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Citation for final published version:

Andrews, Leighton 2022. Performing Welsh Government 1999-2016: how insider narratives illuminate the hidden wiring and emergent cultural practices. *Contemporary British History* 36 (1) , pp. 124-156. 10.1080/13619462.2021.1996235

Publishers page: <https://doi.org/10.1080/13619462.2021.1996235>

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**Performing Welsh Government 1999-2016: how insider narratives illuminate  
the hidden wiring and emergent cultural practices.**

**Abstract**

Despite more than twenty years of Welsh democratic devolution, the Welsh Government, and Welsh Ministers particularly, have not generally been an object of academic study. There has been little systematic historical analysis of the new institution of the Welsh Government, its structures, operations and practices. In recent years, a variety of insider accounts by former Welsh Ministers and former First Ministers have started to appear in print, and 1997 Cabinet papers relating to the making of devolution policy have been released. This paper performs two functions. It will explore the learning so far, examining the limited ‘insider accounts’ which have appeared in the context of the documentary evidence, and the light that they shine on everyday life in Welsh Government, its hidden wiring and emergent cultural practices, addressing questions such as internal power structures, the governance innovations of the Welsh Government, and the continuities and contrasts with Westminster and Whitehall traditions. The paper also attempts a contextual, integrated and thematic overview of the making of Welsh Government over this period.

Keywords: Wales, Welsh Government, Ministers, Devolution, Narrative.

Word-count: 17,554

## **Introduction**

Over twenty years after the formation of the first National Assembly for Wales in 1999, the operations of the Welsh Government remain under-researched and under-theorised. It is striking that unlike Scotland there is barely a single volume textbook on the government or governance of Wales<sup>1</sup>. The operations of the Welsh Government have had less academic attention than the powers devolved to the National Assembly – and the political battles involved in securing them<sup>2</sup>. There have, certainly, been some studies of the civil service, which in passing have captured the views of some Ministers<sup>3</sup>. In general terms, however, the contemporary study of the government of Wales leaves the Ministers at the margins.

The ‘foundation myths’ of the establishment of a new Welsh democracy as a more inclusive, partnership-based form of governance may have contributed to an intellectual climate hostile to the privileging of study of Welsh government per se<sup>4</sup>. Early accounts often focused on the novelty of the new institution – the corporate body of the National Assembly - as it sought to come to terms with its powers and structure<sup>5</sup>. Indeed, there is a strong sense, re-reading those accounts, of relief that after the narrow majority for devolution in 1997, the actually existing institution was able to stumble hesitantly forward.

First-hand source material has also been relatively lacking until recently. Peter Lynch, writing in 2006 about the First Ministers in both Scotland and Wales, noted the absence of source materials to form an evidence base, stating that from academics ‘next to nothing has been written about the position of FM or devolved ministers

generally'. He pointed out that not only was there a lack of academic studies of these roles, there was also an absence of diaries, biographies, autobiographies, or journalistic chroniclers of the scale of Peter Hennessy or Peter Riddell. The same point could largely be made today, although some accounts are starting to emerge. We now have four insider accounts from former Welsh Ministers in book-length form<sup>6</sup>. Two, those of former First Ministers Rhodri Morgan and Carwyn Jones, take the traditional role of setting their Welsh Government experience in the context of their overall autobiography. The other two, by former ministers Leighton Andrews and Jane Davidson, are political interventions, addressing education policy and the development of the sustainable development commitment respectively, with elements of autobiography included.

We also have, at the time of writing, seven in-depth interviews with former (in one case, now current) Welsh Ministers conducted by the Institute for Government as part of its *Ministers Reflect* series<sup>7</sup>. These interviews follow a familiar format – appointment as minister, early challenges, major crises, party and intergovernmental relationships, policy exploration, lessons and advice for future ministers. §We have one substantial example political ethnography<sup>8</sup>. Only in one policy area – education – do we have more than one full-length account and none of these could be regarded as complete<sup>9</sup>. Primary sources such as speeches, writings, evidence to inquiries or committees, interviews and articles are important, but with the exception of Morgan's infamous 2002 Clear Red Water speech, and a recent analysis of former First Minister Carwyn Jones's rhetoric, these have rarely had extensive analysis<sup>10</sup>. There are a few accounts of Welsh governance which engage in textual analysis of government documents<sup>11</sup>. Meanwhile, the Westminster Cabinet Committee discussions (DSWR)

on the 1997 White Paper, *A Voice for Wales*, and the original 1998 Government of Wales Act, have not yet been fully published, although supporting papers, and ministerial correspondence, and the minutes and papers of the committee of officials supporting the Cabinet Committee - DSWR(0) - have been<sup>12</sup>.

