

Agenda Supplement – Public Accounts and Public Administration Committee

Meeting Venue:

Committee Room 5, Tŷ Hywel

Meeting date: 12 June 2024

Meeting time: 09.15 – 12.00

For further information contact:

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Committee Clerk

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Hybrid – Supplementary Pack

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

2.6 Letter from the Director of Propriety and Ethics – Follow up to the session on the Cabinet Manual and Access Talks

(Pages 1 – 5)

Attached Documents:

PAPAC(06)–10–24–PTN6 Welsh Government – Briefing Session on 23 May

6.2 Letter from the Director of Propriety and Ethics – Cabinet Handbook

(Pages 6 – 78)

Attached Documents:

PAPAC(06)–10–24–PTN6 Official – Sensitive – Cabinet Handbook – June 2024
– in confidence version for PAPAC



Agenda Item 2.6



Llywodraeth Cymru
Welsh Government

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Cyfarwyddwr Priodoldeb a Moeseg
Director of Propriety and Ethics

Mark Isherwood MS
Chair
Public Accounts and Public Administration Committee
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10 June 2024

Dear Chair,

BRIEFING SESSION ON 23 MAY

I am writing following the technical briefing session which my colleagues and I were invited to attend on 23 May.

I agreed to come back to the Committee in writing on a number of issues which were raised with us during the briefing session. These issues were confirmed in the subsequent note from the Committee Clerk, and I use those headings and wording in this response.

Action 1

The Committee requested to see a copy of the Cabinet Handbook. We understand this request will need to go through the First Minister for approval and that sections relating to security may need to be redacted.

I am attaching a copy of the Cabinet Handbook, with some redactions to take account of security requirements. This document was prepared by the Welsh Government for internal purposes rather than publication and we would be grateful if the Committee would not make it further available at this stage.



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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

Action 2

If not covered in the Cabinet Handbook what are the established Welsh Government procedures relating to the unauthorised disclosures or leaks of information, and where are these set out?

The Welsh Government follows the UK Cabinet Office guidance for dealing with unauthorised disclosures of information. The UK Cabinet Office does not publish its guidance. The instigation of a leak investigation in the Welsh Government has to be authorised by the Permanent Secretary.

Action 3

Clarification on whether unauthorised disclosure or leaks is covered in the Cabinet Handbook (this may be answered by the Committee having sight of the Cabinet Handbook)

The process and procedures for handling the unauthorised disclosure or leaks of information is not covered in the Cabinet Handbook. The handbook does however cross refer to the standards expected from Ministers as set out in the [Ministerial Code](#) which does reference unauthorised disclosures.

Action 4

Clarification on what constitutes officially sensitive information (framed in the context of a party political What's App group discussing ministerial business). For example, does a group chat within a political group, not a Government group chat but a party group, constitute official information for the purposes of the policies and procedures of the Welsh Government or not?

The Welsh Government uses the UK Government Classifications Policy to handle information. The OFFICIAL-SENSITIVE marking is used to denote information that includes personal information, information for internal use or shared on a need to know basis: <https://www.gov.uk/government/publications/government-security-classifications/government-security-classifications-policy-html>. Group chat within a political group, not undertaken on Welsh Government devices, would not constitute official information.

Clarification on whether it would be legitimate, under some circumstances for public resources, the use of a civil servant in most cases, to investigate the sharing of information that was not in a Government context.

Civil servants would not become involved in an investigation relating to political matters unless the relevant evidence was stored on Government devices.

Action 5

Given the decision by the remuneration board in its determination that no Senedd resources, including the buildings themselves, can be used for party-political purposes, are political Cabinets discussing party-political issues held in the Senedd and how is this consistent with the ruling or the determination on the use of Senedd resources for party-political purposes?

Since the pandemic, Cabinet meetings, including Political Cabinets, have been held either virtually or in Cathays Park with the only exception being one occasion last year where the meeting took place in Tŷ Hywel.

The limited use of Welsh Government property for constituency or party purposes are provided for in section 4.2 of the Ministerial Code. However, the Welsh Government will seek further clarity from the Remuneration Committee on its ruling on the use of Senedd resources for party-political purposes.

Action 6

In relation to the alleged leaking relating to the recent case of the former Minister for Social Partnership, officials stated on the record they were unaware whether a formal leak inquiry had been commissioned by the Welsh Government. Officials were not prepared to provide a yes or no answer when asked if they were aware, now, of a formal inquiry. They stated that given the sensitivities of this case, they would rather provide an answer in writing. The Committee request that an answer be provided in writing as soon as possible.

I can confirm that no leak inquiry was commissioned or undertaken by the Welsh Government in relation to this case. Advice was sought by the First Minister and provided in relation to process on handling a breach of the Ministerial Code.

Action 7

Can Officials provide factual information to the Committee on whether Government resources (putting aside the question of whether a formal leak inquiry has been commissioned) have been used to conduct a forensic analysis of ministerial phones, personal phones, Senedd-supplied phones, server traffic and any other form of telecommunications equipment?

No such analysis has been conducted by the Welsh Government.

Action 8

Based on the example of costing free school meals around costing a policy, can officials clarify their guidance on providing factual evidence to sitting Governments, in the context of costing opposition policies.

Guidance to the civil service on costing the policies of Opposition parties is given in the UK Cabinet Office publication "[Directory of Civil Service Guidance](#)".

However, pre-election arrangements of the kind undertaken in Whitehall departments have not been initiated within the Welsh Government and there are no plans to do so in the future.

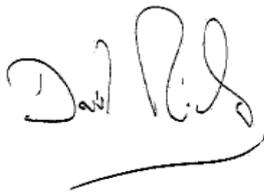
Action 9

The Committee requests sight of a copy of any report arising from the leaking investigation, under strict guidelines for distribution. We note that similar reports have been provided to the Committee, on the basis that they're factual reports and are not advice as covered by Civil Service exclusions. The Committee would accept sight of this report under any limitations the Welsh Government feels are appropriate.

As noted above, no such leak investigation was conducted by the Welsh Government. Advice was sought by the First Minister and provided in relation to process on handling a breach of the Ministerial Code.

I hope that this information is helpful to the Committee.

Yours sincerely,



David Richards OBE

Cyfarwyddwr Priodoldeb a Moeseg

Director of Propriety and Ethics

Llywodraeth Cymru/ Welsh Government



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Agenda Item 6.2

By virtue of paragraph(s) vii of Standing Order 17.42

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