

Shan Morgan
Ysgrifennydd Parhaol
Permanent Secretary



Llywodraeth Cymru
Welsh Government

Mr N Ramsay MS
Chair, Public Accounts Committee
Welsh Parliament
Cardiff Bay
CF99 1NA

8 April 2021

Dear Mr Ramsay,

PUBLIC ACCOUNTS COMMITTEE 7 DECEMBER 2020

Following the Public Accounts Committee on 7 December 2020, I agreed to a number of action points regarding the provision of information, which is outlined below:

- 1. Provide data that shows the breakdown of staff numbers across the organisation, by the different grades in the protected characteristic groups.**

This information will be provided under separate cover, due to the sensitivity of the data.

- 2. Provide further detail on the approach the Welsh Government has taken to support home working.**

A pack of slides is included at annex A, which sets out our approach to safe working at home.

- 3. Provide a copy of the revised job advertisement for new civil servant to lead the Education Department.**

A copy of the job advertisement is included at annex B.



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4. Provide a copy of the Independent Review into the procurement regarding Job Support Wales, or advise when you will be in a position to do so.

This report was previously sent to you on 24 March but we have also included it in this correspondence for ease of reference, and is attached as Annex C.

5. Provide feedback from the meeting of the Public Leaders Forum held on 7 December 2020, on the discussions regarding publishing sponsored bodies Board and Audit Risk Assurance Committee papers.

The PAC recommendation for Welsh Government Public Body Audit and Risk Assurance (ARAC) papers to be published was placed on the agenda for the Public Leaders Forum meeting on 7 December 2020.

The recommendation and the issues associated with it were described and Forum Members were asked to self-nominate volunteers to establish a virtual working group with officials from the Welsh Government to consider the issues linked to the PAC recommendation, and to offer options to the Public Leaders Forum for consideration which would allow it to make a decision on the most appropriate way to respond to it.

A paper has been prepared by the Public Bodies Unit for distribution to Forum Members; the paper sets out the issues, and includes a section on the current position on the publication of ARAC papers in the NHS in Wales. It also asks for volunteers to work with the Welsh Government to consider the recommendation in detail, and offer options to Forum Members on the most appropriate way to respond effectively to it. The issue will be placed on the agenda of the next Public Leaders Forum, which is likely to take place in March 2021.

I will keep the Committee fully apprised of the Public Leaders Forum response.

6. Provide more details of how the Local Authority Grant funding works in practice as part of the process of engagement with local government partners, together with expenditure monitoring.

Prior to formally raising a potential grant award the policy lead would usually have discussed the aims, objectives and practicalities with the local government body. Where the grant applies to all local authorities, policy leads would also have been expected to include the WLGA in these discussions. The process for awarding a hypothecated grant to Local Government is no different to that for grants awarded to any other sector. Having determined that a policy is best met through the introduction of a grant scheme, the lead policy official submits the proposal to the grants assurance panel. The panel was put in place in 2018 to provide expert advice to policy leads in advance of the introduction of a grant



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scheme but also to provide challenge on a range of issues such as the nature of the grant scheme, whether the policy outcome would best be met via a grant or procurement and proposed terms and condition including monitoring arrangements. The panel comprises representatives from all relevant expert service areas of the Welsh Government including legal, internal audit, fraud, procurement, corporate governance and the grants centre of excellence. It is chaired by the Director of Governance and Ethics. All actions arising from the panel are followed up with policy officials by the grants centre of excellence.

Following a decision to proceed with a grant scheme, policy officials will then need to apply the specifics of the scheme to the standard award letter template used throughout the Welsh Government. A standard template was introduced in 2019 as a means of ensure every grant scheme covered the comprehensive range of policies and checks needed to protect public funds. A key aspect of the template is deliverables and milestones that will need to be met by the grantee, how the grantee will be reimbursed for costs incurred and monitoring arrangements. Grant managers have the opportunity to include any specific conditions relevant to their particular grant scheme to ensure organisations are clear on what is expected of them in receiving the funding.

Local Government grants are still subject to the usual controls by grant managers who monitor targets and deliverables. Where monitoring arrangements differ between hypothecated grants to local government and the third or private sectors is that Welsh Government asks all S151 Officers to complete a statement of expenditure for every grant award in excess of £100,000. It is also likely that Audit Wales will review the funding arrangements for some grants from Welsh Government during their year-end audit of all local government bodies. However, the scope of the audit of local government is a matter for Audit Wales.

If you require any further information, please let me know.

Yours,


Shan Morgan
Ysgrifennydd Parhaol/ Permanent Secretary
Llywodraeth Cymru/ Welsh Government



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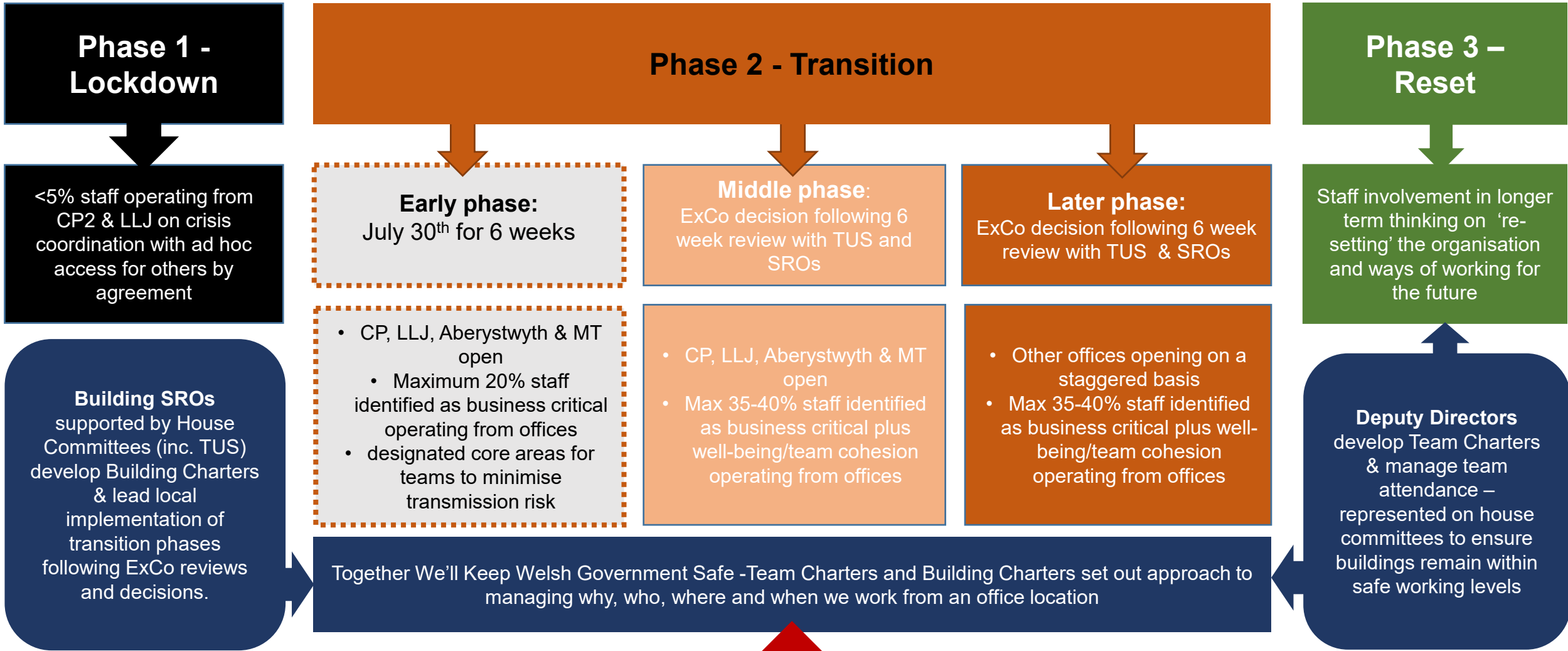
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**Diogelu Llywodraeth Cymru gyda'n gilydd
Together we'll keep Welsh Government safe**