Are Ministerial accounts useful for more than demonstrating what former Environment Minister Jane Davidson called ‘the adrenalin-pumping existence of being a minister at the heart of Welsh political action’<sup>13</sup>? Historians and political scientists have long debated the value of political biography and autobiography to an understanding of political institutions and processes<sup>14</sup>. As Martin Smith and his colleagues observe<sup>15</sup>, ministers and officials tend to have ‘a view of politics which emphasises agency and personality’: therefore researchers have to factor in structural constraints on their actions. Speaking specifically of ministers and their approach to ruling, Bevir and Rhodes identify their desire, above all, to be seen to be ‘making a difference’<sup>16</sup>. One of the key issues affecting Welsh civil servants’ time was the desire of Welsh ministers to make a difference<sup>17</sup>. It is a commonly-described objective of political actors: the then Labour MEP, now Baroness, member of the National Assembly for Wales and a Welsh Minister, said, following the 1997 referendum, that Yes-campaigners could reflect on ‘the joy of knowing you made a difference’<sup>18</sup>.

An overemphasis on agency can be compounded by the focus of the media which ‘need a highly personalised representation which simplifies the narrative difficulties of describing complex public choices’, or of the opposition parties who like personalization also for accountability purposes<sup>19</sup>, as Andrews observes in the Welsh ministerial context, illustrating the legislative constraints on different education

ministers in Wales at different stages of the unfolding devolution settlement<sup>20</sup>. This paper sees ministers as having ‘situated agency’<sup>21</sup>: they are situated within a context defined by a party programme, a history of prior policies, a balance of power within a Cabinet or coalition, budgetary and temporal constraints. In that context, ministerial narratives have value as primary sources or as what Diamond and Richards call, in respect of learning about the British Political Tradition, ‘an important tool in triangulation’<sup>22</sup>.

Welsh historiography, of both nationalist and Labour traditions, has had a strong emphasis on the strategic agency of the Welsh people, and their collective institutions such as trades unions, in constructing the political future of Wales<sup>23</sup>. Prior to 1999, democratic devolution did not exist in Wales and had to be invented. Welsh devolved government had specifically to be imagined and constructed, within a framework of existing traditions based on Westminster and Whitehall practice and the aspirational ideals of devolutionists in Labour and other parties. This promoted an expansive and inclusive model of devolution – what Jane Davidson calls ‘a new collaborative approach’- evident in early decisions about a partnership agenda<sup>24</sup>, and the exploration of what Cole and Stafford term ‘Small Country Governance’<sup>25</sup>. There is an argument to be made that the creation and early development of The National Assembly for Wales and the early Governments offers a model case of what Hay has called ‘constructivist institutionalism’ and Schmidt ‘discursive institutionalism’. Indeed, Cole and Stafford, drawing on Schmidt, argue that Wales offers a good example of how ‘at the early phase of organisational foundation’ ‘elites are likely to be engaging in the construction of a ‘master discourse’ providing ‘a vision of where the polity is, where it is going and where it ought to go’<sup>26</sup>. Pride in the creation of the new institution, in its active construction, is evident in accounts by Welsh Ministers:

as former Welsh Finance Minister Andrew Davies says, ‘there will be ministers after me but nobody will ever have done that: creating a new institution from the beginning’<sup>27</sup>.

Connolly et al identify this process of imagination and construction, observing that differing discourses coexist within the rationalising practice of civil servants, tracing these competing discourses in their discussions of everyday ministerial and civil service language, concluding that ‘the languages vie with each other’<sup>28</sup>. They argued that for all the adaptation, the Westminster tradition frames the dominant narrative which civil servants in particular construct.

