



Our ref: FM-PO-441-2025

Mark Isherwood MS
Chair of Public Accounts and Public Administration Committee
Senedd Cymru

By email: SeneddPAPA@senedd.wales

12 September 2025

Dear Mark,

We corresponded late last year about possible changes to the Ministerial Code. As I said in my earlier letter, I was very grateful to the Committee for the consultation which it undertook and for the thoughtful suggestions which it then put forward to me for possible changes to the Code. I have considered all of those suggestions very carefully.

I am today publishing a revised version of the Welsh Government Ministerial Code, which confirms my intention to appoint an Independent Adviser on Ministerial Standards.

Alongside this, I wanted to write to the Committee to explain how I have taken account of the recommendations from the Committee (which I quote below). Where I have not felt able to take on board fully a recommendation, I have set out the reason.

“The Ministerial Code should be reviewed at the earliest opportunity, with the review to reflect on the changes introduced or planned by the administrations in the rest of the United Kingdom and beyond”

I have indeed reviewed the Code, as urged by the Committee. Throughout my review I had in mind the changes made or planned by the other administrations and the Committee will note that many areas in my new Code parallel those made elsewhere. There have also been occasions where I have decided that I would not take on board some changes introduced by the other administrations or, at least, not gone as far as they have done. I think that we have to recognise that some of the changes introduced in other parts of the UK reflect the particular circumstances and history which have occurred there, but which have not been duplicated in Wales.

Putting the Nolan Principles into the body of the Code was a very helpful and important endorsement of the Committee of the responses about this which you received to your consultation. The Nolan Principles are foundational to everything else which is in the Code

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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.

and I have moved them from an annex, where they were in the previous Code, and into the first section of my revised Code.

I reflected long and carefully on the suggestion from the Committee about putting the Ministerial Code onto a statutory basis. I recognise the benefit which would accrue of giving the Code greater permanence and stability. But I also note that neither the UK Government nor the Scottish Government have decided to go down that route and am conscious of the potential unintended consequences of a shift towards complaints being pursued through a legal route, by means of judicial review, rather than as administrative matters. I think that this would be a retrograde step for Wales. I also have had in mind that the pressures upon both the Government and Senedd legislative time make it impractical for legislation in respect of the Code to be concluded in the near future.

“The advice of the Independent Adviser should be published when it is deemed necessary by the Adviser”.

I agree with this suggestion and I have incorporated this in the new version of the Code. This new version also strengthens the role of the Independent Adviser and puts a specific responsibility upon the First Minister to appoint an Independent Adviser and sets out the role which they will undertake. In the revised Code it sets out in detail how I expect an investigation by the Independent Adviser to be conducted. I have made clear that, when it is received, their report should be published in full subject to any necessary redactions for data protection or other legal grounds.

The Committee will see that the Code expects the First Minister to turn to the Permanent Secretary or the Propriety and Ethics team for initial advice in respect of complaints alleging that the Code has been breached. In practice many complaints received in relation to the Code represent a misunderstanding of the purpose and function of the Code and can be responded to without the need for a formal investigation.

Where I do decide that an investigation is warranted, the Committee will see that I have retained the option of asking the civil service to conduct that investigation. But I have made clear in the Code that that investigation would be conducted without any involvement from myself, my ministerial colleagues or special advisors; that it would be conducted in accordance with the Civil Service Code values of objectivity and impartiality; and that I would publish the resultant report in full, subject to any necessary redactions.

I have considered carefully whether it would be appropriate for me to give the Independent Adviser the power to initiate investigations on their own initiative, and I have decided against that. The purpose of the adviser is to advise me as First Minister, not to be an independent regulator of adherence to the Ministerial Code. My Ministerial team are answerable to me for that, and I am answerable to the Senedd for their and my own compliance. That is as it should be.

“The Independent Adviser should have guaranteed access to any evidence they require”

I agree with this, and I have made specific reference to it in the revised Code.

“The Ministerial Code should include information about sanctions, as per the UK Government’s Ministerial Code, with the ability for the Independent Adviser to provide advice on sanctions, as per the UK Government’s latest reforms”

I agree with the first part of this recommendation and I have included information about sanctions in the revised Code. But I think that it is the role of the First Minister, not the

Independent Adviser, to decide on the appropriate sanctions where there has been a breach of the Code, and for the First Minister to be accountable to the Senedd for their decision. I have not, therefore, implemented the second part of this recommendation, though I would not rule out asking the Independent Adviser for a view when I think it appropriate.

“The updated Ministerial Code should explicitly make provisions relating to a Minister’s use of social media, their use of personal devices and non-official communications channels”

I have taken this recommendation on board.

“...the First Minister should consult with the proposed new Independent Adviser when making amendments to the Code”

I have reflected this recommendation in the revised Code as well.

Finally, let me thank the Committee once more for the work which went into conducting the consultation exercise and then distilling the results of that exercise, together with the further thoughts of the Committee, into the valuable set of suggestions which you sent to me. As you can see from this letter, I have drawn on those suggestions extensively.

I also want to take this opportunity to re-affirm my own commitment to myself and my Government conducting ourselves in accordance with the highest standards expected from those in public life. I recognise that Public Accounts and Public Administration Committee has a very wide remit to encourage the proper conduct of public business and adherence to standards across the public service. It behoves those of us who operate in the political field, and very much in the public eye, to ensure that we set an appropriate example.

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

Eluned Morgan



Llywodraeth Cymru
Welsh Government

MINISTERIAL CODE

WELSH GOVERNMENT
June 2025

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MINISTERIAL FOREWORD

The people of Wales, quite rightly, expect the government which they elect to not only deliver on its promises but also to do so in a way which lives up to the highest standards of public life. This is a constant standard which is not linked to particular parties or affiliations.

Becoming First Minister of Wales is a great honour and privilege. I am committed to ensuring that my government operates with integrity, transparency, and accountability. We are committed to listening to our citizens, addressing their priorities, and maintaining high standards of public service. This Ministerial Code is our promise to uphold the conduct and behaviours that ensure we serve the people of Wales above all else.

This Ministerial Code sets out the principles that underpin our work and that I expect of my Ministers. It is not merely a set of rules but a declaration of our shared commitment to good governance. By adhering to these standards, we strengthen the trust between government and the people of Wales, ensuring that our democracy remains robust and responsive.

In this latest version of the Ministerial Code, I have introduced significant changes to enhance our commitment to good governance. An Independent Adviser on Ministerial Standards is being appointed to help provide additional impartial advice and guidance to ensure the highest standards are maintained. Other changes have been made to increase transparency.

I have also made some changes to give greater clarity in several areas, ensuring that Ministers understand their responsibilities and that our actions and decisions are taken in line with standards that are clear to the people we serve.

I pledge myself and my government to uphold these standards in everything we do.

Eluned Morgan
First Minister of Wales

PART 1 – MINISTERIAL CODE OF ETHICS

1. Ministers

Ministerial Conduct

1.1 Ministers of the Welsh Government are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety.

1.2 This includes adhering to the Seven Principles of Public Life (also known as the 'Nolan Principles'), which are set out by the Committee on Standards in Public Life and apply to all public office holders:

- a) **Selflessness:** Holders of public office should act solely in terms of the public interest.
- b) **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- c) **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d) **Accountability:** Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.
- e) **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
- f) **Honesty:** Holders of public office should be truthful.
- g) **Leadership:** Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs

1.3 Serving the country and the public in Ministerial office is a privilege. Ministers should be professional in all their dealings and treat all those with whom they come into contact with consideration and respect. Working relationships with civil servants, other Ministers, Senedd colleagues and staff should be proper

and appropriate. Harassing, bullying or other inappropriate or discriminating behaviour, wherever it takes place and irrespective of whether or not it occurs in the course of Ministerial business, is not consistent with the Ministerial Code and will not be tolerated.

1.4 This Ministerial Code applies to the First Minister and all Ministers. It also applies to the Counsel General. Unless otherwise stated, the term “Minister” in this Code encompasses all of these.

1.5 The Ministerial Code should be read against the background of the overarching duty on Ministers to comply with the law, including international law and treaty obligations, and to protect the integrity of public life. In particular, they are expected to observe the following principles of Ministerial Conduct:

Accountability

- i) Ministers have a duty to the Senedd to account, and be held to account, for the policies, decisions and actions of their departments and agencies;
- ii) It is of paramount importance that Ministers give accurate and truthful information to the Senedd, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the Senedd will be expected to offer their resignation to the First Minister;
- iii) Ministers should be as open as possible with the Senedd and the public, refusing to provide information only when disclosure would not be in the public interest which should be decided in accordance with the relevant statutes and the Freedom of Information Act 2000;
- iv) Ministers should similarly require civil servants who give evidence before Committees of the Senedd on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the Welsh Government Civil Service Code;

Collegiality

- v) The principle of collective responsibility applies to all Government Ministers. It applies in all circumstances other than those described in paragraph 4.8.

