in particular the Department of Education, Social Justice & Welsh Language, providing advice and intelligence as necessary.
- Champion equal opportunities and diversity ensuring an inclusive approach in all CTER activities.
- Ensure the delivery of the functions and compliance with the duties of the regulation of education funding and research in Wales.

- Ensure that appropriate performance management and wider administrative and governance arrangements are in place for effective implementation of the organisation's strategic and business plans.
- Principal adviser to the CTER Board and work with them to uphold CTER's independence in considering the effectiveness of funding, delivery and monitoring methods used to support tertiary education and research in Wales, ensuring that it operates rationally and fairly, and can withstand scrutiny.
- Work with the CTER Board to promote and lead delivery of the Commission's statutory functions and duties, including the formulation and development of strategy, and to ensure that all decisions made by the Board are recorded and implemented within the organisation's Executive.
- In partnership with the Chair, ensure that an effective communications strategy is in place which promotes CTER effectively and maximises public and stakeholder confidence.
- Build on the strengths of our current education system to better meet the challenges and opportunities ahead

Annex B: Chief Executive, Commission for Tertiary Education and Research Person specification

We are seeking to appoint an individual who can demonstrate the following:

- Excellent organisational leadership skills with proven ability to successfully deliver a wide-reaching programme of organisational and cultural change.
- A knowledge and understanding of the Welsh, UK and international tertiary education policy context, and the credibility to operate at the highest level in this environment, with an understanding of the challenges and opportunities CTER's creation brings.
- Proven capability of inspiring and motivating people at all levels to be their best, including a demonstrable commitment to championing and mainstreaming a culture of respect, diversity, inclusion and equality.
- A capability to effectively manage policy, technical and operational delivery teams.
- A proven track record of negotiating successful partnerships demonstrating an ability to work collaboratively with stakeholders at all levels in complex and uncertain environments.
- An appreciation of the importance of engendering a positive culture of Welsh-English bilingualism and a recognition of the personal leadership behaviours required for communicating effectively in a Welsh-English environment.
- Strong financial, people management and governance experience.
- A high degree of personal resilience, enthusiasm, and commitment to deliver in times of uncertainty.
- An ability to demonstrate understanding of the commitments of a public role, as defined in Nolan's Seven Principles of Public Life.

Desirable

The ability to communicate through the medium of Welsh. If you do not have such skills, you should be willing to make a commitment to learn on appointment. Training including individual support and coaching will be provided.

Annex C: Completed questionnaire returned by Simon Pirotte before the pre-appointment hearing

What skills and experience make you well-suited for the role?

My family experienced hardship when I was growing up and education was the lifeline I was given to move out of poverty. I had some teachers who helped keep me on the right path and made me believe in myself so that throughout my career in education, I have tried to give learners the same opportunities I was afforded.

I have worked across a range of education settings including schools, FE colleges and HEIs both in Wales and abroad.

I understand apprenticeship provision through Bridgend College's work with the B-wbl consortium which has delivered significant growth and excellent quality.

My daughters attended Welsh medium provision and I understand the value of Welsh medium education.

I have delivered Adult and Community Learning at Bridgend College and as part of the Bridgend Adult Learning Partnership.

I have a proven track record in delivering high quality provision as a practitioner and as a leader: Three consecutive Grade 1s in Estyn inspections of Performing Arts at Gorseinon College, Grade 1 for Hospitality and Catering at Swansea College and excellent judgements at Bridgend College whilst Principal and CEO.

I have experience as a senior leader and I have served on several Boards

I am passionate about the experience of learners and placing the needs of learners at the heart of decision making.

I am committed to Equity, Diversity and Inclusion and bringing people together in a positive culture.

I am excited about the opportunity presented by The Commission to join up thinking across all aspects of the tertiary landscape. I am prepared to ask difficult questions about the way we do things and I listen to people before making decisions.

What do you think will be the key challenges that you will need to address as the new Commission is established?

One of the key challenges will be bringing people from two different organisations and new appointees together as colleagues, ensuring that we make the most of their expertise but also looking at new ways of working to join up the thinking across sectors.

It will be important to maintain a balance between:

- a. Making sure that there is a smooth transition between current structures and new ones
- b. Looking forward to the future and the excitement of the art of the possible

Managing expectations will also be a challenge. Some Stakeholders may want the status quo whilst others might want change *today!* Developing a culture that avoids silo thinking and encourages broader thinking will be critical for the success of the Commission. This will call on brave leadership at all levels of organisations. The Leadership challenge will demand that leaders place learner need ahead of institutional need.

How will you establish the Commission's relationship with Welsh Government and key stakeholders within the sector. We would particularly welcome your views on how you will do this in relation to the Coleg Cymraeg Cenedlaethol

The Minister for Education and Welsh Language has referred to the Commission as the national steward of tertiary education in Wales. It will have a unique role with responsibility for the planning, funding and regulation of Tertiary Education and Research in Wales and, as such, the Commission will have a pivotal role in drawing the sector together whilst recognising their distinctive characteristics and strengths. Building relationships with stakeholders across the tertiary education sector, as well as with the Welsh Government will be key to its success.

Colleagues who will be transferring into the Commission from HEFCW and the Welsh Government already have strong relationships with providers and organisations, so we are starting in a good place. As for my role in developing these relationships, I intend to build on my own professional networks and look forward to forming new relationships on taking up appointment.

Promoting tertiary education through the medium of Welsh, including encouraging demand, is one of the Commission's strategic duties and, of course, the Tertiary Education and Research Act requires Welsh Ministers to designate a person to advise the Commission on the discharge

of this strategic duty. The Minister has previously indicated that he anticipates it will be the Coleg that is designated for the purposes of this role.

The Coleg has extensive existing networks and a wealth of experience in developing and supporting Welsh-medium tertiary education, together with their experience of working with Welsh Government in a Welsh-medium related policy context. I anticipate that the Commission will benefit from its expertise and look forward to working collaboratively and strategically to build demand for, and encourage individuals to participate in, tertiary education through the medium of Welsh.

How will you ensure the development of Welsh medium provision across the breadth of the Commission's remit?

A core premise of the strategic duty in respect of Welsh medium education is that the Commission will move beyond a demand led model, and instead focus on actively building demand for Welsh medium education within the tertiary education sector, whilst also encouraging individuals to embrace the opportunities provided by participating in such education.

A key aspect here is that Welsh medium education cannot be considered within a bubble, it is not a standalone item to be considered apart from other aspects of the sector. Rather it is a cross cutting aspect of what the Commission will be delivering. And whilst it would be premature of me to set out plans for how we might achieve this, I'm looking forward to consulting with stakeholders on how we might take this forward.