

Eluned Morgan MS
First Minister of Wales
Welsh Government

04 December 2024

Publication of the Welsh Government Cabinet Handbook

Dear Eluned,

Following the Public Accounts and Public Administration Committee's recent work on Cabinet Manuals, I am writing to you with some of the Committee's thoughts on the Welsh Government Cabinet Handbook ('the Handbook').

Transparency

As part of its public administration remit, the Committee's recent work around Cabinet Manuals highlighted the need for enhanced transparency to improve public trust and understanding around the mechanisms of government. Given the unpublished nature of the Handbook, in contrast to the UK Government's Cabinet Manual which is publicly available, the Committee felt that Wales needed to emulate the UK Government's approach by publishing its Cabinet Manual.

This would provide further assurance and clarity to the public about the standards of conduct at the Ministerial level and the decision-making mechanisms of government. We were pleased with the commitment the Permanent Secretary gave during his session with us on 2 October, to update and publish the Handbook by the end of this year. The Committee welcomes this assurance from the Permanent Secretary and encourages the Welsh Government to publish the new Handbook at the earliest opportunity.

Updates to the Handbook

We also welcomed his evidence that the Handbook will likely be an iterative document and that it will need to adapt to changes happening in Government, as well as in society as a whole. This reflects commentary about the lack of updates to the UK Government Cabinet Manual, which has not been updated since its initial publication in 2011. The Handbook will need to be updated and reviewed regularly so that it does not become outdated.



We invite the Welsh Government to set out the mechanism of how it proposes to do this and how it can update the Welsh Public, and the Senedd, about any updates and the reasons for them. It should also include a commitment to a set period of review, to ensure the document remains fresh and relevant.

Content

The Committee were pleased to receive a copy of the current Cabinet Handbook, in confidence, in June 2024. At our evidence session on 2 October 2024, the Permanent Secretary said that the Welsh Government would be open with the Committee about areas or topics it has chosen to include or exclude and to test a version of the new published Handbook with the Committee before it's published.

Whilst we appreciate the Permanent Secretary's offer, and welcome his proactive commitment to engaging with us on this topic, we feel it may inhibit scrutiny or consideration of its contents in the future should we have a role in devising its content, however small that role may be.

Given that the previous version of the Handbook was shared with us in confidence, the Committee hasn't been able to discuss its content in detail in a public session, focusing more on the Committee's concerns about the unpublished nature of the document and the lack of transparency as a result. Accordingly, we are unable to set out our views publicly on its content.

Therefore, we encourage the Welsh Government to ensure that the Handbook includes areas we have discussed in public with the Permanent Secretary, such as unauthorised disclosures and guidance on technology. We will then have the opportunity to consider the document in public and set out our views more clearly than we have been able to date. We will discuss those aforementioned areas in further detail below.

Unauthorised disclosure

In a letter to the Committee on 10 June 2024, the Director of Propriety and Ethics explained that the Welsh Government follows UK Government Cabinet Office guidance on unauthorised disclosures, which is not published at a UK level. The Permanent Secretary told the Committee that it would be possible to improve understanding of how these are handled in general terms, without breaching the confidentiality of the process in a version of the Cabinet Handbook, with a section giving an overview of the arrangements and how they would work in practice.

The Committee welcomes this commitment and notes that it aligns with comments received from Professor Pedr ap Llwyd, a respondent to our consultation on this topic, who said that "even if the guidance itself remains unpublished, the government could do more to reassure the public that robust mechanisms are in place to handle unauthorised disclosures fairly and thoroughly". He went on to say that this could be achieved through "periodic reporting or summaries of how such cases are resolved, as long as individual confidentiality is maintained".

We endorse Professor ap Llwyd's comments and would welcome your reflection on them, as you devise the content of the Handbook in this area.

Guidance on technology

The Permanent Secretary told the Committee that the COVID inquiry had revealed a range of differences in how different administrations apply procedures concerning the use of technology. He noted that the Welsh Government was awaiting advice and recommendations from the inquiry to see whether they needed to update processes around the use of technology. This fits with a concern raised by the Committee about the conduct of government business through informal channels, such as What's App and other platforms.

The Permanent Secretary has indicated a willingness to review Welsh Government policies in this area, and to also develop the content in the Handbook on technology to go "even further" than the previous Handbook. We welcome this undertaking and encourage the Welsh Government to commit to meeting the recommendations or conclusions on good practice that emanate from the COVID inquiry when they are made.

Open Government

We note that the Welsh Government has committed to the UK Open Government National Action Plan as part of its general commitment to being an open and collaborative government. We welcome this and believe that a robust and transparent Cabinet Handbook, reviewed regularly and available to the public, is a positive step towards this pledge.

Consultation

Finally, we feel it may be beneficial for the Welsh Government to reflect on the comments Transparency International UK made about the Cabinet Manual and the importance of government accountability, in response to our consultation in this area. It said:

In order for the public to adequately understand the application of rules and how Ministers are held to account, it is necessary for them to be able to view the guidance that relates to those accountability mechanisms.

Being clear on how something happens, for instance, how a decision made using a messaging app is transferred to the official record, is important to engender public trust in the system. Trust has to be demonstrated not simply stated.

We endorse these comments and hope they form the basis of the new Welsh Government Cabinet Handbook.

We would welcome a response to this letter by 24 January 2025.

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.