Personal Responsibility

- vi) Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;

- vii) Ministers should not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation;
- viii) Ministers must keep separate their roles as Minister and Member of the Senedd;
- ix) Ministers must not use the Welsh Government's resources for party-political purposes. They must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the Welsh Government Civil Service Code.

1.6 This Ministerial Code provides guidance to Ministers on how they should act and arrange their affairs in order to uphold these standards. It lists the principles which may apply in particular situations. Ministers must also adhere at all times to the requirements that the Senedd has itself laid down, and in particular the [Code of Conduct on the Standards of Conduct for Members of the Senedd](#).

1.7 Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Ministerial Code and for justifying their actions and conduct in the Senedd and to the public. 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. Although the First Minister will not expect to comment on every matter which could conceivably be brought to his or her attention, Ministers can only remain in office for so long as they retain the confidence of the First Minister. The outcome of any substantiated breach of the Code will depend on the nature of the breach. Where the First Minister retains confidence in the minister, available sanctions may include, but are not limited to, requiring some form of public apology or remedial action.

1.8 It is not the role of the Permanent Secretary or other officials to enforce the Code. However, Ministers can expect the civil servants who advise them to be aware of this Code and to use their best endeavours to draw to the attention of Ministers any potential conflicts which they have identified. Ministers remain personally responsible for adhering to the Code and the decisions they take.

Role of the Independent Adviser

1.9 The First Minister will appoint an Independent Adviser on Ministerial Standards to assist them in relation to the Ministerial Code. The First Minister may ask the Independent Adviser to investigate a complaint that the Code has been breached. The Independent Adviser may also be consulted by the First Minister on matters in relation to declarations of interest by

ministers and will also be consulted by the First Minister when significant changes to the Ministerial Code are being considered.

- 1.10 The First Minister will decide how complaints under the Code will be investigated, including whether the Independent Adviser will be asked to investigate. The First Minister will consult the Permanent Secretary, or the Welsh Government Propriety and Ethics team on behalf of the Permanent Secretary, for initial advice. Taking into account that advice, the First Minister may decide that the complaint can receive an immediate response. If the First Minister decides that an investigation into the complaint would be appropriate then they may ask the Permanent Secretary, or the Propriety and Ethics team on behalf of the Permanent Secretary, to conduct that investigation and to report back to them. The First Minister will set the terms of reference for the investigation but thereafter neither the First Minister, nor other members of the Government or Special Advisers, will have any involvement in the process, which will be carried out in accordance with the Civil Service Code values of objectivity and impartiality. The report of the investigation will include a summary of the key facts of the circumstances as discovered by the investigation and may include an assessment of whether in the view of the investigators there are grounds for concluding that the Ministerial Code has been breached.
- 1.11 The First Minister may, at their discretion, ask the Independent Adviser to investigate the complaint. In this case, the investigation would be carried out independently of the Welsh Government apart from what would be necessary to provide administrative support and facilitate meetings. The report of the Independent Adviser will include a summary of the key facts of the circumstances as discovered by the adviser and may include an assessment of whether in the view of the adviser there are grounds for concluding that the Ministerial Code has been breached. The Independent Adviser will be provided with all information necessary for them to conduct their investigation.
- 1.12 In either case, the First Minister will subsequently publish the terms of reference for the investigation and the report which they received, unamended subject to any necessary redactions to protect personal data or other legal obligations.
- 1.13 The First Minister will exercise judgement over any necessary action resulting from the investigation report which they receive. The First Minister is the ultimate judge of whether there has been a breach of the Ministerial Code and, if so, what sanctions would be appropriate to the circumstances.
- 1.14 These arrangements also apply to the First Minister, who is accountable to the Senedd.

Ministers and their Wellbeing

- 1.15 The statutory powers of a First Minister to appoint and remove Ministers from office are derived from section 48 of the Government of Wales Act 2006. These powers are wide and unfettered.
- 1.16 The First Minister recognises that at times the personal pressures upon Ministers can be considerable. Most of the time these pressures, which are not unique to Ministerial responsibilities, will be accommodated by Ministers as part of the resilience required to undertake the role. But the First Minister will have regard to the wellbeing of Ministers and will ensure that there are adequate arrangements in place to provide Ministers with support where necessary if they wish to avail themselves of it; and that these arrangements are drawn to the attention of Ministers on a regular basis.
- 1.17 In particular, the First Minister will ensure that the wellbeing of the Minister or Ministers involved is fully taken into account as part of planning and preparation for reshuffles or other circumstances in which Ministers may depart from Government. This will include ensuring that the Ministers at the time are aware of the support services which are available to them to access. This will be the case particularly where departure is taking place in circumstances which may attract significant media interest. The First Minister will endeavour to ensure that outgoing Ministers are provided with appropriate channels of support.
- 1.18 The First Minister will ensure that information surrounding any reshuffle is kept to as tight a cohort of individuals as the First Minister thinks possible.

2. Ministers and their Responsibilities

Ministerial Responsibilities and Titles

- 2.1 The First Minister is responsible for the overall structure and organisation of the Cabinet. With the approval of The King, they appoint Ministers, and also recommend to His Majesty the appointment of the Counsel General.
- 2.2 The allocation of portfolios between Ministers is the responsibility of the First Minister. The First Minister's approval must be sought where any changes are proposed that affect this allocation and the responsibilities for the discharge of Ministerial functions.
- 2.3 Ministers should take special care in discussing issues which are the responsibility of other Ministers, consulting Ministerial colleagues as appropriate.
- 2.4 All Ministerial titles, and any proposed changes to them, must also be approved by the First Minister.
- 2.5 All Ministers are accountable to the First Minister and a minister can only remain in post for so long as they retain the confidence of the First Minister.

Ministers' Availability

- 2.6 The First Minister's office should be kept informed of Ministers' engagements, and also of their weekend and holiday arrangements, so that, if a sudden emergency arises, it can inform the First Minister which Ministers are immediately available. As set out at paragraph 9.3 any Minister who wishes to be absent from the UK for any reason must seek the First Minister's approval.
- 2.7 When a Minister is absent for a considerable period for any reason it may be desirable that arrangements should be made for another member of the Cabinet to be available to cover for them and to represent their interests in discussions in Cabinet or in any other collective Ministerial meeting. The First Minister's prior approval should be sought for the arrangements for cover for an absent Minister.
- 2.8 If a Minister for whatever reason wishes another Minister to undertake an official engagement or take a decision on a particular issue, the matter should be referred to the First Minister for approval. This does not, however, apply to

Ministers' relationships with Deputy Ministers who have been appointed to assist them.

Special Advisers

2.9 The employment of Special Advisers adds a political dimension to the advice available to Ministers and provides Ministers with the direct advice of distinguished experts in their professional field. It also reinforces the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support. All appointments are made by the First Minister. If the First Minister leaves office the Advisers appointed by the First Minister also leave. As all appointments are made by the First Minister no commitments to make such appointments can be entered into without the prior approval of the First Minister. All such appointments will be made, and all Special Advisers will operate, under the terms and conditions of the Model Contract for Special Advisers and the Code of Conduct for Special Advisers.

2.10 The First Minister is responsible for deciding on the distribution of Special Adviser posts within the Welsh Government, whether in support of individual Ministers or as collective resource. Day-to-day management of SpAds will be undertaken by the Chief SpAd, but ultimate responsibility for the conduct of Special Advisers, including discipline, rests with the First Minister. The First Minister will be accountable to the Senedd and the public for his or her actions and decisions in respect of the Special Advisers.

2.11 The Welsh Government will publish an annual statement to the Senedd setting out the numbers, names, and paybands of Special Advisers and their overall paybill.

Unpaid Advisers

2.12 With the agreement of the First Minister, Ministers may appoint unpaid advisers. The appointment of an unpaid adviser is a personal appointment by the Minister concerned. There is no contractual relationship between such an adviser and the Welsh Ministers and, except as permitted below, the appointment carries no entitlement to payment from public funds. Such appointments are exceptional, and the prior written approval of the First Minister must be sought before any commitment is entered into. In making appointments Ministers must ensure that there is no conflict of interest between the matters on which the unpaid adviser will be advising and his or her private concerns. A letter of appointment must be issued making this clear. The letter should indicate the subjects with which an unpaid adviser may (or may not) deal and explain to which papers they will have access.

