

DP 743/03 - 07

Cynulliad Cenedlaethol Cymru  
National Assembly for Wales

Nicholas Bourne AM  
National Assembly for Wales  
The Bay  
Cardiff CF99 1NA

Sir Jon Shortridge KCB  
Ysgrifennydd Parhaol  
Permanent Secretary

4 April 2005

Dear Mr Bourne

The First Minister has asked me to reply to the series of questions you tabled on 17 March about the appointment of a Director of Legal Services to the Welsh Assembly Government, since I have overall responsibility for all staffing matters in the Assembly.

In summary:

- The post of Director of Legal Services is a civil servant appointment. No Ministers will be involved in interviewing candidates. In accordance with the Civil Service Code, the First Minister is entitled not to agree the appointment of the candidate recommended by the appointing panel. The panel itself is to be chaired by a Civil Service Commissioner, and I shall continue to keep the First Minister informed at key stages in the appointments process.
- I took the decision to appoint a Director of Legal Services to the Welsh Assembly Government rather than retain the post of Counsel General for the Assembly as a whole because I considered this best reflected the Assembly's decision of 14 February 2002 that there should be the widest possible separation between its legislative and governmental arms. The First Minister shared this view, as did the Presiding Officer whom he consulted.
- My role in the unsuccessful process to appoint a second Counsel General was to draw up the job description and person specification and to be a member of the appointing panel. This is the same role as I shall perform in the process for appointing the Director of Legal Services to the Welsh Assembly Government.
- The Open Competition for the post of Director of Legal Services is expected to be completed in June 2005. The advertisement was placed in the week commencing 7 March in the Sunday Times, the Times Legal Supplement, The Lawyer, The National Assembly Recruitment website, and the website of Odgers Ray and Berndtson who are the Executive Search Company we are using to assist us with the appointment process. The closing date for the competition was 1 April 2005.




BUDDSUIDDWR MEWN POBL  
INVESTOR IN PEOPLE

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Ffacs • Fax: 029 2082 5649  
Minicom 029 2082 3280  
Eboost • Email: Jon.Shortridge@wales.gsi.gov.uk

I am enclosing a copy of the advertisement, job description and person specification for the post. If there is any further way in which I can be of assistance, please do get in touch.

I apologise for not replying before, but I have been away from the office for a few days over Easter.

I am sending a copy of this letter the First Minister and to the Assembly Library.

Yours sincerely  


**JON SHORTRIDGE**

STUDIO  
Line endings  
Size, Style  
ADMIN  
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## DIRECTOR OF LEGAL SERVICES

Cardiff

Competitive Salary c£100,000

More may be available for an exceptional candidate

The National Assembly for Wales provides devolved national democratic government for Wales and its population of 3 million. The Welsh Assembly Government is the executive arm of the Assembly, and deals with areas of work for Wales which for England are undertaken by some 10 government departments.

A Director of Legal Services for the Welsh Assembly Government is now sought to lead a growing team, at present of some 50 lawyers, during a period of rapid change. The work will be challenging, constitutionally novel and complex, providing legal advice to the Assembly Government at an exciting and significant period in the constitutional history of Wales.

### The Role:

Act as the Senior Legal Adviser to the Welsh Assembly Government, to build, manage and develop the legal team, taking responsibility for legal advice on such matters as:

- The scope of the Assembly's powers within the UK & EU constitutional framework;
- The legality of administrative action proposed to be taken on behalf of the Assembly;
- Provisions relating to the Assembly in Bills going before Parliament, and the drafting of Assembly legislation;
- The management of civil litigation and other Court proceedings to which the Assembly is a party.

### The Candidate:

- A confident senior solicitor or barrister with experience of administrative and public law;
- A seasoned manager ideally with a creative and pragmatic approach, capable of leading a department and taking it through a period of organisational change and reform;
- Sound judgement, with the authority to command credibility at the highest level and to work well under pressure;
- An appreciation of the bilingual character of the Assembly.

Interested candidates should apply for a recruitment pack from Odgers' Leeds Response Centre, quoting reference NAO/7073 to [nfp.response@odgers.com](mailto:nfp.response@odgers.com) or call 0870 240 3087. For a confidential conversation call Nicky Oppenheimer on 0207 529 1052.

Closing date: 1 April 2005

Odgers Ray & Berndtson, Forsyth Court, 113 The Headrow, Leeds LS1 5JW.  
Tel: 0870 240 3087.

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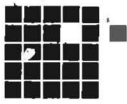
A large print version of this advert can be obtained by faxing a request to 029 2080 1141.



[www.wales.gov.uk](http://www.wales.gov.uk)

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**Candidate Brief**

**For The**

**Director of Legal Services to the Welsh Assembly  
Government,**

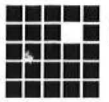
**National Assembly for Wales**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

ODGERS RAY & BERNDTSON

11 Hanover Square, London, W1S 1JJ



Telephone: 020 7529 1111 Facsimile: 0207529 1000

**Director of Legal Services to the Welsh Assembly Government, National Assembly for Wales**

## **Introduction**

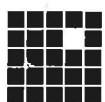
You are invited to apply for the above post. The National Assembly for Wales was created in 1999, following the Government of Wales Act 1998, to provide an entirely new form of national democratic government in Wales. It replaced the former Welsh Office. The first election of the 60 Assembly Members was in May 1999 and the second Assembly elections took place in May 2003.