Careful recovery transition – overview of phased approach

From Lockdown to Re-Set – Together we'll keep Welsh Government safe

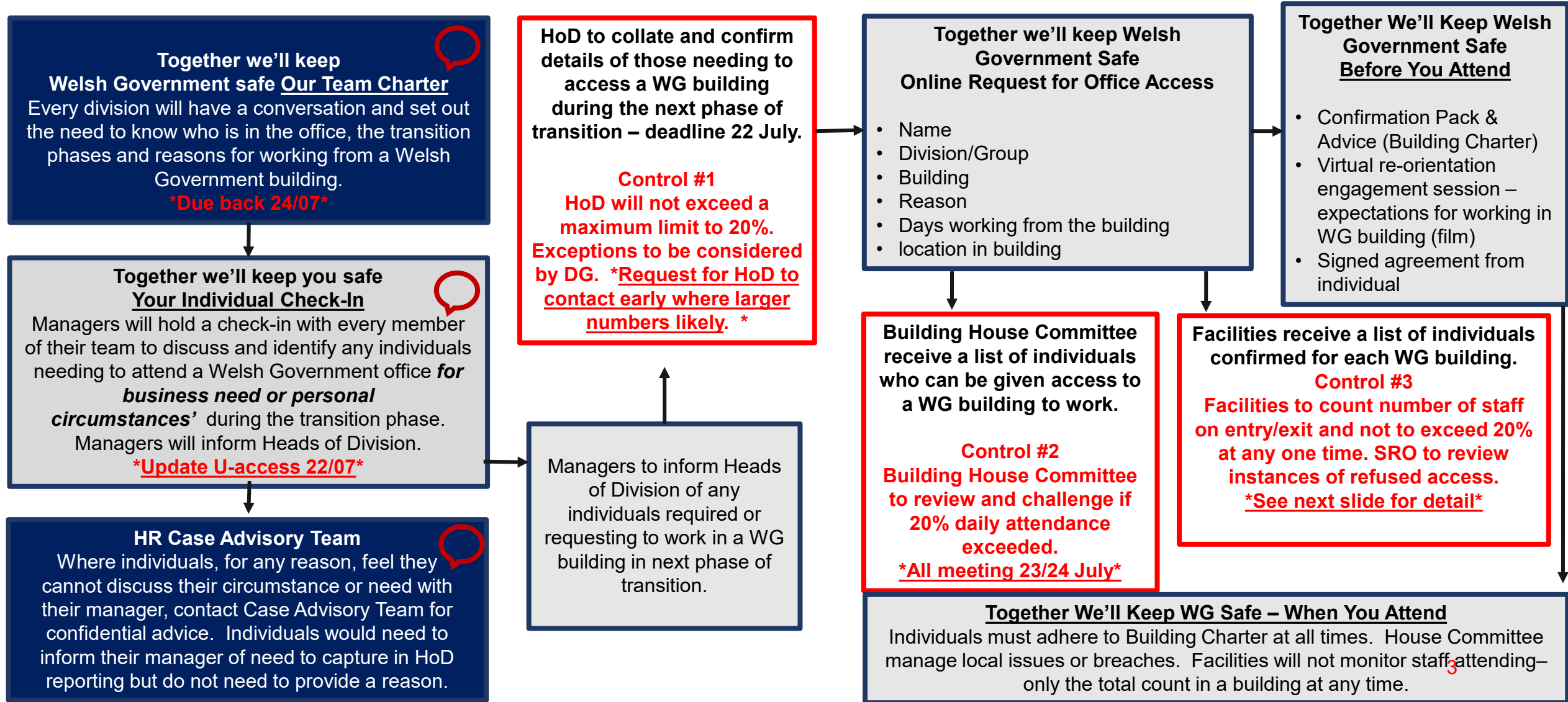


Most of us will continue working from home, most of the time (at least 60% of staff on any given day).

Virtual meetings remain the norm with face-to-face meeting taking place in socially-distanced meeting rooms. No visitors other than by exception in early transition phase

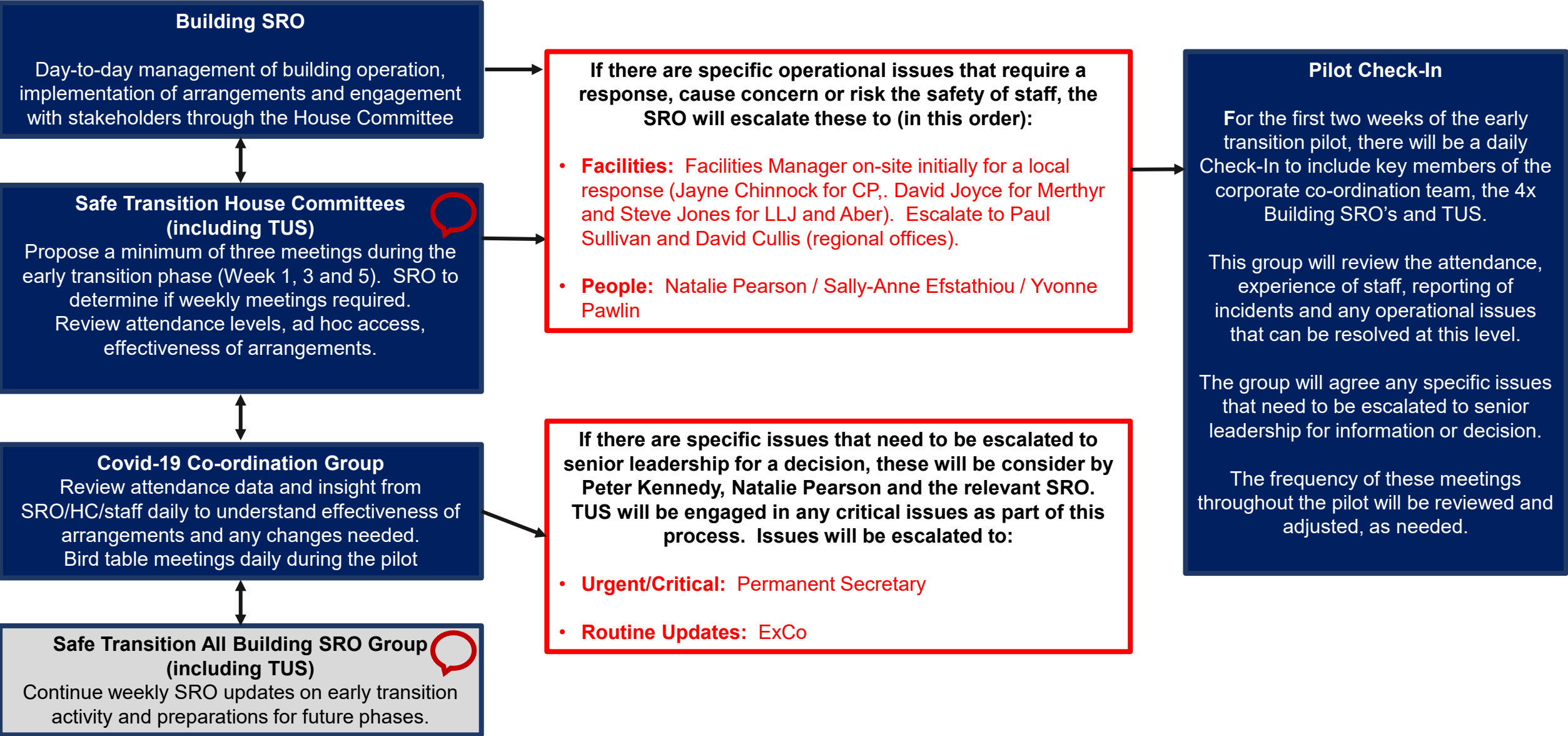
Managing occupancy levels in early transition

A process to identify and manage the number of people working in WG buildings needs to be in place before the end of July. This will be a mitigating action to manage the risk of WG exceeding the maximum number of people attending within social distancing rules and ensure WG has a list of staff accessing the building at any one time for track, trace and protect purposes. This process will be reviewed and re-used to capture those attending in each phase of transition.