2.13 Where an adviser is acting on similar terms to a Special Adviser but on an unpaid basis then they should conduct themselves as if they were a Special Adviser. As with Special Advisers, unpaid advisers, although not civil servants,

are required to uphold the political impartiality of the Civil Service. The normal rules of confidentiality apply in relation to the protection by the adviser of any official information to which he or she has access by virtue of the appointment. Unpaid advisers are also subject to the Official Secrets Act and Business Appointment Rules for Crown Servants. Aside from the provision of a furnished office and use of a telephone, access to typing facilities, a personal computer and internal departmental messenger system and the reimbursement of travel costs incurred in carrying out their duties, an unpaid adviser should constitute no cost to the public purse.

Specialist Policy Advisers

2.14 The First Minister may also engage Specialist Policy Advisers to support the Government in developing policy. They are employed as short term civil servants and are situated within the relevant policy department.

Appointments by Ministers

2.15 Civil service appointments must be made in accordance with the Civil Service Commission's *Recruitment Principles* and the Civil Service Code.

2.16 Public appointments should be made in accordance with the requirements of the law and, where appropriate, the Governance Code on Public Appointments under which the Commissioner for Public Appointments carries out his regulatory role. Public appointments should also follow Welsh Government procedures and reflect and champion the principles of the Welsh Government's Diversity and Inclusion Strategy for Public Appointments. Ministers have a duty to ensure that influence over civil service and public appointments is not abused for partisan purposes.

3. Ministers and Civil Servants

Ministers and the Civil Service

3.1 Ministers have:

- a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching policy decisions;
- a duty to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Welsh Government Civil Service Code and the requirements of the *Constitutional Reform and Governance Act 2010*.

3.2 Ministers should be professional in their working relationships with the Civil Service and treat all those with whom they come into contact with consideration and respect. Concerns raised by staff about the conduct of Ministers towards them will be investigated by the Permanent Secretary, in consultation with the First Minister. Similarly, 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. If Ministers have concerns about the conduct of any member of staff then they should raise them with the Permanent Secretary in the first instance.

3.3 It is the responsibility of the civil service to provide Ministers with impartial, objective and honest advice which includes, to the best of their ability, all relevant information and analysis. Ministers should not seek to direct staff on the advice which they receive, but neither, of course, are they obliged to accept and follow that advice. Ministers can expect the civil service to be mindful of the volume of issues coming to Ministers for consideration and the civil service should seek to provide information and present issues in a form which is as short, clear and as easily assimilable as possible.

3.4 Ministers are responsible for issuing instructions to the Private Office staff supporting them in their role as Ministers. These staff must not be used to support Ministers in their party political or constituency capacity.

Civil servants and party political engagements

3.5 If a Minister wishes to have a factual brief for a party political or other non-Ministerial event to explain Welsh Government policies or actions, this can be provided on the same basis as information may be provided to any other Member of the Senedd, but it is not appropriate for a Minister to request civil servants to prepare a draft speech for such an event (although they may properly ask Special Advisers to do so). Factual briefs would normally be provided in written form. Ministers may also request civil servants to provide technical briefings to Members of the Senedd or the UK Parliament. Such

briefings may be provided orally and allow for questions to be asked but must be factual in nature and should be available to Members of all parties in order to maintain the impartiality of the civil service.

- 3.6 Ministers should not ask civil servants to attend, still less take part in, Party Conferences or meetings of a party political nature. Nor should civil servants in their official capacity accept invitations to conferences convened by, or under the aegis of, party political organisations except when their presence is required for carrying through essential Welsh Government business unconnected with the conference. (This does not include, for example, conferences of the Trades Union Congress or the Confederation of British Industry). An exception to this rule is made for Special Advisers who, under the terms of their contracts, may attend party functions, including the annual Party Conference (but they may not speak publicly at the Conference) and maintain contact with party members.

Contacts with external organisations

- 3.7 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. The basic facts of formal meetings between Ministers and outside interest groups should be recorded, setting out the reasons for the meeting, and the names of those attending and the interests represented. A private secretary or official should be present for all discussions relating to government business and a list of meetings carried out by all Ministers is published three months in arrears. If a minister meets an external organisation or individual and finds themselves discussing official business without an official present (for example, at a social occasion or on holiday) any significant content should be passed back to Private Office as soon as possible after the event.

- 3.8 Ministers should not meet formally with professional public affairs organisations (lobbyists) seeking to influence the views or decisions of Government. Where informal, social or incidental contact with lobbyists arises in the course of normal business, this should be recorded with Private Office.

Acceptance and signing of Petitions

- 3.9 Ministers may, from time to time, be asked to accept petitions. Acceptance and consideration of petitions is part of the normal business of government. However, the manner in which acceptance takes place (eg in the presence of the Press) could, in certain circumstances, potentially give rise to accusations of bias. An example would be if the Minister needs to take a decision on a matter connected to the subject of the petition. Consequently, petitions will in all cases be accepted by a senior civil servant on behalf of the Welsh Government.

3.10 Ministers may sometimes be asked to sign petitions. Under no circumstances will Welsh Ministers sign petitions which are to be submitted to the Welsh Government.

The role of the Accounting Officer

3.11 The Permanent Secretary is the Principal Accounting Officer for the Welsh Ministers. Section 133 of the Government of Wales Act 2006 provides that the Principal Accounting Officer for the Welsh Ministers may designate other members of Welsh Government staff as additional Accounting Officers to be responsible for a defined area of the Welsh Government's activities. Where such appointments are made, Ministers should have proper regard for their responsibilities.

3.12 A Principal Accounting Officer (PAO) and any Additional Accounting Officers (AAOs) are responsible for ensuring that all advice to Ministers includes appropriate guidance on the proper use of public funds. The Accounting Officer should bring to the attention of Ministers any perceived conflict between the Minister's intentions and the duties of the Accounting Officer. An Accounting Officer cannot simply accept the Minister's aims or policy without examination.

3.13 An Accounting Officer is personally responsible for their actions and must be able to assure the Senedd and the public, of high standards of probity in the management of public funds. This means consideration of:

- Regularity – ensuring that expenditure is within legal powers and complies with parliamentary authority, including budget limits;
- Propriety – ensuring that expenditure is in accordance with the values and behaviour expected of the public sector;
- Value for money – ensuring economy, efficiency and effectiveness in public expenditure decisions; and
- Feasibility – ensuring that spending proposals can be implemented accurately, sustainably or to the intended timetable.

3.14 In line with the principles set out in Managing Welsh Public Money, if a Minister or Counsel General is contemplating a course of action which the Accounting Officer has advised against as being incompatible with their responsibilities, they should initially seek to resolve the position through further dialogue. If the position cannot be resolved then the issue should be escalated to the PAO who may wish to discuss the matter directly with the First Minister. Only after these steps have been taken should the PAO seek a written Direction from the First Minister to proceed as instructed, as set out in the PAO Memorandum. However, it is important to recognise that all possible steps must be taken beforehand to resolve the position with the Minister.

4. Ministers' Constituency* and Party Interests

Constituency and Party Interests

4.1 Ministers are provided with facilities at the Welsh Government's expense to enable them to carry out their official duties. These facilities should not generally be used for Party or constituency activities. Ministers should have their constituency work done at their own expense, as they would if they were Members of the Senedd who do not hold Ministerial office. Ministers are entitled to a Senedd salary and to be reimbursed for expenditure necessarily incurred in order to enable performance of the Members' duties as a Member of the Senedd.

4.2 Government property should not generally be used for constituency work or party political activities. However, the reality of Ministers' working lives means that there will inevitably be some overlap between their official Ministerial business and their constituency or party work. There will be occasions when Ministers may wish to use their rooms for meetings which impinge on such work and which, to enable the smooth functioning of their Ministerial lives, it would be appropriate for them to undertake. Examples of circumstances in which it would be appropriate include:

- a) Meetings between Ministers and their Senedd support staff for specific, clearly defined reasons involving the interaction between Ministerial and constituency business, such as diary planning discussions.
- b) Meetings between the Minister and his or her constituents who are making representations on a subject within the Minister's portfolio.
- c) Meetings with Members of the Senedd from within their own party to discuss the handling of Senedd business.

