

**Y Pwyllgor Cyfrifon Cyhoeddus a
Gweinyddiaeth Gyhoeddus**

**Public Accounts and Public
Administration Committee**

David Richards
Director of Governance and Ethics
Welsh Government

15 October 2024

Cabinet Manual and Ministerial Code

Dear Mr Richards,

Following our recent evidence session with the Permanent Secretary, we agreed to write to give you an opportunity to provide responses to the questions we planned to put to you directly had you been able to attend. These are noted at Annex A.

We would be grateful to receive a response by 29 October.

Regards,



Mark Isherwood MS

Chair of the Public Accounts and Public Administration Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.

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Annex A –

The Ministerial Code and complaints: how guidance is applied

- 1.** Were you acting as an independent adviser under the terms of the Code when you investigated whether the former Deputy Minister for Arts, Sport and Tourism had breached the Ministerial Code. If so, how were you appointed.
- 2.** On 23 May, you told the Committee you provided advice over the phone about a potential breach of the Ministerial Code by the then Economy Minister. You said the advice was written up on your behalf. Were you acting as an independent adviser under the Code and if so, how were you appointed.
- 3.** If not acting as an independent adviser, in what capacity did you provide advice about the former Economy Minister and who commissioned that advice.
- 4.** Why was your report about the former Deputy Minister for Arts, Sport and Tourism published but not your advice about the former Economy Minister: does this suggest inconsistencies in the approach since paragraph 1.7 of the Ministerial Code notes the findings of the independent adviser will be published.
- 5.** You confirmed no leak inquiry was commissioned or undertaken by the Welsh Government in relation to the recent case of the former Minister for Social Partnerships, but the former First Minister requested and received advice about the process for handling a breach of the Ministerial Code. Can you explain the interaction between the Ministerial Code and leak inquiries.
- 6.** Before 2021, the Ministerial Code gave no role to the Permanent Secretary and other officials for the investigation of breaches of the Ministerial Code. Versions of the Code between 2007 and 2016 specifically said "it is not the role of the Permanent Secretary or other officials to enforce [the Code] or to investigate Ministers". Can you explain what prompted this change, and why this was deemed appropriate.