



Ein cyf/Our ref: PO/FM/0001/26

Mark Isherwood MS
Chair
Public Accounts and Public Administration Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

5 January 2026

Dear Mark,

Thank you for your letter of 3 December drawing my attention to the correspondence you received from the FDA in relation to my revision of the Ministerial Code. The FDA felt that there was a question for the Welsh Government to answer as to why the new role for an Independent Advisor did not include the ability to conduct investigations on their own initiative, as is the case with the arrangements in place with the UK Government and the Scottish Government.

I touched on this matter in the letter which I sent to you on 12 September at the time that my revised Code was first published, where I said that throughout my review I had in mind the position in other administrations, and that many of the changes which I have made do parallel those in other administrations. But I also said that I had decided not to take on board some aspects of the other codes, or at least not go as far as they have done.

When I reached the conclusion that it was time for us to have in Wales an Independent Advisor on Ministerial Standards, I did consider carefully whether it would be appropriate to give them powers to conduct investigations on their own initiative but – as the FDA have pointed out – decided not to do so.

While it has certainly been the case that questions about ministerial compliance with the Code have arisen from time to time over the years, we have not, in my view, seen cases of a similar nature or severity which have been the case in other governments. Those cases and how they were managed have likely contributed to the decision to introduce own initiative investigations there.

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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.

It also seemed to me that introducing this arrangement would make a fundamental change to the relationship between the First Minister and their Independent Advisor. I am sure that having a source of detached and external advice on Code issues will be of considerable benefit going forward. But it is important, I believe, that the relationship is one of providing advice, rather than taking on responsibility for overseeing compliance. That is the responsibility of the First Minister who is then, in turn, accountable to the Senedd. Introducing own initiative investigations has the potential to change the relationship from impartial advisor to regulator.

There are ample and regular opportunities for the Senedd to scrutinise the way in which the First Minister is applying the provisions of the Ministerial Code to their Cabinet and to themselves. If the Senedd felt that an investigation under the Code was needed, and that the First Minister was reluctant to commission one, then I am sure that the Senedd would not hesitate to hold the First Minister to account for their decision, as they have done so in the past.

It may be the case, I recognise, that as the role of the Independent Advisor beds in and becomes more developed in Wales that this issue might be revisited in the future. But at this stage of development, I do not think that what the FDA are urging me to do is appropriate. I hope that this explanation of my reasons for reaching this conclusion are helpful to yourself and to your Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Eluned Morgan', written in a cursive style.

Eluned Morgan