



Rt Hon Karen Bradley MP
Secretary of State for Culture, Media and Sport
4th Floor
100 Parliament Street
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7 March 2017

Dear Karen

BBC UNITARY BOARD – NATION MEMBER FOR WALES

I write following our telephone conversation yesterday.

I am extremely disappointed to be in a situation where I find that I cannot agree your proposal for the above appointment. I am also very disappointed at the process which has led to this situation and disappointed that you have refused to even consider or to discuss any alternative appointment.

Since we last spoke our officials have confirmed that there is no formal, binding appointments process which prevents you from having a proper dialogue with me about this vital role. That did not happen yesterday and you have refused to even consider an alternative candidate. You will also be aware that I have not at any time indicated a favoured candidate but only my determination to appoint the best candidate.

I outlined in my letter to you yesterday that our officials are clear that there is nothing in the BBC Charter or the Code of Practice for Ministerial Appointments to Public Bodies that compels you to re-run the competition in the event of Welsh Ministers not agreeing with your initial choice. You are not precluded from further discussions with me and we are not prevented from agreeing a candidate from the same competition during those discussions – whether that is a different candidate or not. Your officials assured mine last week that they would update you on this.

Whether they did or not, you were absolutely clear again today that you are not interested in having such a discussion. To my dismay, you again fell back on the supposed process – now accepted as incorrect by your own officials – and insisted that I either agree with your initial choice of [REDACTED] or use my power of veto to force a re-run of the competition.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Since you are unwilling to enter into any discussion on which candidate would best represent the interests of Wales on the BBC Board then you give me no choice but to be clear that I do not agree to appoint [REDACTED] to this role. I repeat again that I would be happy to appoint either of the other two candidates. This is a situation entirely of your own choosing that could easily have been avoided.

There are other points which I need to make today, for absolute clarity.

During our discussions you stated several times that [REDACTED] was identified as appointable by the entire appointments panel. I am unclear why believe this to be the case but it is not correct.

The panel's report does not record whether a recommendation of appointability is unanimous or a majority view. Perhaps that is a lesson to be learned for future appointments. In the case of [REDACTED], my representative Paul Kindred stated clearly on the day that in his view [REDACTED] was not appointable. He did not waver from that position. The other panel members noted his concerns, but after further correspondence the following day (which I have seen) their majority view prevailed over his - albeit that your own Permanent Secretary noted that [REDACTED] "was just above the line but well below the other two". It is entirely unacceptable that I am being asked to agree an appointment that your own Permanent Secretary regards as inferior to the other alternatives available to us.

A copy of this letter should be held on file alongside the panel's report, so there is no further uncertainty or misrepresentation of the Welsh Government panel member's opinion.

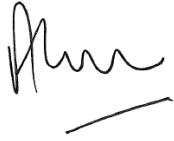
You also stated today that you have already seen the BBC's shortlist for the non-executive posts it is recruiting directly, in addition to panel reports for the Government appointed posts. As a result, although the BBC has not yet finalised its own appointments, you stated that you are aware of the likely, overall makeup of BBC Board and you perceive [REDACTED] to be the best fit in terms of adding to the skills and diversity mix of the Board. You were very clear that helping Sir David Clementi to balance his Board is far more important to you than whether a given individual can actually deliver against the primary purpose of this role, which is to effectively represent the needs and interests of the people of Wales.

This is perhaps the most disappointing aspect of the approach you have chosen to take. It is unfair on Wales and runs counter to spirit of the Charter itself.

The Welsh people are not to be taken for granted and I will not allow their needs to play second fiddle to the corporate needs of the BBC. If this process is indeed to be re-run then I would urge you to have that in mind, so we can avoid a repetition of this deeply unfortunate and wholly avoidable situation.

In terms of taking this process forward, for the future it is clear that we need to ensure that the process is one whereby it is viewed as being more of a joint venture. Representing the differing needs of the constituent nations of the UK need to be seen and treated as being the primary purpose of these roles. I hope that in the future the UK Government will work in a more open, collaborative and transparent way and also in the spirit of respect that the Prime Minister has been clear that she wishes to see as characterising the relationship between the administrations of the United Kingdom. It is clear to me that this respect has been missing in this process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alun', with a horizontal line underneath.

Alun Davies AC/AM

Gweinidog y Gymraeg a Dysgu Gydol Oes

Minister for Lifelong Learning and Welsh Language