

Dr Andrew Goodall
Ysgrifennydd Parhaol
Permanent Secretary



Llywodraeth Cymru
Welsh Government

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

26 June 2024

Dear Mr Isherwood

RESPONSIBILITIES OF THE CIVIL SERVICE IN RELATION TO THE MINISTERIAL CODE

I am aware that the Committee are considering inviting myself and the Director of Propriety and Ethics to appear before the Committee in the next few weeks for a further session on the UK Cabinet Manual and access talks. Since issues around the Ministerial Code formed a part of the matters considered at the first briefing session, I thought that it might be of some assistance to the Committee if I were to write at this stage to set out the nature of the Ministerial Code and the responsibilities of the civil service in relation to it.

The Ministerial Code is a ministerial document rather than a civil service one and it is a fundamental principle that it is the First Minister, rather than the civil service, who has overall responsibility for matters in relation to the Code. Whilst the Ministerial Code confers some specific responsibilities on the Permanent Secretary or civil service, which I set out below, it is not the role of the Permanent Secretary or other officials to enforce the Code.

The main specific responsibilities given to the Permanent Secretary or civil service under the code are:



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- that ministers can expect the civil servants who advise them to be aware of the Code and to use their best endeavours to draw to the attention of ministers any potential conflicts which they have identified;
- The First Minister may ask the Permanent Secretary to consider a complaint under the Code.
- The Code provides that concerns raised by staff about the conduct of ministers should be investigated by the Permanent Secretary, in consultation with the First Minister.
- Ministers can expect the civil servants with whom they work to treat them with the respect and courtesy due to their office and to seek to provide a professional service at all times.
- On appointment to each new office, ministers are required under the Code to provide the Permanent Secretary with a full list in writing of all interests which could give rise to a conflict, and to notify the Permanent Secretary of any subsequent changes. The Permanent Secretary has a duty to write to ministers on an annual basis asking them to check that their record of interests is up to date. A statement covering the relevant interests of ministers is published annually.
- Former ministers who wish to publish their memoirs are required to submit the manuscripts to the Permanent Secretary in good time and to ensure that their manuscripts conform to the principles set out under what are known as the Radcliffe Rules.

I know that the Committee were particularly interested in its last session on the role which the civil service plays when there are complaints or concerns that the Ministerial Code has not been complied with. Ministers are appointed and removed under Section 48 of the Government of Wales Act 2006 and can only remain in office for so long as they retain the confidence of the First Minister. As the Code notes, the First Minister is the ultimate judge of the standards of behaviour expected of a minister and the appropriate consequences of a breach of those standards. Paragraph 1.7 of the Code is clear that it is for the First Minister to decide how complaints or concerns are to be investigated and while he may turn to the Permanent Secretary for advice, or ask the Permanent Secretary to investigate, he is not obliged to do either.

I will of course provide further information, in writing or in person, on the process in relation to the Code if that would be helpful. However, I hope the Committee will understand that I would not feel able to respond to any questions, including factual ones, in relation to matters which do not fall within the responsibility of either myself personally or the civil service more generally, nor to comment on individual cases.



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I hope that this information is helpful to the Committee in understanding the role and interaction of the civil service in relation to the Ministerial Code.

Yours,

Andrew Goodall

Dr Andrew Goodall

Ysgrifennydd Parhaol/ Permanent Secretary
Llywodraeth Cymru/ Welsh Government



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