4.3 Where Ministers, in exceptional circumstances, host party political events on Welsh Government property it should be at their own or party expense.

4.4 Constituents should not be disadvantaged by their Member of the Senedd holding a Ministerial post and Ministers are not precluded from taking decisions relating to their constituency where the impact is equivalent to impacts elsewhere, for example in consideration of an all-Wales programme of action.

4.5 However, Ministers should equally not act in any way which might be perceived as inappropriately favouring their constituency or region, or one of more of their constituents. Where Ministers have to take decisions on their own portfolios which might have a significant impact on their own constituency, they must take particular care to avoid any possible conflict of interest or apparent conflict of interest. Press releases or statements made in a Ministerial role and which particularly single out the benefits to the Minister's own constituency or region should be avoided.

* includes Ministers who are regional rather than constituency Members of the Senedd

Public Services Ombudsman Wales

4.6 The Public Services Ombudsman for Wales (the Ombudsman) can consider complaints of maladministration or service failure by most Welsh public bodies including the Welsh Government. Occasionally a member of the public may wish to complain about a service they receive from the Welsh Government and may approach a Minister with their concerns. In such circumstances Ministers should:

- i. if the complainant is not a constituent, refer them to their constituency MS;
- ii. if the complainant is a constituent, or does not wish to approach their MS, refer them to the Welsh Government's Customer Complaints Policy;
- iii. if the complainant has had a response from the Welsh Government's complaints team and are still dissatisfied, refer them to the Ombudsman's complaints procedure (a complainant can raise a complaint direct with the Ombudsman). A Minister who refers a complainant to the Ombudsman should inform, in advance, the relevant Minister and the Permanent Secretary.

4.7 Ministers should, wherever possible, act no differently from other Members of the Senedd, particularly where the complainant is a constituent.

Leading Deputations and Making Representations (including in planning cases): General Ministerial Involvement

4.8 Ministers are free to make their constituents' views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a Minister. Ministers are advised to take particular care in cases relating to planning applications in their constituencies or other similar issues. In all such cases, it is important that they make clear that they are representing the views of their constituents, avoid criticism of the Welsh Government's policies, and confine themselves to comments which could reasonably be made by those who are not Ministers. Correspondence should always set out in what capacity Ministers are writing, and when doing so in their constituency capacity letters should begin with: 'I am writing in my capacity as Constituency / Regional Member for X', so as not to allow any ambiguity.

4.9 Once a decision has been announced, it should normally be accepted without question or criticism. It is important that, in expressing the views of their constituents, Ministers do so in a way that does not create difficulty for Ministers who have to take the decision and that they bear in mind the Cabinet's collective responsibility for the outcome. Ministers should also take account of any potential implications which their comments could have on their own portfolio responsibilities.

Lottery Bids

4.10 In order to avoid the impression that Ministers are seeking to influence decisions on awards of Lottery money, Ministers should not normally give specific public support for individual applications for Lottery funding. Where a Minister wishes to lend support to a specific project within their constituency they should do so on the very clear understanding that it is in a constituency capacity.

5. Ministers' Private Interests

Conflicts of Interest

5.1 Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise. It is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, taking account of advice received from the Permanent Secretary. The Independent Advisor may also be consulted by the First Minister or the Permanent Secretary on the appropriate treatment of an actual or apparent conflict of interest.

Procedures

5.2 When appointed to each new office, Ministers must provide the Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict. This must be provided within four weeks of taking up post. The list should cover interests of the Minister's spouse or partner and close family which might be thought to give rise to a conflict.

5.3 Where appropriate, the Minister will meet the Permanent Secretary to agree action on the handling of interests. Ministers must record in writing what action has been taken, and provide the Permanent Secretary with a copy of that record. If it is felt that the advice required goes beyond what officials can properly provide the Minister will be advised to seek at their own cost their own professional advice.

5.4 Ministers are advised to notify the Permanent Secretary promptly and in writing of any change in circumstances. The Permanent Secretary will write to Ministers on an annual basis, requesting they check that their existing record of private interests is complete and up to date.

5.5 Where it is proper for a Minister to retain a private interest, he or she should declare that interest to Ministerial colleagues if they have to discuss a matter of public business which in any way affects it; and the Minister should remain entirely detached from the consideration of that business. Similar steps may be necessary in relation to a Minister's previous interests.

5.6 The personal information which Ministers disclose to those who advise them is treated in confidence. However, a statement covering relevant Ministers' interests will be published annually, with the final decision on what should be published being taken by the Permanent Secretary. Some interests provided by Ministers will also be required to be included in the Welsh Government Annual accounts where they are identified as a related party interest. Ministers will be consulted on this during the preparation of the accounts.

Financial interests

5.7 Ministers must scrupulously avoid any danger of an actual or apparent conflict of interest between their Ministerial position and their private financial interests. They should be guided by the general principle that they should either dispose of the interest giving rise to the conflict or take alternative steps to prevent it. In reaching their decision they should be guided by the advice given to them by the Permanent Secretary. The Permanent Secretary as Principal Accounting Officer has a personal responsibility for financial propriety and regularity across the Welsh Government's business, and their advice must be given particular weight where such issues arise. Ministers' decisions should not be influenced by the hope or expectation of future employment with a particular firm or organisation.

5.8 Where exceptionally it is decided that a Minister can retain an interest, the Minister and the Welsh Government must put processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions relating to that interest.

5.9 In some cases, it may not be possible to devise a mechanism to avoid a conflict of interest. In any such case the First Minister must be consulted for appropriate arrangements to be made and in such cases the First Minister's decision is final.

Partnerships

5.10 Ministers who are partners, whether in professional firms, for example solicitors, accountants etc, or in other businesses, should normally, on taking up office, cease to practise or to play any part in the day-to-day management of the firm's affairs. Any exception to this must be agreed by the First Minister.

Directorships

5.11 Ministers must resign any directorships they hold when they take up office. This applies whether the directorship is in a public or private company and whether it carries remuneration or is honorary. The only exception to this rule is that directorships in private companies established in connection with private family estates or in a company formed for the management of flats of which the Minister is a tenant may be retained subject to the condition that if at any time the Minister feels that conflict is likely to arise between this private interest and public duty, the Minister should even in those cases resign the directorship.

Public appointments

5.12 When they take up office Ministers should give up any other public appointment they may hold.

Non-public bodies

5.13 Ministers should take care to ensure that they do not become associated with non-public organisations whose objectives may in any degree conflict with Welsh Government policy and thus give rise to a conflict of interest. Ministers should not therefore normally accept invitations to act as patrons of or otherwise offer support to pressure groups, or organisations dependent in whole or in part on Welsh Government funding. There is normally less objection to a Minister associating him or herself with a charity (subject to the points above) but Ministers should take care to ensure that in participating in any fund-raising activity, they do not place, or appear to place, themselves under an obligation as Ministers to those to whom appeals are directed (and for this reason they should not approach individuals or companies personally for this purpose). In all such cases the First Minister should be consulted. Ministers should also consider their involvement with any organisations in their role as Member of the Senedd and ensure that any advice they provide does not, or does not appear to, favour one organisation over another where Government funding is involved.

Trade unions

5.14 There is, of course, no objection to a Minister holding trade union membership but care must be taken to avoid any actual or perceived conflict of interest. Accordingly, Ministers should arrange their affairs so as to avoid any suggestion that a union of which they are a member has any undue influence; they should take no active part in the conduct of union affairs, should give up any office they may hold in a union and should receive no remuneration from a union. A nominal payment purely for the purpose of protecting a Minister's future pension rights is acceptable. Trade Union membership should be included in the annual statement of relevant interests.

Acceptance of gifts and hospitality

5.15 It is a well established and recognised rule that no Minister should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc are offered to a member of their family.

5.16 This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the advice of the Permanent Secretary.

5.17 Gifts given to Ministers in their Ministerial capacity become the property of the Welsh Government. However, gifts of small value, currently this is set at up to £140, may be retained by the recipient. If not retained by the Minister, gifts of small value should be handed over to Cabinet Secretariat, Cabinet Division for disposal.

5.18 Gifts of a higher value must be reported to Cabinet Secretariat, Cabinet Division. Such gifts may be purchased by the recipient for personal retention at its cash value (abated by £140). If not purchased by the Minister, gifts of a higher value should be handed over to Cabinet Division for disposal.