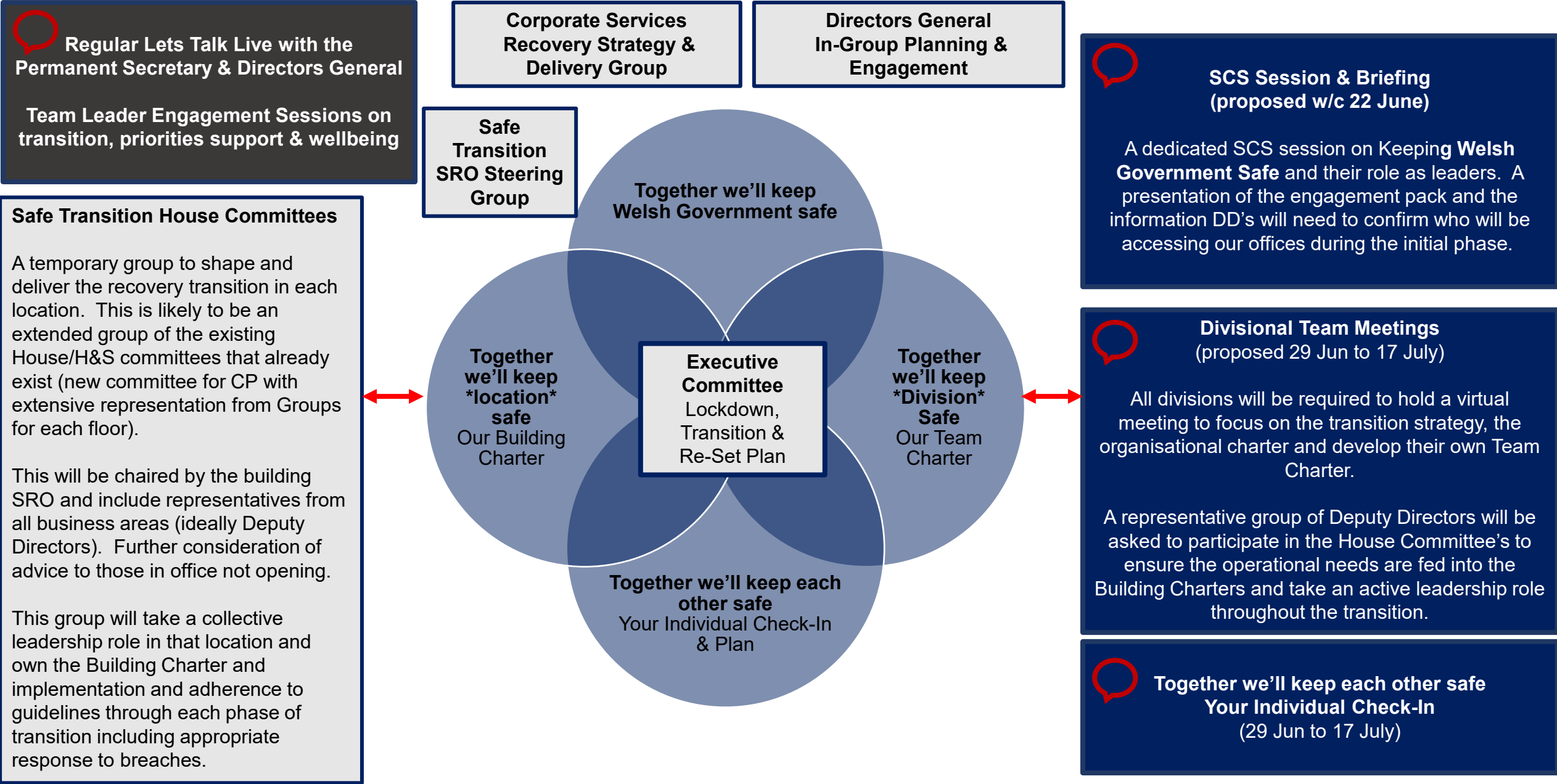


Governance arrangements in early transition

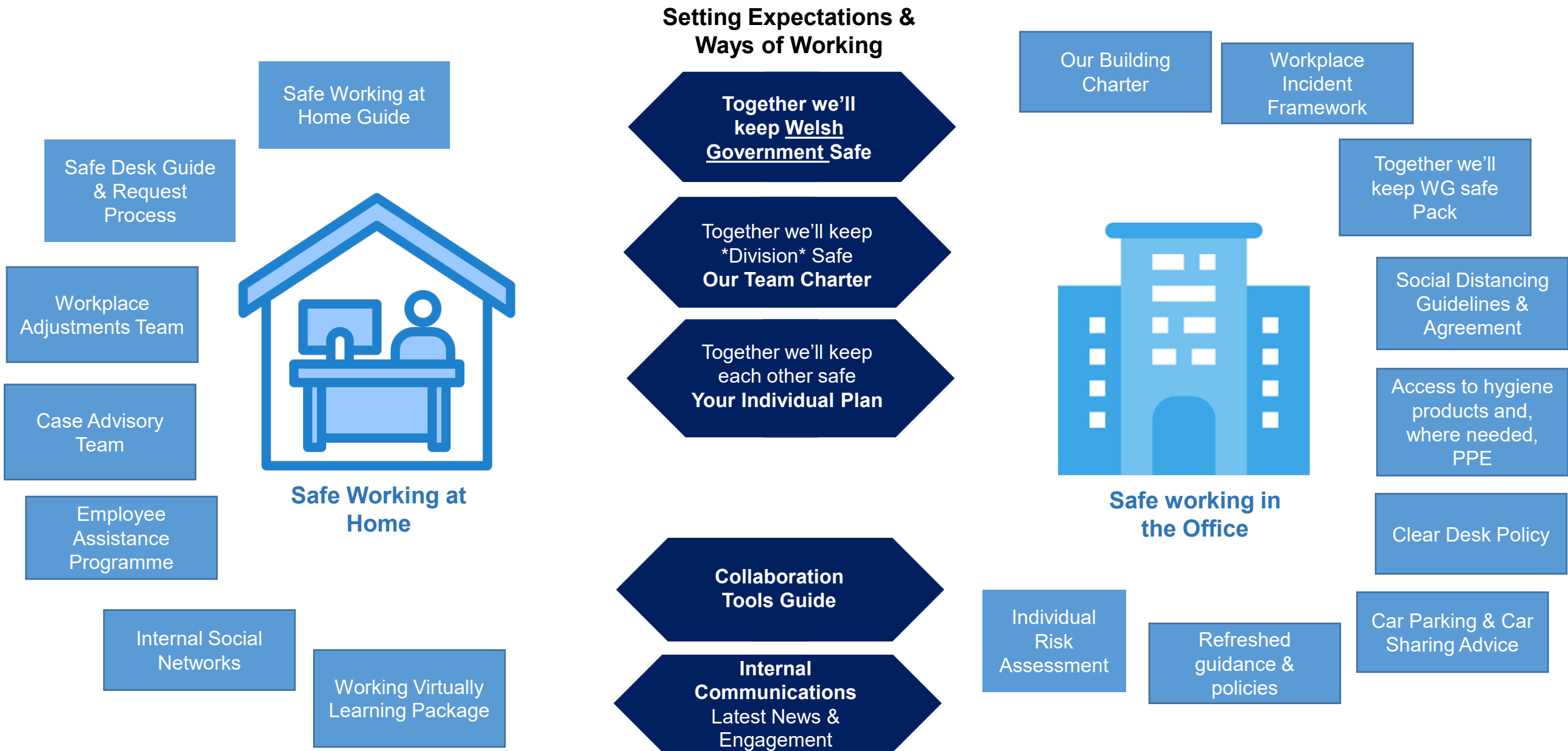
The slide sets out the arrangements that will be in place during the early transition phase. These will be monitored and reviewed throughout the pilot to ensure effectiveness. A full evaluation will be undertaken to inform ExCo, SRO and Safe Transition House Committee decisions on the future operation on these measures in subsequently transition phases.



Engagement & Conversations with All Staff



Supporting Safe Working at Home and in the Office



Clear messages for mutual reinforcement



Overarching message

Diogelu Cymru / Keep Wales Safe

Organisational Message

Diogelu Llywodraeth Cymru / Keep Welsh Government Safe

Workplace message

Together we'll keep (Cathays Park) safe /
Diogelu (Parc Cathays) gyda'n gilydd

Action Message(s) as relevant

Maintain two meter distance
Hygiene measures

Sample Wing Banner Design





Candidate Brief and Job Description

Director of Education

Education and Public Services Group



Hyrwyddwr Busnes
Cyfrifol Cymru
2020



Responsible Business
Champion Cymru
2020



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Appendices

A - Civil Service Leadership Statement

B - Civil Service Code

1. Message from Tracey Burke, Director General Education and Public Services



Thank you for your interest in the post of Director, Education, I am delighted that you want to know more.

This is an exciting role in the Welsh Government's senior leadership team. Education in Wales is changing, we have a national mission for improvement, based on international good practice and the engagement of leading experts and practitioners at all levels. Your role will be to provide strategic and operational leadership to ensure delivery, in a fast-paced and ever -changing environment.

The Welsh education system has a unique bilingual ethos, and includes a thriving Welsh-medium sector. With a new curriculum for Wales, and a strong culture of partnership between government, local authorities, teachers and schools, we are innovating across the system to improve outcomes for all learners.

The person appointed will need to have a proven aptitude for leadership, be able to influence and motivate across public services and government. The Director must be skilled in working collaboratively with a wide range of partners, in an environment of intense political scrutiny. Excellent communication skills are essential.