In this paper, I utilise Hennessy’s ‘hidden wiring’ framework to pin down some of the cognitive understanding that we have on the material facts of the Welsh constitutional settlement up until 2016. I use Bevir and Rhodes’ interpretive work as a basis for exploration of the elite narratives of ministers. There is now an accepted consensus on the making of Welsh Government which recognises the way a new institution, established on a narrow majority in a Welsh referendum, had first to embed itself, then establish a performative modus operandi, separating legislature and executive, in a way not cleanly envisaged in its foundational legislation, and legally endorsed only in the second Government of Wales Act (GOWA) in 2006. I call this paper ‘Performing Welsh Government’ in recognition, as Bevir and Rhodes relate, that ministers ‘perform’ both privately and publicly, inside their departments, and externally<sup>29</sup>: and that the creation of the Welsh Government we now have depended significantly on Rhodri Morgan’s understanding of the importance of ‘performing’ as a government.

### *Research Focus*

This paper draws on the existing Welsh Ministerial accounts, supplemented by some additional interviews, archive sources, and a little autoethnography, to sketch an account of the internal, sometimes informal, hidden wiring of the Welsh Government in the period up until 2016, and the emerging cultural practices of the Welsh Government. 2016 is chosen as the end-point for the paper, as issues from the 2016-21 period, which saw both the Brexit negotiations with the UK government, and the Covid-19 pandemic, are still playing out<sup>30</sup>. The 1999-2016 period encompassed Labour minority governments from 1999-2000; a Labour/Liberal Democrat coalition from 2000-2003; Labour governments with a ‘virtual’ majority from 2003-7 and 2011-2016 (in both cases, 30 out of the 60 seats); and the One Wales coalition government between Labour and Plaid Cymru from 2007-11. The emphasis is on the operation of the Welsh Government – it is not the purpose of the paper to trace how the conception of the Assembly and its ‘Executive committee’ changed during governmental and parliamentary discussions in the period prior to the establishment of the Assembly in 1999, but reference will be made to available 1997 Cabinet committee papers to illustrate how what has evolved has differed from the original conceptions.



The paper draws on two principal conceptual perspectives. Peter Hennessy's concept of the UK Government's 'hidden wiring' is used as a framework for discussion of some broad old institutional questions, such as the persistence of the Westminster Model - onto which Welsh Government can be mapped. I adopt Mark Bevir and Rod Rhodes's conception of the state as 'cultural practice' to identify those conventions and constructs established by Welsh Ministers to underpin the developing narratives of Welsh Government<sup>31</sup>, identifying how the new political class of Welsh Ministers from 1999 shaped the creation of the Welsh Government and its conventions, rituals, terminology, narratives and power structures.

Hennessy's account of the hidden wiring of UK Government considers both the hardware (machinery of government) and software (people) of the British State, which, he said, function in the Queen's name, evolving as a historical process, rather than a matter of fixed points or legal settlements. He used as a key constitutional text, the then recently-published Questions of Procedures for Ministers (QPM), now called the Ministerial Code, and subsequently supplemented by the Cabinet Manual<sup>32</sup>. In the Welsh context, there are of course fixed points and legal settlements, with a body of foundational legislation dating from the 1998 Government of Wales Act, the Wales Act 2014 and subsequent Acts. Prior to the Government of Wales Act 2006, the Assembly Standing Orders also provided a key element of the constitutional framework. The Welsh Ministerial Code has additionally been a source of constitutional guidance<sup>33</sup>.

Bevir and Rhodes set themselves the objective of showing 'how ministers, civil servants and citizens construct and reconstruct' what they call 'the stateless state'.

They argue that the ‘practices of governance arise out of actions based on beliefs informed by traditions’, and set out ‘the idea of politics as cultural practice.’ For them, the state is ‘a differentiated cultural practice composed of all kinds of contingent and shifting beliefs and actions, where these beliefs and actions can be explained through a historical understanding.’<sup>34</sup> They follow Colin Hay in arguing that institutions ‘are socially constructed out of contingent political struggles’<sup>35</sup>, which is a fair description of the emergence of the National Assembly.

For Rhodes and Bevir, governance ‘is the stories people use to construct, convey and explain traditions, dilemmas, beliefs and practices’. They argue that studying the changing state is ‘about telling stories about other people’s meanings; it is about narratives of their narratives’<sup>36</sup>. Connolly et al’s analysis of the delivery of the National Assembly as a project by ministers and officials, which relies heavily on interviews and constructs specific narratives, is a good example of this practice<sup>37</sup>. As Cole says ‘these representations of reality are important in cognitive-normative terms, in so far as they are articulated by actors to make sense of their role and fuse personal, institutional and professional experiences’<sup>38</sup>.

