

Attachment 3 – Please note that due to the Welsh Government’s document management system’s storage policies, not all previous version of documents have been retained.

Version as of 02/11/2023 @ 09:26

Dear [Complaint](#)

Investigation into Conflict of Interest Concerning [NICW Commissioner](#)

Thank you for your email of the 18 October 2023 regarding the [NICW Commissioner](#) and his appointment to the National Infrastructure Commission for Wales (NICW).

You were concerned that there is a potential conflict of interest issue in both the appointment of [NICW Commissioner](#) to NICW and his presence in NICW meetings which discussed policy areas in relation to his clients through Deryn Consulting. I have consulted the Chair of the Commission [REDACTED] the Commission secretariat and the Welsh Government’s Public Bodies Unit in preparing this response.

~~I have asked officials in the NICW partnership (secretariat) team to investigate this matter in relation to the appointments process and to liaise with the Chair of NICW as to how conflicts of interest are recorded and kept up to date, and how meetings of the Commission are conducted.~~

[NICW Commissioner](#) was appointed as a Commissioner to the National Infrastructure Commission for Wales (NICW) in August 2022. The appointment process had commenced with a public advert inviting applications issued in March of that year. [NICW Commissioner](#) was one of those who applied and he provided details of his employment history and his role with Deryn Consulting had declared his current position on his application.

~~The job specification for the role of Commissioner included the skills of:~~

- ~~• Able to demonstrate knowledge and understanding of an economic, social or environment infrastructure sector (such as energy, transport, waste, flood, digital communications) or a related field (such as economics, planning, regulation, project/infrastructure finance, design, engineering, systems architecture and analysis, technology and innovation).~~
- ~~• Ability to communicate and influence across all levels. We are interested in hearing from individuals who can evidence success in communicating very complex, challenging information in a sensitive and effective way.~~
- ~~• Ability to represent organisations in public, including in the media and with a range of stakeholders.~~

The Deputy Minister for Climate Change had responsibility for making appointments to NICW. The First Minister was not involved in the process.

The Deputy Minister for Climate Change approved ~~the~~^{his} job specification for the role, and it was against ~~these~~ criteria set out in the specification that applicants for the post were assessed. [NICW Commissioner](#) was one of several appointable candidates which the Deputy Minister discussed with the Chair of NICW before formal offers of appointment were

~~made to the successful applicants being appointed. In the meeting no personal preference was given to any applicant. The discussions related to the skills and experience of the applicants, and how the scoring related to the different criteria.~~

~~In his response to queries over the appointment of NICW Commissioner, the Chair of NICW has commented that:~~

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

~~On the issue of the conduct of NICW meetings, the Chair has responded as follows:~~

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

~~*Although NICW Commissioner is a valuable member of the Commission, his opinion and voice carries no more weight than any other Commissioner. He has not lobbied directly on behalf of any individual organisation, nor spoken or acted in a way that gives me any concern that he is stepping out of his role of providing impartial advice based on his best judgement. NICW Commissioner was not selected as one of the Commissioners to lead on the work of the renewable energy project.*~~

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

The Chair of the Commission is acutely aware that the requirement that members of the Commission should have knowledge of relevant infrastructure sectors can give rise to potential conflicts. The scope for conflicts is therefore managed very carefully by the Chair as is the requirement that Commissioners should remove themselves from discussions or decisions where they have a financial interest or where their interest might suggest a danger of bias. In addition officials from the NICW secretariat ensure that the register of members' interests is kept up to date and any new interests are recorded at every meeting. The meeting notes and register of interests have now been updated on the NICW and Welsh Government websites.

I hope this response deals with your concerns regarding NICW Commissioner role on. Given this, I am content that the public appointments process was carried out correctly and the ongoing governance of the National Infrastructure Commission for Wales follows current guidance on the declaration and handling of interests.

Yours sincerely