The Director will be supported in the role by a Chief Education Adviser who will be appointed to provide hands-on experience of the education system and a clear

understanding of the needs and respective roles of learners, school staff, governors, parents, local authorities and middle tier.

The key challenge facing the Director is to lead an ambitious programme of transformational change within the sector, while ensuring that the service continues to operate smoothly. Proven experience of delivering large, complex programmes will be vital and this will have to be done with the added challenge of responding to the medium and long-term impact of COVID-19. This has been an enormous national effort, and the Welsh Government and all partners have met this challenge together – stepping up to ensure that our children and young people are supported with their wellbeing and with the ability to learn and grow.

The corporate and managerial components of this post are considerable, and the Director will need to be able to demonstrate significant leadership and management experience. They will also need to have experience of making policy, combined with an understanding of the legislative framework and how this feeds in to the regulation making process.

We are looking for someone who will be a good team player as part of the senior leadership of the Welsh Government, bringing a collaborative approach and an optimism for what we can achieve together.

2. Welsh Government background

The Welsh Government has an annual budget of around £18 billion and is responsible for most public services in Wales.

The First Minister of Wales, Mark Drakeford, and his Cabinet lead the Welsh Government and are accountable to t Senedd Cymru, the Welsh Parliament. The Cabinet has set a culture of working as one Welsh public service, in partnership with local government and other public services, and through social partnership with the trade unions, business and the third sector.

The Welsh Government was elected in May 2016, and our priorities are to achieve a greener, more prosperous and more equal Wales. The next Senedd elections will be in May 2021.

The UK's exit from the EU at the end of January 2020 has significant implications for Wales and the Welsh Government. Our relationship with the UK Government and the other devolved governments continues to develop. Along with other public bodies in Wales, our work is founded on the Wellbeing of Future Generations Act which sets an internationally recognised framework for policy and delivery focused on wellbeing and the long term.

Welsh Ministers are supported by a workforce of around 5,000 civil servants, approximately half of whom were previously located in Cardiff, with the remainder based in Welsh Government offices across Wales. Nearly all our staff are now home working and will be doing this for the foreseeable future. The Welsh Government has small offices in London, Brussels and an overseas network for trade and investment work.

Equality, diversity and inclusion are core values of the Welsh Government. We aim to be an exemplar employer and our work is underpinned by: a Board Equality and Diversity Champion, vibrant diversity networks supported by senior champions, setting diversity targets to improve the numbers of under-represented groups (for example, BAME and disabled staff at all levels and women at senior levels). We are committed to the social model of disability and to making recruitment and workplace adjustments to ensure equality for disabled staff. We have recently published our strategy on Inclusion and Diversity in Public Appointments, and are developing our Equality, Diversity and Inclusion Action Plan 2020-2025.

The Welsh Government is a bilingual organisation; legislation is produced in both Welsh and English, which have equal legal status. We follow statutory standards for the Welsh language in public administration. Applicants must share our commitment to promoting the Welsh language. We encourage and support staff to learn, develop and use their Welsh language skills in the workplace.

3. Purpose of Post

The Education Directorate sits within the Education and Public Services (EPS) Group. It is the largest policy Directorate in EPS consisting of approximately 260 staff across seven Divisions (including the Welsh Language Division) and seven Welsh Government offices, with a budget of £587m in 2020/21.

The Directorate provides high quality policy advice to the Minister and works with a range of partners to co-produce policies and funding programmes, strongly influenced by the Wellbeing and Future Generations Act, to implement those policies.

The Directorate is driving forward an ambitious reform programme which has been created in partnership with teachers, local authorities and the Inspectorate, to raise standards, reduce the attainment gap, and achieve an education system that is a source of national pride and public confidence.

The programme includes introducing a new curriculum in 2022 and transforming provision for additional learning needs. In spite of the challenging context set by UKwide austerity, exacerbated by the Covid-19 pandemic, we are innovating across the system, including targeted funding to tackle disadvantage, our school holiday enrichment programme, collaboration with Yale and other leading universities, and sustaining our 21st century schools capital investment programme.

The Welsh language is an integral part of our reform programme, as it is to the Government-wide objectives of building resilient communities, culture and language, and promoting and protecting Wales' place in the world.

Ensuring that all learners are able to use Welsh when they leave school is part of our national journey towards a million Welsh speakers by 2050. Our schools play a crucial role in enabling thousands of children each year to become confident bilingual citizens.

The reform agenda has four enabling objectives:

Enabling objective 1: Professional learning - With our strategic partners we are committed to supporting teachers through professional learning from the time they decide to become teachers through their whole career.

Enabling objective 2: Leadership - We recognise the scale of the challenge headteachers and other leaders face as we seek to realise [Curriculum for Wales](#) and address our schools' needs in relation to COVID-19. We remain committed to a range of current and new measures and approaches to support our leaders.

Enabling objective 3: Equity, excellence and wellbeing – We continue to work closely with stakeholders to devise and implement a proactive, inclusive education system. In continuing to raise standards for all, we will prioritise support for children and young people who are vulnerable, disadvantaged or have an Additional Learning Need.

Enabling objective 4: Evaluation, improvement and accountability – We know the importance of an evaluation, improvement and accountability system that is aligned to the principles of Curriculum for Wales. We published draft evaluation, improvement and accountability arrangements in February 2019 and have engaged widely on those principles.

4. Key Responsibilities

This is a varied and challenging portfolio, combining policy and delivery and covering a diverse range of areas. Consequently, the role requires a high level of judgement and political sensitivity.

You will represent the Welsh Government at senior level with our stakeholders providing strategic leadership and direction including:

- Ensuring a shared understanding of what the programme of transformational change means for practitioners, education settings and delivery partners from 2022.
- Ensuring there is clarity of process which enables the smooth transition from strategic vision to operational delivery.

- Providing oversight and direction to the work of a Chief Education Adviser (to be appointed following the recruitment of the Director, Education).
- Responding to the medium and longer-term impact of the COVID-19 pandemic, providing stability during uncertain times, motivating staff and creating a sense of team spirit.

5. The Person

This post is in a highly pressurised area of Government. You will be required to take decisions on priorities, managing ambiguity and complexity to deliver the organisation's goals. The judgement of the post holder will be key in helping the organisation to manage risk, whilst delivering results for Ministers and people in Wales.

The nature of the challenges and responsibilities mean that an understanding of and interest in Wales and its culture is important. Welsh language skills are desirable for this post, or a commitment to learn Welsh on appointment.

You will be required to provide visible, supportive and strategic leadership by empowering, enabling, motivating and developing others and fostering a positive organisational culture. You will need to have experience of working in or with the public sector, along with strong interpersonal skills and the ability to develop and manage effective working relationships with a wide range of stakeholders inside and outside of government.

You will need to influence at the most senior levels, including Ministers, about potential courses of action – particularly with regard to changes in policy or business delivery. The ability to express complex issues simply and articulately is essential, as is the ability to present evidence and recommendations in a clear and compelling way. In addition, you will need to have:

Essential

- an appreciation of the needs of children and young people in Wales and their families and of the delivery of services for them, including education; and of the learning needs of the country more widely;
- an appreciation of the Welsh cultural and social context, the importance of the Welsh language, and the diverse needs and priorities of our communities;
- a track record of delivering public sector change, ideally although not necessarily, in an educational context;
- the ability to manage a complex set of priorities and deliver effective financial, performance and programme management;
- the ability to think and act strategically and translate strategic objectives into tangible outcomes;
- wide experience of contributing to complex policy development and translating this in to operational delivery;
- the ability to demonstrate strong corporate leadership as the post holder will be expected to positively support the DG in providing cross-cutting, joined-up and visible leadership for the organisation grounded in our values;
- the ability to value the difference and diversity that individuals bring to an organisation and committed to self-development and the development of others;

Desirable

- sensitivity to the political context in which the Welsh Government works and the ability to work effectively with Ministers and Cabinet advisers;
- experience of developing and sustaining positive relationships by representing policy and priorities persuasively at all levels in Wales and beyond, through negotiation and influencing individuals and organisations to broker successful partnerships;
- the ability to lead by example; be inclusive and consultative and prepared to share expertise, know-how and skills, adopting at all times a corporate approach;
- a flexible and resourceful approach to the work, able to operate effectively in a complex multi-disciplinary environment and with credibility for what you do and how you do it, rather than relying on your position or profession;
- Welsh language skills or a commitment to learn Welsh on appointment.
- an understanding of the legislative framework and how this feeds in to the regulation making process.