The National Assembly for Wales is the only political institution the people of Wales have ever voted to create, and for some this expression of popular sovereignty establishes a new cultural and political context, counterposed to the Westminster Model of parliamentary sovereignty. However, Westminster legislation underpins the foundation and development of the National Assembly, now Welsh Senedd or Parliament, and the Welsh Government. Arguably Welsh devolved governance is a socially constructed elite project endorsed by a popular vote. Narratives have had to

be constructed to deliver support for it in 1997 and to strengthen it in 2011<sup>39</sup>.

However, academic analysis of ministerial narratives of government is largely lacking in the stories of post-devolution Wales.

### *The hidden wiring of Welsh Government*

Hennessey's account of the U.K.'s hidden wiring covers the following aspects of the UK constitution, and I will draw on them to consider their Welsh equivalents: the role of the Crown, the Premiership, the Cabinet, Whitehall, and Parliament. The Welsh equivalents of course are the Crown, the First Minister, the Cabinet, the Welsh civil service and the National Assembly (now Welsh Senedd or Parliament). I supplement Hennessey's framework with the additional matter of intergovernmental relationships. Hennessey cites the Cabinet Secretary, the Queen's Principal Private Secretary and the Prime Minister's Principal Private Secretary as providing a tripartite nexus through which constitutional challenges are worked through. The equivalents of the Welsh official tripartite nexus would be the Head of the First Minister's Office, the Cabinet Secretary and the Permanent Secretary.

In his posthumously-published autobiography, Rhodri Morgan referred to the role played by Lawrence Conway as his Principal Private Secretary and Cabinet Secretary, stating that Conway could bridge the gap between the civil service in Cathays Park and Ministers and the Ministerial private offices in Cardiff Bay. Morgan notes the difference in roles between Wales and Whitehall. In the latter, the Cabinet Secretary, says Morgan, is 'the uber-Permanent Secretary' In Wales, of course, technically the Cabinet Secretary, and Head of the First Minister's Office, though senior posts, are

junior to the Permanent Secretary<sup>40</sup>. At different stages, the roles of PPS to the First Minister, or Head of the First Minister's office, have been held by the same person as the Cabinet Secretary, namely Conway. Morgan cites Conway's experience as 'a Welsh Office lifer', knowing which civil servants were keen to make devolution work, and his suitability for the 'freelance and more Machiavellian side of being Cabinet Secretary'

Conway recalls that on the departure of special adviser Kevin Brennan to stand for Parliament in Rhodri Morgan's seat, he and Brennan suggested to Morgan that he should upgrade the seniority of his office, whereupon Conway assumed the role of both PPS and Head of the Cabinet Secretariat. Conway stresses his understanding of Westminster working, based on his time as a Parliamentary Clerk when a series of Welsh Bills went through at Westminster in the 1970s, and suspects that this may have been a factor in his initial appointment as Head of Cabinet Secretariat-designate and PPS by Alun Michael after he took over as Welsh Secretary from Ron Davies. Conway suggests that Westminster parliamentary experience helped influence the restructuring of the corporate entity of the National Assembly. Conway says that it is in the nature of the role that there was some 'bumping up against' the Permanent Secretary. For example, Conway advised the new Finance Minister Andrew Davies in 2007 that he did not have to accept the budget already drafted by the civil service in the election period, which caused some friction with the Permanent Secretary, given the additional workload it would create for officials<sup>41</sup>.

## Monarchy

The Cabinet Manual defines the United Kingdom as ‘a constitutional monarchy’<sup>42</sup>. Hennessy quotes Bagehot’s argument that the monarch has the ‘right to be consulted, right to encourage, right to warn’. He points out how leaders of the then three major political parties – John Major, Neil Kinnock and Paddy Ashdown – were warned that if the 1992 election resulted in a hung parliament, the political leaders needed to resolve a way through that would be presented to the sovereign. We know subsequently that similar considerations were worked through by the Cabinet Secretary Gus O’Donnell in advance of the 2010 election<sup>43</sup>.

It may seem counter-intuitive to commence an examination of Welsh Government, which many see as a civic republican project, based on popular sovereignty, with a consideration of the role of the monarch. Indeed, recently released Cabinet correspondence and documentation shows that there was a significant debate on this within the UK Government in the discussions over the emerging Welsh devolution White Paper and the Government of Wales Bill in 1997. The Home Office, for example, argued that the Queen should not open the new Assembly as it would be wholly subservient to Parliament and would not have law-making powers, so ‘no direct relations with the Sovereign would arise’<sup>44</sup>. The Prime Minister’s office, prior to the White Paper being published in July 1997, asked the Welsh Office whether it had been agreed with the Palace that the Queen would open the Assembly<sup>45</sup>.