5.19 There is usually no customs duty or import VAT payable on the importation of official gifts received overseas. HMRC can advise on any cases of doubt. Gifts received overseas worth more than the normal travellers' allowances should be declared at importation to HM Revenue and Customs who will advise on any duty and tax liability. In general, if a Minister wishes to retain a gift he or she will be liable for any tax it may attract.

5.20 Gifts retained by Ministers do not need to be declared in the Register of Members' Interests. Gifts given to Ministers as Members of the Senedd fall within the rules relating to the Register of Members' Interests.

5.21 Any hospitality received above the value of £140 must be reported to Cabinet Secretariat, Cabinet Division. In the event of a Minister accepting hospitality valued below £140 but on a scale or from a source which might reasonably be thought likely to influence Ministerial action, it should be reported to Cabinet Secretariat, Cabinet Division. Any hospitality received by Ministers as Members of the Senedd falls within the rules relating to the Register of Members' Interests.

5.22 The Welsh Government will publish an annual list of gifts and hospitality received by Ministers on behalf of the Welsh Government valued at more than £140. The list provides details of the value of the gifts and hospitality received and whether gifts were retained by the Welsh Government or purchased by the Minister.

Nomination for honours, prizes and awards

5.23 From time to time, the personal support of Ministers is requested for nominations being made for honours, prizes and awards. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the Welsh Government was itself thereby giving its sponsorship. Similarly, Ministers should not normally endorse bids for funding elsewhere, because of the risk of perceived favouritism. There may be exceptions to this principle when it is clearly in the interests of the Welsh Government for a project to receive ministerial support, for example in supporting a bid from an academic institution for funding from a UK Research Council.

5.24 Ministers can write letters of support for any public nomination for honours in their capacity as an MS. This should be channelled through the normal public nomination process. They may also in this capacity encourage other MSs to put forward nominations. Ministers cannot themselves nominate individuals as part of the Welsh Government honours process, but they may suggest to the

Permanent Secretary names (from any walk of life) to be considered as part of that process. Any suggestions should be subject to the same due diligence as any other nominee.

References for Public Appointments

5.25 Ministers, like Welsh Government staff, are asked not to provide references for candidates applying for public appointments. In cases of doubt the First Minister should be consulted. The exception is where the Minister is acting entirely in a Member of the Senedd or personal capacity and this is made explicit.

Completion of surveys

5.26 Occasionally, Ministers receive requests to complete surveys or questionnaires. Ministers are asked not to do so given the difficulty of separating personal views from those of the Welsh Government. This applies even if the request has been received in a Member of the Senedd capacity.

Acceptance of appointments after leaving Ministerial office

5.27 On leaving office, Ministers should still respect the need for any future appointments or roles which they take up to give no cause for any suggestion of impropriety. They are expected to abide by the business appointments procedures laid down in this respect by the First Minister and to seek, and abide by, advice given through those procedures. It is the responsibility of former ministers themselves to ensure compliance and to be accountable to the Senedd and the public.

PART 2 - PROCEDURAL GUIDANCE FOR MINISTERS

6. Ministers and the Government

Collective Responsibility

6.1 The principle of collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed, and advice offered within the Welsh Government by Ministers and by the civil service should be maintained. The internal process through which a decision has been made should not be disclosed. Decisions reached by the Cabinet are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned. On occasion it may be desirable to emphasise the importance of a decision by stating explicitly that it is the decision of the Welsh Government. Ministers also have an obligation to ensure decisions agreed in Cabinet are implemented.

6.2 Collective responsibility also applies to Deputy Ministers, and it applies to the Counsel General, subject to the Counsel General's independence in certain functions, as explained below (see paragraphs 6.17- 6.23).

Cabinet Business

6.3 The business of the Cabinet consists, in the main, of matters which significantly engage the collective responsibility of the Welsh Government, because they raise major issues of policy, taxation, the constitution or because they are of critical importance to the public.

6.4 Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility need not be brought to the Cabinet unless the Minister wishes to inform his colleagues or to have their advice. No definitive criteria can be given for issues which engage collective responsibility. Cabinet Office can advise, however the final decision rests with the First Minister.

6.5 Issues should not be brought to Cabinet until there has been appropriate consultation with Ministers with a direct portfolio interest and their views have been fully reflected in the paper. Questions involving more than one Minister which require collective consideration in the Cabinet should be examined by the officials concerned before submission to the lead Minister so that the decisions required may be clearly defined. When there is a difference between Ministers, it should not be referred to the Cabinet until other means of resolving it have been exhausted including discussions between the Ministers concerned. The Cabinet Office will have a key role in this work.

6.6 All Cabinet papers are circulated to all Cabinet members. However, prior to that it is essential that they are seen and, if necessary, discussed in draft by those Ministers whose portfolios are directly affected. This includes in particular the Minister responsible for Finance and the Minister responsible for Welsh Government Business. They must also be based on full legal advice from the Legal Services Department in consultation with the Counsel General, and include a proper appraisal of any financial implications. Cabinet papers must not contain any unresolved financial issues. Cabinet Secretariat will, with the First Minister's agreement, decline to circulate papers which do not meet these requirements, with the result that discussion of that item will be deferred. Ministers should bear these points in mind when clearing papers for circulation.

Cabinet Correspondence

6.7 The First Minister will need to approve all Cabinet correspondence before being issued by the lead Minister's Private Office.

Cabinet Meetings

6.8 Cabinet meetings take precedence over all other business although it is understood that there may occasionally be exceptional circumstances (e.g. Senedd business or business overseas) which mean that a Minister may have to be absent. Requests by Ministers for permission to be absent from Cabinet should be made only in such exceptional circumstances and should be made at the earliest opportunity in writing to the First Minister.

6.9 Guidelines on the conduct of Cabinet business are set out in separate guidance. Cabinet agendas are planned in advance as far as possible, to enable them best to meet the strategic development of Ministers' policy commitments. However, there will also be occasions when short-term and/or urgent issues need to be brought to Cabinet. In either case, Ministers' private secretaries should alert the First Minister's Office and Cabinet Office at the earliest possible opportunity when a discussion is likely to be needed.

6.10 Other than in cases of exceptional urgency, all discussions in Cabinet should take place on the basis of a paper which has been circulated to all Ministers in advance. This allows informed discussion by all present and also ensures that the issues are properly placed on the record. Papers may appear in a Minister's name or (with a Minister's consent) that of officials, but the latter approach should only be adopted for technical papers which do not directly raise political issues. All Cabinet papers should be provided to Cabinet Secretariat for circulation no later than the Thursday afternoon preceding each meeting.

6.11 Where the urgency of an issue precludes the circulation of a paper, Ministers may raise it as an oral item. However, discussion of such issues is necessarily more constrained than if supported by a paper, and it is not generally appropriate if an informed decision is needed. Private Secretaries should alert the First

Minister's office and Cabinet Secretariat to oral items their Minister intends to raise as far in advance of the meeting as possible. The First Minister will only consider accepting AOB items when asked more than 24 hours before Cabinet.

6.12 Cabinet papers should be as clear and as brief as possible. They should not normally exceed four pages at most, and Cabinet Secretariat may not accept an over-long paper for circulation. Issues which cannot be covered in such a paper will probably not have justice done to them in the limited time available in Cabinet in any event. In such cases, Ministers may wish to deal with the issue in correspondence instead. Ministers should ensure that these principles are followed and that, where necessary, papers submitted to them are revised accordingly. Cabinet Secretariat can provide detailed help to officials in each case.

Cabinet Conclusions and Minutes

6.13 Cabinet agendas, papers and minutes are published six weeks after the meeting to which they relate. On occasion, Cabinet papers, or extracts thereof, can be withheld from publication. Ministers should indicate when submitting a paper if they consider it, or part(s) of it, to be exempt for publication.

Confidentiality of Documents etc

6.14 Ministers relinquishing office should hand back to the Welsh Government any Cabinet documents and/or other official papers in their possession.

6.15 On a change of administration, the outgoing First Minister issues specific instructions about the disposal of the Cabinet papers of the outgoing Cabinet.

Access by former Ministers to official papers

6.16 By convention and at the Government's discretion, former Ministers are allowed reasonable access to the papers of the period when they were in office. With the exception of former First Ministers, access is limited to former Ministers personally. Subject to compliance with the "Radcliffe" Rules (paragraph 8.10), former Ministers may have access to copies of Cabinet papers which were issued to them when in office, and access in the relevant department to other official papers which they were known to have handled at the time.