STRATEGIC CLUSTER – SETTING DIRECTION

Making Effective Decisions

Create clear long-term strategies focused on adding value to the citizen and making real, lasting change beyond the Civil Service

Changing and improving

Create and encourage a culture of initiative, flexibility and responsiveness, mobilising the Directorate to respond swiftly to changing priorities

Making effective decisions

Navigate and balance a range of political, national and international pressures to shape the Department's strategy and priorities

Identify and evaluate risks and options and develop Department wide strategies to manage and mitigate

PEOPLE CLUSTER – ENGAGING PEOPLE

Leading and communicating

Be highly visible and credible at the most senior levels across and outside the Civil Service, communicating purpose and direction with clarity and enthusiasm

Negotiate with and influence external partners, stakeholders and customers successfully at the highest levels

Collaborating and partnering

Drive a diverse and collaborative working culture which encourages openness, approachability and is supportive of challenge however uncomfortable

PERFORMANCE CLUSTER – DELIVERING RESULTS

Delivering value for money

Be fluent at interpreting a wide range of financial and performance information and use this to determine policy and strategy delivery

Managing a quality service

Create a culture of working with and through delivery partners to achieve outcomes, establish and negotiate service levels and deliverables

Delivering at pace

Drive a performance culture across the Department giving teams space and authority to deliver objectives whilst, resolutely holding them accountable for outcomes

6. Development Opportunities Offered by the Post

This post offers the opportunity to lead a crucial cross-cutting policy area for the Welsh Government and to work closely with Ministers, Special Advisers and senior Officials across all Welsh Government departments. You will gain experience of working in a high-profile area, building confidence and knowledge with internal and external stakeholders.

7. How to apply

We welcome applications in Welsh and English. Applications in either language will be treated equally.

Applications should be submitted via the Welsh Government on-line system and submitted no later than **17 January 2021**. To apply, you will be asked to register for an account on the online system using an email address. It is recommended that you select an email address to which only you have access, as this will be our main method of communication with you regarding the selection process.

If you have an impairment that would prevent you from applying online, please email SCSRecruitment@gov.wales to request an alternative format, or to request a reasonable adjustment related to impairment in order to submit your application.

Anonymised Recruitment

All applications for this vacancy will be anonymised at the sift stage. The panel will take into account your personal statement and CV but, **these documents should be anonymised when you submit your application.**

Diversity information

The Welsh Government is committed to achieving a workforce that reflects the society it serves, at all levels including the most senior. Collecting this information enables us to identify whether we are recruiting from the widest possible pool of talent and check that all groups are being treated fairly throughout the process. This form will not be disclosed to anyone involved in assessing your application. If you do not wish to provide a response to a particular question, you should complete the 'Prefer not to say' option.

You will not be able to submit your application if you leave any of the questions unanswered.

As part of the recruitment process, you will be asked to provide the following:

- A completed **application form**;
- **An up to date CV** setting out your career history with key responsibilities and achievements;
- A personal **statement of no longer than two sides of A4** explaining how your professional qualifications, skills, qualities and experience are suitable for the role and, in particular how you meet the person specification.

Welsh language

Welsh language skills are desirable for this post or a commitment to learn on appointment.

Questions and informal discussion

If you have any questions about this role further in advance of your application, please email Tracey Burke (tracey.burke@gov.wales) who will respond to any points of information or clarification.

Online technical problems

Please email SCSRecruitment@gov.wales

8. Selection process Overview

The Recruitment Team via the Welsh Government system will acknowledge your application and when appropriate you will be advised about the outcome of the short list meeting.

Assessments

The shortlisting meeting will take place **on 26 and 29 January 2021**. Shortlisted candidates will undergo online psychometric tests that will include numerical and verbal reasoning and a discussion with a psychologist. You will receive a link to these online tests the week commencing **8 February 2021**.

Shortlisted candidates will be asked to attend a staff engagement session. These will take place **the week commencing 15 February 2021**.

If you have completed the online psychometric tests in the last 2 years, for a post at the same grade, it will not be necessary for you to take these tests again for this particular recruitment exercise.

Fireside Chats with the Education Minister and Minister for Mental Health, Wellbeing and Welsh Language will take place week commencing 15 February 2021. They will be held virtually via Microsoft teams.

Interviews

Interviews are scheduled for **25 and 26 February 2021**. They will be held virtually via Microsoft teams. Interviews will last around 45 minutes.

The Selection panel will include:

- Margaret Edwards, Civil Service Commissioner (Chair)
- Tracey Burke, Director General Education & Public Services ,Welsh Government
- Peter Kennedy, HR Director Welsh Government

Biographies

Margaret Edwards



Margaret has held senior roles in the public sector, including Chief Executive roles in the NHS, and as Director General in the Department of Health. She had a successful career with Mckesson International. Currently Margaret is Chair of the Civil Service Pension Board.

She has a track record of designing and delivering public sector reform and delivering national targets. She is particularly interested in aligning individual and corporate objectives and the design of total reward packages.

Margaret was appointed as a Civil Service Commissioner on 1 October 2017.

Tracey Burke



Tracey has been directly involved in the regeneration of Wales and Ireland for over 20 years working for the Welsh Government, Welsh Development Agency, the Irish Government, the UK Government as well as working with the European Commission.

Tracey was born in Cardiff and joined the Welsh Government in 2006 from the Welsh Development Agency. Since that time, Tracey has held posts in economic policy and transport policy, as well as a wider strategic role across the Economy, Skills and Natural Resources Group. Tracey was appointed to the post of Director General for Education and Public Services in November 2017.

Peter Kennedy



My current role is Director, Corporate Services at the Welsh Government.

I joined Welsh Government in 2004 having worked for several years within the Ministry of Defence. I spent 9 years in the RAF within aircraft maintenance and technical training roles.

I am a HR professional with many years' experience of both operational and strategic Human Resources together with experience of ICT, Health and Safety, Facilities Management and Emergency Planning.

I also have additional responsibilities as Lead Sponsor for Welsh Government Sponsored Bodies and, as the Senior Information Risk Owner.

I am married to Jenny and have two grown up children and a Granddaughter. Jenny was diagnosed 5 years ago with Multiple Sclerosis, the organisation has been incredibly supportive and flexible in helping me to achieve an effective balance between being a Senior Civil Servant and a carer.

Disability Confident Interview Scheme

As part of our commitment to encouraging disabled people to apply to the Welsh Government we will offer an interview to disabled people who meet the minimum requirements for the post. Welsh Government has adopted the social model definition of disability, which recognises that barriers in society act to disable people who have impairments or health conditions or who use British Sign Language. We are committed to removing barriers so that all (or potential new) staff can perform at their best. The Equality Act 2010 uses the medical model definition of disability (“a physical or mental impairment which has a substantial and long-term impact on a person’s ability to carry out normal day to day activities”).

We guarantee to interview anyone who is disabled, whose application meets the minimum criteria for the post. By ‘minimum criteria’ we mean that you must provide us with evidence in your application which demonstrates that you generally meet the level of competence for the role and any qualifications, skills or experience defined as essential.

If you have an impairment or health condition, or use British Sign Language and need to discuss reasonable adjustments for any part of this recruitment process, or wish to discuss how we will support you if you were to be successful, please email scsrecruitment@gov.wales as soon as possible and a member of the team will contact you to discuss your concerns and requirements.

We are committed to the employment and career development of disabled people.

Competencies

Applicants are required to demonstrate their competency against the full range of leadership and SCS core skills identified for Senior Civil Servants as part of the Civil Service competency framework.

For further information about core competencies please access the full document via the hyper link below:

[Core Competencies](#)

All Civil Servants are expected to conduct themselves in accordance with the Civil Service Code, please see **APPENDIX B**

Indicative timetable

The closing date for applications: 14:00 hours on 17 January 2021

Psychometric testing – within 10 days of the shortlisted meeting

Shortlisting Meetings: 26 & 29 January 2021

Staff Engagement/Stakeholder Exercise: w/c 15 February 2021

Fireside Chats with the Education Minister and Minister for Mental Health Wellbeing & Welsh Language: w/c 15 February 2021

Interview panel: 25 & 26 February 2021 and will be held remotely.

Staff Engagement/Stakeholder Exercises and Interviews will be undertaken remotely.

The above dates may be subject to change.

9. Terms of appointment

This is a permanent post, it is available to permanent UK Civil Service employees (recruited through fair and open competition) on a lateral and promotion basis. This post is also available to non-Civil Servants on a permanent basis.

Remuneration

This role is at Director level and the salary is circa £93,000 per annum.