As it turned out, from an early point the National Assembly, as the legislature, drew on the halo effect of monarchy for legitimization at the initial opening ceremony and subsequently – a new ritual - at each opening ceremony following each set of National Assembly elections which have taken place. This had the additional function of situating the creation of the National Assembly in the evolutionary development of British government<sup>46</sup>. Since the 2006 Government of Wales Act (GOWA), failure to form a government within a defined period would result in new elections, as Morgan explores in relation to the outcome of the 2007 Assembly election, following a period where he acted in his terms as ‘caretaker FM’<sup>47</sup>. There is no role for the monarch in that.

Monarchy does however underpin the construction of Welsh Governments. Welsh civil servants ‘serve the sovereign’<sup>48</sup>. But the appointment of the First Minister and Ministers is also dependent on the Monarch. The First Minister must, under GOWA, be nominated by the National Assembly, with an election for the nomination for the first time in 2016, but the Crown has a defined role in the appointment of the First Minister under section 46 of the Government of Wales Act. Under section 48 of GOWA, Welsh Ministers are appointed by the First Minister, and their appointment is approved by the Monarch. In practice, this means that the First Minister and other ministers are sworn in by a Welsh judge. Ministers-designate appointed in 2011 were told in writing by the Head of the First Minister’s Office that they ‘do not, according to law, become Ministers’ until they ‘have taken an Oath of Allegiance’, either as an oath or as an affirmation<sup>49</sup>.

Former Deputy First Minister Ieuan Wyn Jones has recalled:

I do remember that there was panic because you had to have the Queen's consent to the appointment after 2007. I was appointed Deputy First Minister before any other ministers in the party. That position had to be established first, and then of course I had to make an announcement in the chamber. There was great panic because it wasn't looking as though the consent to the appointment would come in time from the Palace, so it was quite hair-raising. Eventually it came, so I was able to do it<sup>50</sup>.

Former Welsh Minister Elin Jones recalls the process of swearing the oath by herself and fellow Plaid Cymru Minister, Rhodri Glyn Thomas:

The Queen had to accept for the first time that there would be Plaid Cymru ministers, there was a fax or an email probably sent to that effect and then we were sworn in - both myself and Rhodri Glyn at the time - we were sworn in by Roderick Evans who was the High Court Judge who volunteered to be available on the Thursday or Friday to swear us in and he was quite chuffed to do it, because he had been a Plaid Cymru supporter before his time as a Judge and he actually brought his wife to take a photograph of the event of swearing in Plaid Cymru ministers, so it was made to feel quite special at the time<sup>51</sup>.

Bradbury and Andrews reflect on how 'a Principality Britishness is still evident in such annual events as the Prince of Wales' summer tour, attended by a succession of civic visits, receptions and media coverage'<sup>52</sup>. Rhodri Morgan explicitly said in his

autobiography that on becoming First Minister, he wondered if ‘the Palace would press us for some kind of an arrangement for a regular briefing, maybe once or twice a year’. He hypothesised that the decision not to have such briefings may derive from ‘a vague and unspoken idea that briefings should be with the Prince of Wales instead’<sup>53</sup>. Morgan recounts how such meetings did take place in the early period once or twice a year. Carwyn Jones suggests that the Queen’s visit to the National Assembly on the occasion of her jubilee in 2002 enabled Rhodri Morgan to slip out the news that Mike German was to return as Deputy First Minister, after the police investigation of his expense claims at the Welsh Joint education Committee prior to becoming an Assembly Member had found no case to answer<sup>54</sup>.

### First Minister

Former Welsh Minister Leighton Andrews recalls Rhodri Morgan telling him, on his appointment as a Deputy Minister in 2007, that they were now Ministers of the Crown, a statement which Morgan reasserted in his autobiography<sup>55</sup>. In fact, Welsh Ministers are not ‘Ministers of the Crown’ as Morgan asserts, but they carry out their functions ‘on behalf of’ the Crown<sup>56</sup>. The titles, functions and roles of leading members of the ‘Assembly’ as it then was, took up a considerable amount of time in the first six months of the new Labour government between May and November 1997.