With a budget of some £13 billion and more than 4,000 civil servants, the Assembly provides devolved government for Wales through its executive arm, the Welsh Assembly Government, across most areas of domestic policy, including health, social care, education, economic development, transport, agriculture, environment, culture, local government, housing and communities. The Assembly sets its own budget within the overall spending limit voted annually by Parliament in the context of UK Government expenditure policy. It does not have tax raising powers. The Assembly makes secondary legislation for its devolved functions.

## **Background**

The National Assembly for Wales was established in legislation as a corporate body, covering both executive and legislative elements in one legal entity. In practice, however, a clear distinction is drawn between the executive arm, the Welsh Assembly Government, led by the First Minister (currently Rt Hon Rhodri Morgan, AM) and his Cabinet of 9 Ministers, supported by approximately 4,000 civil servants who provide all the normal services of government in the functions for which the Assembly has devolved powers; and parliamentary functions, undertaken by Assembly Members in Plenary sessions and in Committees. The latter structure is supported by the Assembly Parliamentary Service which includes a small team of lawyers.

An independent Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, chaired by the Rt Hon Lord Richard of Ammanford QC, reported earlier this year. The Richard Commission has recommended significantly enhanced legislative powers for the Assembly, including the ability to enact primary legislation. The Commission has also advised that the de facto separation of the executive and legislative/parliamentary elements within the Assembly should be given formal legal effect. The primary legislation which will be necessary to give effect to these proposals is not likely to be introduced into Parliament until [ ]. In the meantime, the de facto separation, together with the proposed merger by [2006] into the Welsh Assembly Government of a number of Assembly Sponsored Public Bodies (ASPBs) including the Welsh Tourist Board, the Welsh Development Agency and Education and Learning Wales, will significantly change the existing Assembly, its structure and its staff numbers. It is estimated that the merger will bring a further 20 lawyers into the Assembly.



## **The Office of the Director of Legal Services**

The legal advisers to the National Assembly for Wales currently reside in the Office of the Counsel General (OCG), comprising 50 lawyers and 20 administrative officials. The former Counsel General (Winston Roddick QC) was responsible for the leadership, management and welfare of this department which was created to provide legal advice to the whole of the National Assembly. The de facto separation of the Welsh Assembly Government from the wider Assembly, together with the merger proposals are altering the size and responsibilities of the office, a process that will continue on the implementation of the Richards proposals.

The office is organised into eight teams of lawyers whose subject remit largely mirror the Ministerial portfolios. The lawyers are responsible for the delivery of a prompt, accurate and high quality legal service to the First Minister, Assembly Ministers, and Assembly officials. A distinction is drawn between core and non-core legal work for the Assembly Government. Core legal work, which is provided in-house includes:

- Legal advice on policy development
- Advice on the preparation of subordinate legislation
- Advice in connection with primary legislation
- Advice on the scope of the Assembly's powers and Assembly procedures
- Other work which, while not falling into any of the above categories, needs to be dealt with in-house for a particular reason

Non-core work encompasses matters relating to legal services which are not provided in-house and which the Office assesses at its discretion as appropriate to be dealt with externally. The Office also deals with litigation issues that affect the Assembly.

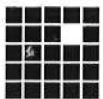
## **The Director of Legal Services - Key Responsibilities**

As indicated above, the role of the Director of Legal Services has changed and he or she will lead a Department that is principally concerned with the provision of legal advice to the Welsh Assembly Government. The new Director will also need to be able to manage the Department through a period of rapid change and expansion.

The key areas of responsibility will include

Ensuring the delivery of high quality legal services in relation to:

- the scope of the Assembly's powers within the UK & EU constitutional framework
- the legality of administrative action proposed to be taken on behalf of the Assembly
- provisions relating to the Assembly in Bills going before Parliament
- the delivery of the subordinate legislation programme



- the impact of UK and European legislation on the Assembly's work and on Wales

The management of litigation and other Court proceedings to which the Assembly is party

The leadership and management of the legal department

- Ensuring appropriate use of lawyers in core areas of legal work and the use of high quality external advisers for non-core legal work
- Giving professional leadership to all lawyers within the legal department
- implementing a review of legal resources

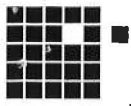
The Director of Legal will be directly accountable to the Permanent Secretary and will be the senior legal adviser on all legal issues relating to the exercise of functions by the Welsh Assembly Government.. He or she will also be a member of the Permanent Secretary's Executive Board, which is responsible for the Assembly Government's corporate management objectives.

### **The Person**

This is a senior appointment within the Senior Civil Service. Candidates must be a qualified barrister or solicitor of ability with at least 10 years post qualification experience. They must have the capacity to offer vision and originality of thought in order to utilise personal professional knowledge in helping the Assembly Government achieve its aims and objectives, especially through this period of change.

The Director of Legal Services must be able to command respect as a lawyer, both within the Welsh Assembly Government and amongst the legal community within Wales and beyond. Sound professional knowledge and experience of public law is essential. In addition the successful candidate should have:-

- The capacity to contribute strategically at Board level, providing clear balanced advice and guidance on a wide range of strategic, sensitive and complex issues.
- Proven management experience in ensuring the best performance and timely results from highly skilled lawyers; and the ability to lead lawyers as head of profession.
- The capacity to lead an expanding and developing department through a period of organisational change.
- The flexibility and resilience to deal with fluctuating and competing pressures.
- The ability to operate as a team player, including as a member of the Executive Board
- A sensitive understanding of Wales and the issues and matters important to the people of Wales and the principle that the Welsh language has equal validity for legal purposes.
- Excellent communication skills.



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**Terms and Conditions**

[To be completed]