For existing Civil Servants

If you are a substantive Director applying on a lateral transfer basis to Welsh Government you will retain your existing salary.

The starting pay on promotion into the Senior Civil Service will usually attract 10% increase in base pay or be at the Senior Civil Service pay band minimum, whichever is greater. Refer to the Welsh Government's starting pay on promotion policy.

Relocation Expenses

Relocation expenses of up to £8,000 may be payable.

Location

The post is Pan Wales and you may work from any of the Welsh Government Offices in Wales, although the nature of the post means that you will need to spend some time in Cardiff. There would be an expectation that you will be required to travel across Wales to meet with stakeholders and directorate staff who are dispersed. We are supportive of home working and tailoring patterns to suit individuals' circumstances.

(In the short term the majority of post holders will be based at home/working remotely).

Working hours

This post is available on a full-time or job-share basis. It is expected that if you apply as a job share partnership, this arrangement is in place when submitting your application and please make it clear on your application forms that you are applying as part of a job share partnership. We welcome applications from people who work part-time and if someone who wants to work part-time is successful, we will make proportionate adjustments to the responsibilities of the post.

Smart Working

The Welsh Government actively encourages Smart Working. This means focusing on how you use your time, and where and how you work, to meet business needs in the most productive way. This provides staff with considerable flexibility and the expectation is that teams will work from home for a high percentage of the time for the foreseeable future. Smart, flexible working is becoming a permanent feature of working life in Wales and the Welsh Government will lead the way in this.

Annual Leave

If an existing civil servant is promoted into or within the Senior Civil Service, their annual leave allowance is based on their period of continuous employment in the Civil Service, as shown below:

Length of service

- Up to 1 year - 25 days annual leave entitlement;
- 1 year - up to 2 years - 26 days annual leave entitlement;
- 2 years - up to 3 years - 27 days annual leave entitlement;
- 3 years - up to 4 years - 28 days annual leave entitlement;
- 4 years - up to 5 years - 29 days annual leave entitlement;
- 5 years or more - 30 days annual leave entitlement.

The successful candidate will be appointed on the modernised Senior Civil Service terms and conditions.

Retirement

There is no mandatory retirement age for Senior Civil Servants.

Terms and Benefits

Pension Scheme: www.civilservice-pensions.gov.uk.

- Occupational Health Services, including counselling and eye care provision.
- Leave provisions including:
 - Carers' leave;
 - Paid and unpaid maternity leave;
 - Flexible paid

paternity leave; ○ Flexible paid
adoption leave; ○ Shared parental
leave.

Conflicts of interest

Candidates must note the requirement to declare any interests they may have that might cause questions to be raised about their approach to the business of the Welsh Government.

They are required to declare any relevant business interests, share holdings, positions of authority, retainers, consultancy arrangements or other connections with commercial, public or voluntary bodies, both for themselves and for their spouses/partners. The successful candidate will be required to give up any conflicting interests and his/her other business and financial interests may be published.

Official Secrets Act

The post is covered by the Official Secrets Act.

Diversity and equality

The Welsh Government is committed to providing services which embrace diversity and which promote equality of opportunity. Our goal is to ensure that these commitments are embedded in our day-to-day working practices with all our customers, colleagues and partners. The Board has an Equality Champion and receives regular updates on equality and diversity. We are committed to recruiting women, BAME and disabled people who are currently under-represented in the Senior Civil Service.

We are committed to increasing diversity, removing barriers and supporting all our staff to reach their potential. We are currently ranked 8th in the UK in the Stonewall Top 100 list of employers, we are a Stonewall Diversity Champion, a Disability Confident Level 3 (Leader) organisation and received gold status from a:gender in 2018.

Key to supporting this work and providing peer support are four Board sponsored Staff

Networks (Disability Awareness and Support (DAAS); Minority Ethnic Support Network (MESN); PRISM (Lesbian, Gay, Bisexual, Transgender, Intersex +) and Women Together.

The Civil Service Commissioners

The Welsh Government's recruitment processes are underpinned by the principle of selection for appointment on merit on the basis of fair and open competition as outlined in the Civil Service Commissioners' Recruitment Principles which can be found at:

<http://civilservicecommission.independent.gov.uk/>

If you feel your application has not been treated in accordance with the Recruitment Principles and you wish to make a complaint, you should contact Peter Kennedy, HR Director via email at peter.kennedy@gov.wales or in writing to Peter Kennedy HR Director, Permanent Secretary's Group Welsh Government, Cathays Park, Cardiff CF10 3NQ in the first instance.

If you are not satisfied with the response you receive from the Welsh Government you can contact the Office of the Civil Service Commissioners.

Security level

The successful candidate must be cleared to Security Check (SC) level before starting or posting to the job. The timescales for security clearance may vary, however, after receiving the complete paperwork it can take between 10 and 12 weeks.

Appendices

Appendix A: Civil Service Leadership Statement The leadership statement can be found here: <https://www.gov.uk/government/publications/civil-service-leadership-statement/civilservice-leadership-statement>

Appendix B: Civil Service Code

The Civil Service Code can be found at: <https://beta.gov.wales/civil-service-code>

INDEPENDENT REVIEW INTO THE PROCUREMENT OF THE JOB SUPPORT WALES TENDER

1. Introduction

- 1.1 On 27 January 2020 advice was submitted to Welsh Ministers to abandon the procurement exercise designed to award the contracts to deliver Job Support Wales (JSW) and develop a different means of delivering the policy outcomes. This was the second time that the procurement of this framework has had to be abandoned.
- 1.2 A review was commissioned by the Minister for Finance and Trefnydd to identify the issues with this procurement, and of the risk that they arise elsewhere in the Welsh Government.
- 1.3 The scope of the review includes:
 - a) To ascertain the facts of why the first attempt to procure this framework was abandoned.
 - b) To obtain, review and check for implementation the lessons learned from this first process.
 - c) To ascertain and verify the facts of why the procurement for this framework was abandoned for a second time.
 - d) To produce a lessons learned report on what went wrong.
 - e) To provide a recommendation on whether further investigation is required across other tenders.
- 1.4 In order to complete the review meetings were held with senior policy officials, members of the Corporate Procurement Service and members of the evaluation panel. A file review was also completed of the second procurement exercise.

2 Summary of Findings

- 2.1 The JSW procurement was abandoned as a result of legal advice which suggested the quality of the information provided to support the final moderated scores was not strong enough to survive a legal challenge. QC (Counsel) advised that the abandonment of the procurement represented the “least worst option”. This review has confirmed that, whilst determining the suitable amount of narrative required to support a decision is subjective, the detail in the level of narrative to support the moderated scoring, particularly where those scores meant that the

majority of evaluators would have changed their view in order to reach an agreement, was not sufficient.

- 2.2 The procurement was completed in line with CPS processes. Counsel determined that the standard Welsh Government procurement processes lacked sufficient **NB – Working Wales was subsequently renamed Job Support Wales as the former name became used as the new employability advice service delivered by Careers Wales from April 2019.**

robustness to defend this type of challenge. Therefore, this issue may not be isolated to this exercise. CPS have evidenced improvements to ensure the risk of successful challenge is mitigated in the future but more needs to be done to enhance the processes, especially improved guidance on the level of narrative required to support moderated scores, within both procurement and policy teams across the WG.

- 2.3 There are issues around the adequacy of the QA process, with policy and CPS officials only checking moderated scores and not looking at the detail around the individual scoring. We also identified weaknesses around the sign off of procurements which could be improved with Commercial & Procurement Directorate SCS involvement in more complex procurements.
- 2.4 This was a complex procurement, with bidders providing generally high quality responses to questions posed and the scoring being based on a highly subjective criteria. The panel was selected to ensure a fair match of policy owners and internal and external independent members. The panel discussed each bid at length but the subjectivity resulted in opinions being easily changed. Had these changes been adequately recorded, then it is likely that Counsel's would have suggested WG had a far better chance of success to the challenges made.
- 2.5 We have made eight recommendations during this review. A table detailing these recommendations can be found on page eight of this report.

3 Detailed Findings

- a) **To ascertain the facts of why the first attempt to procure this framework was abandoned.**

- 3.1 Working Wales was one programme with seven lots. It comprised one national lot for Working Wales Youth Engagement (for young people furthest from the labour market), three regional lots for Working Wales Youth Training (for other nonemployed young people) and three regional lots for Working Wales Adults (primarily for non-employed persons aged 18+). Bidders could bid for Youth Training and Adult within the same region. The highest scoring bidder in each lot would be offered a commission. There was commonality with the questions across the lots.
- 3.2 The procurement was waived, under agreement with the Minister for Economy & Transport. Following the issuing of Intention to Award letters, Welsh

Government received five written complaints, including confusion that many similar questions were scored quite differently between the various lots. Consequently, the standstill period was extended whilst legal and procurement advice was sought.