During this period, the views of different protagonists changed. Ron Davies, Secretary of State for Wales, had made an early suggestion that the Assembly itself should decide the titles. The Prime Minister’s office resisted this in a letter at the end of June arguing that ‘allowing the Assembly to decide raises the prospect of someone



trying to call himself the Welsh Prime Minister or even President’, and asking what was wrong with specifying First Minister and Ministers as in Scotland. The Welsh Office responded in July saying that ‘the Secretary of State judges it best not to specify titles for the senior members of the Assembly in the White Paper’ repeating that he would prefer to leave this to the Assembly, and that the titles proposed for Scotland were not accurate in the Welsh context and were not sensible when translated<sup>57</sup>.

Ron Davies wrote to colleagues at the beginning of September 1997 saying that the the question of titles was now becoming an issue in the referendum campaign. He suggested that the titles could be First Minister and Ministers- as the Prime Minister’s office had previously suggested - but that they would not be Ministers of the Crown. The Prime Minister was alerted to this on 10 September, and contrary to the position taken in June, his office wrote saying that as they would not be Ministers of the Crown they could not have the title “Minister”, suggesting the titles reflect the work of delivering better public services and working with business, so what about “Chief executive”. The Deputy Prime Minister, John Prescott, subsequently wrote saying that the title minister did not reflect the nature of the work of the executive committee members, so why not executives of the Assembly led by a Chief Executive? The Welsh Office was clear throughout that this ‘gave the impression that this was an official rather than an elected member’<sup>58</sup>.

One former senior Welsh civil servant recalls a phone-call from the Prime Minister’s office saying the Prime Minister was opposed to First Minister ‘so we ended up with First Secretary’<sup>59</sup>. This was proposed by Ron Davies in a letter of 18 November as it

could be used ‘without fear of confusion with Minister of the Crown.’ Although Home Secretary Jack Straw stuck out for Leader, as suggested in the original White Paper, and the Attorney General John Morris suggested Assembly Chief Secretary (rejected by Treasury Chief Secretary Alastair Darling), the Prime Minister wrote accepting this and the Lord Chancellor, Derry Irvine, who was chairing the DSWR Cabinet Committee, also confirmed his support. Within days the Government of Wales Bill was published with these titles included<sup>60</sup>.

Very little work has been done on the approaches or styles of the first First Secretary, as the post was then called, Alun Michael, the first First Minister, the late Rhodri Morgan, or his successors Carwyn Jones and Mark Drakeford, though the latter’s high UK profile during the Covid-19 pandemic has provided significant journalistic attention<sup>61</sup>. The elaborate discussions of the powers of the Prime Minister over time have as yet no Welsh equivalent, though Laffin and Thomas described the Welsh system of Cabinet Government as strongly ‘prime ministerial’<sup>62</sup>. Peter Lynch noted in 2006 that there was at that stage little focused attention on the role of First Ministers or ministers in devolved governments more generally<sup>63</sup>. Cole and Stafford seek to establish something of the legitimising discourses of First Ministers, suggesting that ‘Small Country Governance’ – Team Wales - providing the underpinning narrative for the period of Rhodri Morgan’s government and that there was an emerging ‘Delivery’ narrative under Carwyn Jones, whose leadership coincided with the onset of UK Austerity measures, with Cole suggesting that civil servants certainly noted this change of focus following Jones’s succession as First Minister in December 2009<sup>64</sup>.

Morgan provided his own view of his contrasting style vis a vis that of his predecessor<sup>65</sup>. Morgan's description of Alun Michael's Special Advisers and junior whips as his 'Praetorian Guard' brings to mind Rhodes' conception of the 'court politics' that surround political leaders such as Prime Ministers<sup>66</sup>. Conway confirms that the first Special Advisers were very much the First Secretary's team rather than supporting specific portfolio ministers. Morgan decided to advertise openly for special advisers. Conway believes that Morgan's time as Chair of the Public Administration Committee in Parliament influenced this, along with a reaction to Michael's perceived way of operating<sup>67</sup>. In his account of how he became First Secretary following Michael's resignation, Morgan states that he 'took possession' of the First Secretary's Fifth Floor office in Crickhowell House following his endorsement by the Wales Labour Party Executive Committee, both confirming the importance of incumbency and its acceptance by the other parties as a legitimate development<sup>68</sup>.