The Counsel General

6.17 The Counsel General is not a Welsh Minister but is a member of the Welsh Government. The Counsel General may attend and participate in a Cabinet meeting by invitation of the First Minister. The Counsel General is the final and authoritative legal adviser to the Welsh Government and oversees representation of the Welsh Government in the courts. In cases where the Counsel General is not a Member of the Senedd they may nevertheless participate in Senedd

proceedings to the extent permitted by Standing Orders (but may not vote) and are accountable to the Senedd for the exercise of functions conferred directly on the Counsel General. These include the power to undertake legal proceedings for the promotion or protection of the public interest, to refer to the courts questions concerning the legislative competence of the Senedd or to participate in proceedings for the determination of devolution issues. The Counsel General will also be the usual representative of the Welsh Government in exchanges with the UK law officers and/or law officers of the other devolved administrations.

6.18 It will be appropriate to seek the Counsel General's opinion on certain legal questions, typically, those of greatest legal complexity, or political controversy or sensitivity, or which have the widest implications. The Counsel General's opinion should be sought via a reference from the Director of Legal Services. Whilst in exceptional situations, it may be necessary and appropriate for a Minister to seek the Counsel General's view directly, any formal written advice from the Counsel General must be sought on instruction from the Director of Legal Services. The Counsel General's opinion, or advice from the Legal Services Department, must be sought in good time before the Welsh Government is committed to critical decisions involving legal considerations.

6.19 Written opinions of the Counsel General, unlike certain other Ministerial papers, are generally made available to succeeding Administrations. The fact that the Counsel General has advised (or has not advised) and the content of advice given by the Counsel General must not be disclosed outside the Welsh Government without the authority of the Counsel General.

6.20 Where a prosecution function is vested in the Counsel General, that function is to be exercised by them independently of the Welsh Government. Other members of the Welsh Government must not interfere in, or be involved in any way with, the exercise of such a function.

6.21 Where a prosecution function is vested in the First Minister, or the Welsh Ministers, that function will normally be exercised by Welsh Government staff, in accordance with the Permanent Secretary's Arrangements, liaising with the Counsel General.

6.22 In relation to civil proceedings, the Counsel General must protect the interests of the Welsh Government where they are acting on behalf of the Welsh Ministers, or the First Minister, in a representative capacity.

6.23 Where the Counsel General is acting under section 67 of the Government of Wales Act 2006 (or exercising any other function vested in the Counsel General of protecting or promoting the public interest), the Counsel General acts independently of the Welsh Government. The same applies where the Counsel General is exercising a function under s.112 of the Government of Wales Act 2006 (scrutiny of Bills). However, before taking any such action, the Counsel General should inform the First Minister and the relevant Welsh Minister appointed under

section 48 of the Government of Wales Act 2006.

Legal proceedings involving Ministers

6.24 Ministers occasionally become engaged in legal proceedings primarily in their personal capacities but in circumstances which may have implications for them in their official positions. Defamation is an example of an area where proceedings will invariably raise issues for the Minister's official as well as their private position. In all such cases they should consult the Counsel General before consulting their own solicitors, in order to allow the Counsel General to express a view on the handling of the case so far as the public interest is concerned.

6.25 As regards the timing of an approach to the Counsel General the following should be applied:

- a) a Minister should consult the Counsel General as soon as they are minded to threaten legal proceedings or to take any action – for example, writing a hostile letter – which might be perceived as being the first step towards litigation. They should certainly consult the Counsel General before instructing solicitors to commence legal proceedings, and ideally before making any approach to solicitors;
- b) Similarly, when a Minister is a defendant in an action, they should notify the Counsel General as soon as possible. Preferably, this should be before they have instructed their own solicitors in the matter but, in any event, the Counsel General should be notified as soon as the Minister is aware that legal proceedings are threatened;
- c) it is not necessary for the Counsel General to be consulted before a Minister seeks legal advice on a matter, provided that the Minister at that time has no intention to commence proceedings and there is no indication that proceedings are to be commenced against them;
- d) a Minister may become involved in proceedings other than as a party – for example, if they are a witness in proceedings. A Minister who agrees to volunteer a statement for one side rather than another in such a case may, for example, inadvertently give the appearance that the Crown is backing one side in private litigation. More seriously, acting as witness may carry a risk that the Minister is asked to disclose sensitive information or documents for which public interest immunity should be claimed, and in those circumstances the Counsel General needs to be alerted to that possibility from the outset. In these circumstances, the Minister should inform the Counsel General as soon as they are aware of his or her potential involvement in the proceedings.

Use of Corporate Communication Channels

6.26 Ministers should use Government systems for all Government business. Any communication on Government business engages Ministers' obligations to ensure accurate public records are kept.

Use of Generative Artificial Intelligence Tools

6.27 Ministers should follow the most up to date organisational guidance on the use of Artificial Intelligence tools for government business.

7. Ministers and the Senedd

Welsh Government Statements and other Welsh Government Announcements

7.1 Ministers have a duty to the Senedd to account, and be held to account, for their policies, decisions, or actions. It follows therefore that Ministers should ordinarily make statements to the Senedd in relation to important announcements.

7.2 Ministers' proposals for Government business including debates and oral statements should be submitted to Cabinet Secretariat for scheduling and agreeing with the Minister responsible for Government Business.

7.3 Ministers should not give undertakings, either in or outside the Senedd, that an oral statement will be made to the Senedd on any subject at a specific time or within a particular period until agreement has been given by the First Minister and the Minister with responsibility for Government Business to the proposed timing, and by the Ministers concerned to the terms of the statement.

7.4 Copies of the final version of such statements should be sent to the Private Secretaries to the First Minister and the Minister with responsibility for Government Business and to the Permanent Secretary's Office, the Head of Cabinet Division, the Private Secretary to the Special Advisers, Cabinet Secretariat and the Press Office as soon as they are available.

7.5 A copy of the text of any oral statement should normally be passed to the opposition parties one hour before it is made, in line with the agreed protocol. For this purpose the final text must reach the office of the Minister with responsibility for Government Business at least one and a half hours before the statement is due to be made.

7.6 The office of the Minister with responsibility for Government Business will arrange for a copy of the final text of an oral statement to be sent in advance to the Presiding Officer.

7.7 Copies of any Ministerial statement to be made in the Senedd, marked "check against delivery", and of any document being published by means of the statement should be passed to Cabinet Secretariat which will arrange for these to be sent to all Members of the Senedd as the Minister rises to deliver the statement.

7.8 Every effort should be made to avoid leaving significant announcements to the last day before a Recess. However, Ministers continue to exercise their functions and make decisions throughout recess periods, and it is appropriate therefore that

Written Statements are issued in respect of relevant decisions and announcements in order to keep Members of the Senedd informed.

Government Senedd Bills

7.9 Ministers should not give undertakings either in or outside the Senedd to introduce a Senedd Bill on any issue without the prior agreement of the Cabinet. Ministers should not give undertakings, either in or outside the Senedd, that a Senedd Bill will be introduced at a specific time or within a particular period without the agreement of the First Minister and the Minister with responsibility for Government Business.

7.10 Ministers responsible for Senedd Bills being introduced in the Senedd should ensure that the Senedd Bill is accompanied by a clear, informative and comprehensive Explanatory Memorandum setting out the information as required by the Senedd's Standing Orders. The Senedd Bill must be cleared by the First Minister and Counsel General, and the accompanying Explanatory Memoranda must be cleared by the First Minister, prior to being introduced.

Supply of Publications

7.11 The Minister with responsibility for Government Business is responsible for presenting items of the Government's Plenary business to the Table Office in accordance with Standing Order 7.21. Where a motion refers to one or more documents, they must have been made available to Members in advance.

Financial Resolutions

7.12 All motions for Financial Resolutions under Standing Orders will be tabled in the name of the Minister responsible for bringing the legislation forward (i.e. the Member in Charge). They will be responsible for securing Senedd approval for the Resolution.

Ministerial Availability

7.13 It is expected that Ministers' commitments in the Senedd will normally take precedence over other engagements, and it is each Minister's responsibility to ensure that requests for absence from the Senedd are submitted and cleared in advance by the First Minister and the Minister with responsibility for Government Business.

7.14 Ministers who wish to take parental leave (of up to 6 months), or other extended absence from Government, must seek the permission of the First Minister. Where the First Minister agrees to such a request, the Minister must not exercise their functions as a Minister during their period of absence unless this is

agreed by the First Minister and the Minister who is temporarily covering the Ministerial responsibilities.