- 3.3 The evaluation was completed by two panels, with the first evaluating youth Lots and the other adult Lots. A decision was taken to set aside the initial scoring and, based on legal advice, to initiate an independent re-evaluation of tenders and if necessary to issue new Intention to Award letters. A new evaluation team was established made up of two external independent procurement specialists. The new team evaluated all tenders and although a consensus was undertaken across all seven lots further issues were identified.
- 3.4 A bidder having been unsuccessful in the first evaluation was successful at the new evaluation. However, during the new evaluation, it came to light that the newly successful bidder had signed a confidentiality agreement and had committed to advise Welsh Government if it intended to bid. It did not do so. Although officials were confident that no advantage was given to the bidder, not taking action against them at the time it submitted its PQQ could have been considered a breach of transparency requirements.
- 3.5 Legal advice suggested waiving the procurement exercise as it was the option that presented the least amount of risk.

b) To obtain, review and check for implementation the lessons learned from this first process.

- 3.6 A lessons learned exercise was completed following the first procurement and a range of recommendations made to improve the second, JSW, exercise. These recommendations included elements specific to the waived exercise, such as maintaining records of meetings with potential suppliers and posting to the portal, holding market engagement events to allow input from stakeholders in an open and transparent manner and increasing the number of panel members to five rather than three.
- 3.7 Further, more general, recommendations were made to improve evaluator training and strengthen the award recommendation papers for more complex and high risk procurement activities. During the course of our review, procurement colleagues confirmed these recommendations were acted upon, including the strengthening of the award recommendation paper. Further improvements will also be required as a consequence of this review.

c) To ascertain and verify the facts of why the procurement for this framework was abandoned for a second time.

- 3.8 There were two phases of complaints, or legal challenges, made towards the end of this procurement exercise. The first complaint from the unsuccessful bidder from one Lot (out of 7) focused on the advantage the winning bid received from being unsuccessful at the previous procurement. Public

Contract Regulations require the contracting authority to provide rationale for an unsuccessful bid and this was considered to have provided an unfair advantage enabling a better and successful bid during the second exercise.

- 3.9 On receipt of further information the complainant identified further issues with the moderated scoring and raised further challenges over the adequacy of the narrative to support the moderated score. This was then furthered by the successful bidder submitting a challenge against a different lot which they were unsuccessful at.
- 3.9 The JSW programme was designed in much the same way as the earlier exercise, with 7 Lots and bidders able to bid for Youth Training and Adult within the same region and the highest scoring bidder in each lot being awarded a contract. It was confirmed that the questions had altered slightly but there remained a commonality across the lots.
- 3.9 We performed a file review of the procurement, focusing primarily on the evaluation process while ensuring key documentation to support the process had been produced. We found the file to be comprehensive, with the whole range of expected documentation, including individual scoring sheets, consensus scoring sheets, legal advice, conflicts of interest forms, confirmation of panel members training and much more.
- 3.10 A Procurement Strategy Assessment was completed at the start of the procurement process. This determined the appropriate procurement route and was assessed as 'Strategic Critical' with the Policy team. The Policy team also completed a Risk Potential Assessment form as part of the OGC Gateway Process, assessing JSW as Medium Risk. These processes are not linked in anyway and as such some key factors in relation to the sector was not considered by CPS in their own assessment and throughout the procurement. Following discussions with officials there was a general view that this procurement could be perceived as high risk for the following reasons;
- Previous issues with Working Wales tender
 - Demanding Sector – suppliers were knowledgeable of the service and of the mechanisms for delivery having held contracts in this areas previously
 - One winner per Lot – differs from some other training contracts which have allocate contracts to all tenders that meet a defined requirement. This would result in suppliers failing to be awarded contracts even though they had demonstrated their ability to deliver effectively.
 - Potential for challenge should results from the first exercise change
 - Complexity of service provision
 - Subjectivity of the tender scoring

Recommendation – risk assessments from CPS and Policy teams should be combined and the approach to the procurements should be applied proportionately to the level of risk identified.

- 3.11 The first complaint from the unsuccessful bidder from Lot 6 focused on the advantage the winning bid received from being unsuccessful at the previous procurement. Public Contract Regulations require the contracting authority to provide rationale for an unsuccessful bid and this was considered to have provided an unfair advantage enabling a better and successful bid during the second exercise. On receipt of further information the complainant identified further issues with the moderated scoring and raised further challenges.
- 3.12 From discussions with officials we can confirm that a “less is more” approach to documenting individual scoring and moderation is driven by CPS, procurement best practice and internal and external legal advisors. This was reiterated at all meetings and formed part of the initial training provided to panel members. This principle focuses on the need for officials to reduce the risk of legal challenge should comments be misinterpreted. Although “less is more” is understandable, a balanced approach is needed on all procurements that ensures they are being conducted in a transparent and fair way. We also noted an absence of dummy runs for the procurement, which would have ensured all panel members were properly briefed on the requirements for recording information and on the subject matter.
- 3.13 Ultimately, the procurement is deemed to have failed due to the lack of sufficient evidence to support panel members’ agreement of moderated scores in Lot 6. The complainant made a general allegation of a breach of the duty of transparency together with detailed criticisms of the scoring of four out of five questions the tender was evaluated against.
- 3.14 Counsel concluded that for each of these questions there were manifest weaknesses in the evidence to support moderated scores. From a review of individual panel members scoring, supporting documentation and the commentary included following the consensus meeting it is clear that there is insufficient justification of the moderated scores from each panel member.
- 3.15 Below is an extract from the moderated scoring spreadsheet for the complainants Lot 6 tender. It is clear that there were instances where the final moderated score differed from the average and that the commentary provided does not adequately justify the consensus score.

Question	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Final Moderated	Score
1	10	8	10	8	10	8	Confidence
Rationale				CPS Comments			

Evidence is sufficient (in qualitative terms), convincing, and credible. The response includes early identification of poor performance and the implementation of a performance improvement plan. The proposed approach seems logical and is supported by examples to demonstrate effectiveness.				The panel agreed the score of confidence was appropriate, some areas of the response could have been expanded on with more detail.			
Question	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Final Moderated	Score
2	10	6	10	8	10	8	Confidence
Rationale				CPS Comments			
Confidence in the response provided. The response outlines the quality control systems that would be used which seem to be well organised systems. Examples are provided to evidence this.				Following discussions the panel agreed the score, further information could have been included the quality framework and applying to subcontractors.			
Question	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Final Moderated	Score
3	10	10	10	8	10	10	Absolute Confidence
Rationale				CPS Comments			
Absolute confidence with the response which is comprehensive and compelling. The response outlines a realistic and highly credible process, supported with examples. Details of the mechanisms that will minimise participant drop-out rates are included.				The panel agreed the score.			
Question	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Final Moderated	Score
4	10	10	10	8	10	8	Confidence
Rationale				CPS Comments			
Evidence is sufficient (in qualitative terms), convincing, and credible. The response outlines the role of the Lead Worker and how the bidder will ensure that the Lead Worker would have the right skills and experience to carry out their role effectively. The proposed average caseload volumes appear reasonable.				Following discussions the panel agreed a score of confidence was appropriate. The bidder mentions the use of 'bank staff' to cover periods of high volume but does not explain where these will come from or how they will ensure that they would have the right skills.			
Question	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Final Moderated	Score
5	10	8	8	6	10	8	Confidence
Rationale				CPS Comments			
Evidence is sufficient and credible and the response provides confidence. Details on employer engagement is included and identified access to an array of employers and the use of an employment agency to help participants find work.				The panel agreed the score.			
Question	Evaluator 1	Evaluator 2	Evaluator 3	Evaluator 4	Evaluator 5	Final Moderated	Score

6	10	10	10	8	10	10	Absolute Confidence
Rationale				CPS Comments			
The response provided evidence that was consistent, comprehensive, and directly relevant to the project. The proposed support to participants on leaving the programme is robust and clearly outlined. A transition plan is also proposed which would be agreed by all parties which should aid sustainability.				The panel agreed the score.			