Membership of Cross-Party Groups

7.15 In order to avoid any conflict of interest, Ministers must not take up membership of any Cross-Party Groups. On taking up office, they should relinquish membership of any such groups of which they are, at that time, a member.

Appearing before a Select Committee of the UK Parliament

7.16 A Select Committee of the UK Parliament may invite a Welsh Minister to attend and give evidence at one of its meetings. Welsh Ministers will decide whether to accept such invitations and if they agree may provide the Committee with relevant information about Welsh Government policy and practice. In these circumstances the First Minister should be kept informed.

8. Ministers and the Presentation of Policy

Communication of Policy

8.1 Ministers may communicate their announcements, activities and policy positions via all Welsh Government channels, such as press releases, social media feeds, campaign material and the GOV.WALES website. However, these must not be used to carry any content which is, or could be construed to be, party political in nature. Ministers may comment on the actions of other administrations in the United Kingdom, but this should not be done in a party-political way when Welsh Government channels are used. The conventions governing the work of the Welsh Government Communications Service are set out in GCS ['Propriety Guidance - Guidance on Government Communications'](#) and Ministers should ensure this is upheld at all times.

8.2 In order to ensure the effective coordination of Cabinet business, the policy content and timing of all major announcements, speeches, press releases and new policy initiatives should be cleared in draft with the First Minister. All decisions on major interviews and media appearances, both print and broadcast, should be made in consultation with the First Minister's office.

Publication of Consultation Papers

8.3 Before publishing a consultation paper the Minister should consider whether it raises issues which require full collective consideration, and therefore requires the clearance of the Cabinet (see Chapter 6). Any consultation paper containing a major statement of policy should be circulated to the Cabinet before publication.

8.4 Except where such consultation papers are of a routine character or of minor importance, the timing of their publication is governed by similar considerations to those applying to announcements made to the Senedd.

Speeches

8.5 In all cases, other than those described in paragraphs 4.7 and 4.8, the principle of collective responsibility applies. Ministers should ensure that their statements are consistent with collective Welsh Government policy. Ministers should take special care in referring to subjects which are the responsibility of other Ministers.

8.6 Ministers must only use government channels, including social media, for distributing texts of speeches relating to Government business. Speeches made in a party political context should not be distributed via government channels.

8.7 Ministers should not accept payment for speeches or media articles of an official nature or which directly draw on their responsibilities or experience as Ministers or with a view to donating the fee to charity. If the organisation in

question insists on making a donation to a charity then it should be a charity of the organisation's choice. This is to avoid any criticism that a Minister is using his or her official position to influence or take the credit for donations to charity.

Radio, Television and Online Broadcasts by Ministers

8.8 Ministers invited to broadcast on radio, television and/or webcasts in a political or private capacity should consider if such a broadcast would have a bearing on another Minister's responsibilities, in which case they should clear the matter with the First Minister before agreeing to the invitation.

Press articles

8.9 Ministers may contribute to a book, journal or newspaper, including a local newspaper in their constituency, provided that publication will not be at variance with their obligations to the Senedd and their duty to observe the principle of collective Ministerial responsibility. No payment should be accepted for such articles. Any Minister wishing to undertake regular journalism or media work in any form, must have the prior approval of the First Minister.

Books and Memoirs

8.10 Ministers may not, while in office, write and publish a book or other account of their Ministerial experience. Nor, while serving as a minister, may they enter into any agreement to publish their memoirs in any form on leaving their ministerial position. Former ministers intending to publish their memoirs, or otherwise to give an account of their ministerial experience through written or other media, are required to submit the draft manuscript or script in good time before publication or release to the Permanent Secretary and to conform to the principles set out in the Radcliffe Report of 1976 (Cmnd 6386). In particular, former ministers must refrain from publishing information destructive of the confidential relationships of Ministers with each other or between Ministers and officials.

Research Interviews

8.11 Ministers are sometimes asked to give interviews relating to academic research. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Welsh Government and such interviews should normally be declined, but Ministers may refer these individuals via their Private Office to officials, who may engage as appropriate.

Complaints

8.12 Ministers who wish to make a complaint against a journalist or a particular section of the media to the appropriate regulator must have the approval of the First Minister.

Statistics

8.13 Ministers need to be mindful of the UK Statistics Authority's *Code of Practice* which defines good practice in relation to official statistics, observance of which is a statutory requirement on all organisations that produce National Statistics in accordance with the provisions of the *Statistics and Registration Service Act 2007*.

8.14 Ministers also need to have regard to the *Pre-Release Access to Official Statistics (Wales) Order 2009* which places conditions on access to official statistics in their final form, including limiting access ahead of publication. The Order requires Ministers to restrict pre-release access to a minimum number of persons and prohibits any statement or comment to the press ahead of release of the statistics.

Social Media

8.15 Official government channels, including social media should be the primary means of communicating Government policy. However, should Ministers wish to engage with others using their personal, non-government social media, to defend or promote Government policy, they should do so with great care. At all times Ministers should be mindful of their obligation to maintain collective Cabinet responsibility and not depart from existing policy at any time. In any use of social media, whether in a constituency or Ministerial capacity, Ministers must express views and respond to other users with moderation at all times and with regard to the reputation and good standing of the Welsh Government.

9. Travel by Ministers

9.1 When arranging travel within or outside the UK, Ministers and civil servants should always bear in mind the principles of sustainability and the goal of reducing carbon footprints wherever possible, particularly following the declaration of a climate emergency. The most appropriate mode of transport should be considered for each visit, with environmental considerations always at the forefront.

Ministers' visits overseas

9.2 Overseas visits should not normally be made while the Senedd is in session. Ministers should arrange such visits in the Recess or, where appropriate, on days when no Senedd business is scheduled, except where there are compelling reasons of Welsh Government business. In particular, overseas visits which are largely of a fact-finding kind should be reserved for the Senedd Recess. Moreover, in planning overseas visits Ministers should take account of the fact that Cabinet meetings take precedence over all other business. Sufficient Ministers must also be available during Recesses to ensure effective conduct of Welsh Government business, and it may be necessary for this reason to restrict or reconsider absences abroad.

9.3 The International Relations and Trade Department (IR&T) should be informed as soon as any overseas visit is contemplated (for example, whenever an invitation is received). It will be responsible for consulting the Foreign, Commonwealth and Development Office (FCDO) where appropriate, and feeding back its views. IR&T should thereafter be kept fully involved in making arrangements for the visit.

9.4 Any Minister who wishes to be absent from the United Kingdom for any reason must seek the First Minister's written approval. This must be done before any commitment is made. In the case of official visits, the business case seeking approval should include the reasons for the visit and a list of the countries to be visited, the cost, and a list of the officials who will be accompanying the Minister. Ministers should also indicate what the benefits of the visit would be. Copies of the business case should be sent to the Minister with responsibility for Welsh Government Business and the Director for International Relations and Trade.

9.5 Ministers planning visits outside the United Kingdom on Member of the Senedd or other non-Ministerial business, or on holiday, should consider notifying IR&T in advance. Notification will enable IR&T to provide any information or advice (eg in relation to political or security sensitivities) which they feel may be beneficial to the Minister and to advise FCDO Posts that a Government Minister is 'on their patch' albeit in a non-Ministerial capacity.

9.6 The First Minister's prior written approval is required for any official visit overseas by a special adviser or where it is proposed that a Minister should be accompanied on any official visit overseas by his or her spouse or partner or by an

unpaid official.

9.7 No preparations, however tentative, should be made for overseas visits before consulting IR&T. Arrangements for official Ministerial visits should invariably be made in close collaboration with the diplomatic post concerned.

9.8 Ministers should make it their personal responsibility to approve the size and composition of proposed Ministerial delegations for which they are responsible, prior to seeking the approval of the First Minister. Cabinet Division will retain a comprehensive and central record of overseas travel by Ministers. Annually, a list will be published of all travel overseas by Ministers costing more than £500 per trip, together with the total cost of all Ministers' visits overseas. Ministers should give a lead in keeping down the size of parties of visitors by keeping their own parties as small as possible.

9.9 Following all official visits overseas, Ministers should consider a written statement to the Senedd.

9.10 If a Minister meets an external organisation or individual and finds themselves discussing official business without an official present – for example at a social occasion or on holiday – any significant content should be passed back to the department as soon as possible after the event.