- 3.16 Although the narrative that supports each question appears fairly reasonable, Counsel provided advice that it was insufficient to support individual agreement for a consensus score. Counsel also noted that the commentary to support the consensus would be deemed irrelevant in some instances. For example, question 4, relating to the delivery of the role of lead worker, had four scores of 10 (absolute confidence). The basis of the lower, consensus, score was that one panel member's required a greater explanation in relation to the use of bank staff qualifications. It was Counsel's view that bank staff qualifications were essentially irrelevant to question 4 but were relevant to Question 3 where details were plainly provided by the complainant. As the narrative pointed to a peripheral consideration to the substance of question 4, the Court would likely find that a manifest error had been committed.
- 3.17 Panel members and CPS representatives were interviewed as part of this review and it was confirmed that an in-depth discussion took place during the consensus meeting and that each tender was analysed and all scores were subject to debate. It is surprising that issues were not identified at an earlier stage by the CPS lead or panel members. No minutes were taken of the meeting, as per standard WG practice, and panel members did not keep a record of the reasoning behind the moderated score, specifically where the moderated score differed from their own initial evaluation. CPS did ask panel members for confirmation of the moderated scores as soon as the challenges were made, but records were either unavailable or insufficient.
- 3.18 From an analysis of the scoring from each of the Lots from the JSW exercise we can confirm that there are similar issues across the whole procurement. This was alluded to by Counsel in conversations with senior officials and was included in the written advice - *"As the evidence stands, there is no good reason to believe that the questions regarding the scoring of lot 6 are confined to that lot."*
- 3.19 We reviewed the Contract Award Recommendation Paper (CARP) that ensures all the pertinent decisions leading to the award recommendation are recorded both for provision of the audit trail and to enable the Head of CPS to approve the recommendation as part of their governance and accountability arrangements and ensuring demonstration of separation of duties. At no point in the document is it highlighted that there is a risk of challenge due to

instances of majority scores being overturned. The document was signed off by both the Head of CPS and the lead policy official. Both confirmed that they had only checked the moderated scores, and not the individual scoring, as part of the QA process.

Recommendation – All CPS leads to risk assess the procurement at various stages of the process, including after moderation.

Recommendation – All scores to be checked by CPS during the QA process in future exercises. Confirmation to be included in the declaration.

Recommendation – CPS to consider the re-introduction of a fully documented peer review exercise to ensure the risk analysis is appropriate, no immediate issues are identified from the scoring and that the narrative is adequate.

3.20 It is clear that this procurement was high risk and complex and required involvement from CPS at every stage of the exercise. However, there should be consideration of the use of “bought in” procurement specialisms for such activities, where independence and the capacity and capability of policy and procurement teams will be assured. Specialist procurement resources are often utilised by WG, with Road Teams, for example, using suitably qualified and experienced suppliers to deliver effective services of this nature.

3.21 CPS confirmed a preference for developing in-house capability by exposing their staff to complex procurements but this should be applied in agreement with Policy teams, on the basis of the initial risk assessment and based on the capacity of CPS teams at the time.

Recommendation – CPS to consider and document the referral of high risk and / or complex procurements to external specialist providers.

3.22 CPS QA and sign off is regularly completed by the Head of CPS. For the more high risk procurements we would expect this to be escalated to SCS grades in the Commercial & Procurement Directorate. This would add an additional level of accountability and ensure that the necessary checks are completed. Escalation to SCS grades was absent during this procurement.

Recommendation – Where high risk and / or complex procurements are identified, sign off should be undertaken at SCS level.

3.23 As the issues identified were consistent across all of the Lots, we extended our file review to include a further two procurements completed during 2019/20. We can confirm this method of recording moderated scores is a consistent approach undertaken by CPS and by panel members.

3.24 The risk of a challenge on other procurements is limited by the standstill process. In WG, standstill periods are for a period of ten calendar days following the notification of an award decision in a contract tendered via OJEU,

before the contract is signed with the successful supplier(s). The WG also apply voluntary standstills for all mini competition procurements above £500k.

- 3.25 Although challenges can be made after standstill, it is considered more likely that a court will look less favorably on any complaint made outside of this period.
- 3.26 CPS have also confirmed that they have already implemented lessons learned from this procurement and have begun a process of including additional narrative around the moderation scoring. An email was sent to all CPS staff on 29th Jan explaining the need to expand on moderation narrative. Having reviewed the most recent moderation paper we would suggest this is improved further by implementing our earlier recommendation that individual comments are included that reference the agreement of a higher or lower moderated score. Advice should also be sought from Audit or Governance teams who will offer guidance on audit trails to support key decisions. Panel members should be provided with guidance on the issues relating to this procurement to ensure all are aware of the impact of not providing a balanced and transparent approach.

Recommendation – Further improvements to narrative should be included in all moderation reports, to include as a minimum the specific reason why each evaluator agreed on a different consensus score to their own. Advice on the minimum requirements should be sought from Governance, Audit and Legal colleagues.

- 3.27 At this time there is only one procurement at standstill that would have concluded in advance of the lessons learned. That standstill ended on 20th Feb 2020 without any challenge. Therefore, we are satisfied that the risk of further challenge for the reasons identified in this review are minimal.
- 3.28 However, moderation will remain subjective in these more complex procurements, and there is an opportunity for the interpretation of tenders. In considering the extent of records to keep during this or any future procurement it is important that a proportionate approach is taken. Where moderated scores result in a clear change from an initial consensus view, evaluators should record the specific reasons why there has been a change in opinion.

e) To provide a recommendation on whether further investigation is required across other tenders.

- 3.29 It is recommended that an Internal Audit be completed on a sample of procurements completed across WG once the new process and suggested improvements have had chance to become embedded – no later than six months from the date of this review.

Recommendation – Internal Audit to complete a WG wide review to ensure lessons learned have been adopted.

RECOMMENDATIONS

Para	Recommendation	Confirmed Action	Owner	Timescale
3.10	Risk assessments from CPS and Policy teams should be combined and the approach to the procurements could be applied proportionately to the level of risk identified.	CPS will review the Procurement Strategy Risk Assessment (PSRA) to build in lessons learned from this exercise. We will also discuss risks being combined at each PSRA meeting with policy divisions to ensure risks are identified, recorded and managed. A proportionate approach to each	Deputy Director, Commercial Procurement and Group Strategy	01/04/2020

		procurement is currently adopted which will reinforce lessons learned.		
3.18	All CPS leads to risk assess the procurement at various stages of the process, including after moderation.	Regular Risk assessment checkpoint process to be introduced. CPS will also amend the contract award recommendation paper to reflect this.	Deputy Director, Commercial Procurement and Group Strategy	01/04/2020

3.18	All scores to be checked during QA in future exercises. Confirmation to be included in the declaration sign by CPS and policy officials.	CPS will amend the checkpoint process and contract award recommendation paper to reflect this. Agreed by management to also include rationale and associated comments	Deputy Director, Commercial Procurement and Group Strategy	01/04/2020
3.18	CPS to consider the reintroduction of a peer review exercise to ensure the risk analysis is appropriate and that scoring looks appropriate and that the narrative is adequate.	CPS will seek to re-introduce peer reviews at Commercial Procurement SMT meetings at both strategy and award stages.	Deputy Director, Commercial Procurement and Group Strategy	01/05/2020
3.19	CPS to consider the referral of high risk and / or complex procurements to external specialist providers.	CPS will consider this at PSRA with the policy division. If necessary this will be escalated to SCS.	Deputy Director, Commercial Procurement and Group Strategy	01/04/2020
3.21	Where high risk and / or complex procurements are identified, sign off	Agreed. This process will be introduced at		
	should be undertaken at SCS level within CPS / Commercial & Procurement.	Commercial Procurement SMT which is SCS led.		

3.26	Further improvements to narrative should be included in all moderation reports, to include as a minimum the specific reason why each evaluator agreed on a different consensus score to their own.	CPS have issued an email to all staff involved in the evaluation process outlining this (Jan 29 th 2020) but will also discuss at the next CPS Team Meeting & Procurement Best Group	Head of Commercial & Procurement	29/1/2020
				17/3/2020
				2/4/2020
	Advice on the minimum requirements and audit trails should be sought from Governance, Audit and / or Legal colleagues.	CPS will arrange to meet with colleagues to discuss seeking advice on audit trails further which will need to comply with PCR requirements.		01/04/2020
	Panel members should also be provided with guidance on the issues relating to this procurement to ensure all are aware of the impact of not providing a balanced and transparent approach.	CPS will refresh its evaluation guidance to reflect this. CPS will look to develop an elearning module specifically for evaluation (subject to funding)		01/04/2020
				01/07/2020
3.29	Internal Audit to complete a WG wide review to ensure lessons learned have been adopted.		IAS	01/02/2021