Relations with other governments

9.11 Ministers should remember the importance of sending to the First Minister a note of the salient points of any discussions which they may have with representatives of foreign or Commonwealth countries or regions. This applies to informal discussions as well as those held in the course of official business. The note should be copied to IR&T which will ensure that the Foreign, Commonwealth & Development Office are briefed as appropriate. Ministers should note that this equally applies if such contacts are made while on holiday in the country concerned (and if Ministers intend making such contact, they must seek the views of the First Minister before travelling).

Visits by Commonwealth or foreign Ministers

9.12 Ministers should consult the First Minister before extending invitations to Ministers in other national or regional governments to pay official visits to Wales. Relevant officials should also inform IR&T about all visits, which become known to them, whether private or official, by Ministers in other governments or by any other person of equivalent status. It will be for the First Minister to decide whether to consult the Foreign, Commonwealth & Development Office before inviting Ministers from foreign and commonwealth countries to Wales.

Hospitality overseas

9.13 Whether at home or overseas, Ministers should not overlook the possible foreign policy implications of such day-to-day matters as offering hospitality to overseas political figures visiting this country, accepting social commitments of a similar kind, giving public support for petitions, open letters, etc. Such actions may be construed as significant by foreign observers even where the nature of the contact is informal. In any case of doubt Ministers should ask IR&T to consult the Foreign, Commonwealth & Development Office before making any commitment. In addition, the Foreign, Commonwealth & Development Office should be consulted whenever a Minister, in his or her formal Ministerial capacity, intends to make a speech touching on matters affecting foreign and Commonwealth affairs.

9.14 If it is thought that a Minister may need to provide hospitality while overseas, the advice of IR&T should be sought, who will consider whether the Foreign, Commonwealth & Development Office should be consulted, both on the desirability and on the form of such entertainment.

Ministers recalled from abroad

9.15 If a Minister is abroad with permission and is called home for Welsh Government or Senedd reasons - including to vote - the cost of the extra journey back and forth may be met by public funds.

Ministers' visits within the United Kingdom

9.16 Ministers who are planning official visits to England, Scotland and Northern Ireland which would involve a public engagement should inform the First Minister. In the case of visits in England, the relevant Secretary of State should be informed; as should the First Minister in Scotland and the First and Deputy First Minister in Northern Ireland. Ministers should also inform the Lord Chancellor and Secretary of State for Justice about any planned visits to the Channel Islands or the Isle of Man. In addition, Ministers wishing to visit a UK Government establishment in Wales or elsewhere not sponsored by the Welsh Government (eg the barracks of a unit of the Armed Forces) should advise the sponsor Department in advance.

9.17 It is the custom for a Minister when preparing to make a visit of a public nature within Wales to inform the Members of the Senedd for the region, the Senedd constituency Member and the MP for the area. Special care should be taken not to overlook this courtesy, though judgement should be applied when it comes to potential security risks. Ministers cannot invite MSs or MPs to accompany them to functions organised by a third party, but adequate notice to the relevant MSs or MP will enable them to ensure that they have an opportunity to request invitations from local organisers to functions of an official nature, should they wish to attend. Similar information should be provided when Ministers are visiting other parts of the UK, including to the relevant Members of the Scottish

Parliament or Northern Ireland Assembly.

Expenses on travel and subsistence

9.18 In planning their official travel and subsistence arrangements, Ministers should adhere to the guiding principles set out below:

(i) Propriety: Official transport should not be used, nor expenses claimed, for travel arrangements or hospitality arising from Party, private or other non-Ministerial business, except where this is justified on security grounds.

(ii) Efficient use of resources: The availability of some services such as official cars has to be limited, and Ministers should bear in mind the need to use them efficiently.

(iii) Cost consciousness: The cost of alternative arrangements should be considered before decisions involving substantial costs are made. In particular this will be a consideration where special flights are being considered as an alternative to scheduled services. This principle should also be borne in mind when considering accommodation arrangements.

(iv) Security: Ministers should keep security risks in mind at all times, particularly when travelling by car.

(v) Public accountability: Individual Ministers are responsible for justifying their actions and decisions to the Senedd. They will wish to be satisfied that their arrangements could be defended in public.

9.19 In using official cars and travelling by rail or air, Ministers must always make efficient and cost-effective travel arrangements. When Ministers travel on official business, their travel expenses should normally be borne by Cabinet Division. When any expenses are not met in this way, Ministers will wish to ensure that no undue obligation is, or could be perceived to be, involved.

Use of Official Cars

9.20 Official cars will be made available to Ministers and the Counsel General. They will also be made available to the Permanent Secretary. Ministers should use an official car for any purpose (other than party, private or non-Ministerial business) which will secure a saving of time.

9.21 Ministers are permitted to use an official car for home to office journeys during the week or at weekends on the understanding that they will be working on Welsh Government business and carrying Ministerial papers during the journey. In terms of longer journeys, Ministers will need to be mindful of the wellbeing of drivers and other staff travelling in the car and allow them to take adequate rest and meal breaks.

9.22 When travelling on official business a Minister may use a private car instead of an official car and claim mileage allowance in the same circumstances and on the same terms as Welsh Government civil servants.

9.23 Subject to the general rules set out in this Code, a Minister's spouse or civil partner may use the car when accompanying the Minister on official engagements. Official cars may not normally be used by the spouses or civil partners or other family members of Ministers in connection with private or political functions or engagements.

9.24 The First Minister has a dedicated car and driver. Other Ministers have first call on the remaining official cars, followed by the Counsel General and the Permanent Secretary.

Rail Travel

9.25 Ministers qualify for first class travel.

Air Travel

9.26 Ministers have discretion to use civil scheduled flights in this country and abroad if they consider that this will save time. When booking flights, the principles of cost consciousness and security should be borne in mind.

9.27 All air travel by Ministers should reflect the cost of carbon emissions at an appropriate rate, with the proceeds directed to international development projects that are consistent with Ministers' objectives for sustainable development. Advice on how this will be met should be included in the business case on the journey submitted to the First Minister.

9.28 Ministers may travel Business Class where available on an aircraft.

9.29 Frequent flyer or other benefits earned through travel paid for from public funds, other than where they are *de minimis* (for example, access to special departure lounges or booking arrangements which go with membership of regular flier clubs), should be used only for official purposes or else foregone. However, if it is impracticable to use the benefits for Welsh Government travel, there is no objection to Ministers donating them to charity if this is permissible under the terms of the airline's scheme and the charity is one chosen by the airline.

Flights in privately-chartered aircraft

9.30 Flights in privately-chartered aircraft may be authorised when a scheduled service is not available, when it is essential to travel by air but the requirements of Welsh Government business, security considerations or urgency preclude the journey being made by a scheduled service. Approval for such flights will only be given in exceptional circumstances where it can be demonstrated that there is no

other alternative and should be sought from the First Minister.

Travelling expenses of spouses/partners

9.31 The expenses of a Minister's spouse or partner when accompanying the Minister on official duties may occasionally be paid from public funds, if it is clearly in the public interest that they should accompany the Minister. The First Minister's prior approval is always required.

Travelling expenses of Special Advisers

9.32 If necessary, a Minister may take a Special Adviser on an overseas visit at public expense provided that it is clearly in the public interest that they should accompany the Minister. The written approval of the First Minister should be obtained before a Special Adviser accompanies a Minister overseas.

Offers of hospitality, gifts, etc.

9.33 Detailed rules on the acceptance of gifts, services and hospitality can be found in chapter 5. As a general rule, Ministers should not offer gifts or initiate an exchange. While this chapter makes clear that no Minister or member of their family should accept a gift from anyone which would, or might appear to, place him or her under an obligation, there may be difficulty in refusing a gift from another government (or organisation) without the risk of apparent discourtesy. On the other hand the acceptance of a gift or the knowledge that one will be offered may in some countries and in some circumstances entail the offer of a gift in exchange. In deciding whether to accept gifts from, or offer gifts to, members of other governments (or organisations), Ministers should wherever possible consult the Director for International Relations & Trade if they are in any doubt about the matter.

9.34 Accepting offers of free travel can be misinterpreted. However, an offer to a Minister on official business to accompany a representative of a host foreign government may be acceptable, provided it creates no undue obligation, and if it offers a saving of official time or provides an opportunity to conduct official business. Offers of transport from other organisations should not normally be accepted, except where provided as an integral part of a tour of inspection. In exceptional cases such an offer may be accepted if this would represent a saving of official time and there is no risk of an undue obligation being created. In these cases, if the journey is of any significant distance, the organisation concerned should be reimbursed from the public purse to the value of a scheduled business class ticket. In any cases of doubt, the First Minister should be consulted.