Morgan's period as First Minister has been recognised in a variety of sources as fundamental to the embedding of devolution. He himself notes his adoption of the title of First Minister for himself and Ministers for others rather than Assembly Secretaries in the autumn following the formation of the coalition – or Partnership Government - with the Liberal Democrats:

The public did understand what a minister in a government was, but they didn't fully understand what an Assembly Secretary was<sup>69</sup>.

But the legislation remained clear. Morgan, therefore, was *performing* the role of First Minister, going beyond the foundation legislation.

Morgan himself had felt keenly the difference in status of Ministers from back-bench MPs during the Yes for Wales celebration of the referendum victory at Cardiff's Park Hotel in the early hours of 19 September 1997:

You know it was always very difficult in the night at the Park Hotel, because we had the three Welsh Office ministers plus Livsey and Wigley and somebody told me 'oh you know, go up and say something in Welsh then Rhodri', so I did, but you always feel slightly conscious of the fact that you're not a minister, it's their day, not your day<sup>70</sup>.

Morgan's innate understanding of the importance of *performance* – what the public expected a government and ministers to look and behave like - extended to what Mike German calls his 'determined attempt' to ensure the separation of the executive from the legislative institution of the National Assembly. Morgan acknowledges that he 'stretched the elastic' of GOWA and Assembly Standing Orders to create the separation of the executive, which he termed the Welsh Assembly Government, from the legislature, the National Assembly.

He was clear in his objective:

I wanted us to think more governmental, to sound more governmental, and to act more governmental<sup>71</sup>.

If ever there was an illustration of agency trumping structure, this could be it. But for all the foundational rhetoric of ‘inclusivity’ and ‘collaboration’, it was the traditional Westminster Model which informed the separation of executive and legislature and the adoption of the title Welsh Assembly Government. The architectural design of the National Assembly, established by Ron Davies then Alun Michael as Secretaries of State, was ultimately implemented by a politician steeped, as Ieuan Wyn Jones acknowledges, in Westminster traditions<sup>72</sup>. Welsh Government was created within a context of the Westminster Model, which had been internalised by Morgan and others as the normative model for their government, and shaped the discourse of Welsh Ministers.

Former Ministers have reflected on the transformative effect, and immediate pressures, of *becoming* a Minister: in some cases, simply the welter of paperwork and meetings and the need to start taking decisions with real consequences, rather than making speeches without any meaningful outcome, or in others, being plunged into major crises, such as a Foot and Mouth outbreak<sup>73</sup>. Becoming a Minister means performing like a Minister, with the assumed authority that brings, and this is particularly true for the First Minister, as Carwyn Jones records:

You have to sound credible, you have to be able to give interviews clearly, you have to be able to give speeches in an authoritative way<sup>74</sup>.

This performance of the ministerial role was important not only for the public perception of Morgan's Government, but also for its internal reception. Jon Shortridge said the terminology was important for the civil service:

When we know they are Ministers we can establish the right sort of relationship and social distance from these people<sup>75</sup>.

Under legislation, Welsh Ministers remain Ministers - even after an Assembly election - until a new government is appointed. Following the 2007 election, therefore, Morgan continued in office and in due course appointed a limited number of new ministers. Plaid Cymru's Adam Price believed that the opposition parties lost the first two weeks after the 2007 Assembly election as Rhodri Morgan 'parked himself' in Cathays Park: Alun Ffred Jones, later Plaid Cymru Culture Minister in the One Wales coalition, believed that the nomination of Rhodri Morgan as First Minister was a game-changer in terms of the balance of power in Cardiff Bay from that moment<sup>76</sup>. From a constitutional point of view, it is only then that new ministers and deputy ministers can be appointed.

Performing as First Minister, and as a government, gave Welsh Labour certain advantages as the Opposition parties struggled to find a deal which would have allowed them to displace Labour. Andrews recalls 'we had to assume government, if you like, and perform government, without knowing whether this was going to last more than a few weeks'<sup>77</sup>. In the end, a deal was reached between Plaid Cymru and Labour to form the One Wales Government, which in Morgan's account owed a lot to the role of Lawrence Conway as Cabinet Secretary. Conway felt he was operating

‘near a line’ on this, but in practice no differently from Gus O’Donnell as Cabinet Secretary following the hung parliament resulting from the 2010 general election<sup>78</sup>. As with Westminster, the Cabinet Secretary role can be central. At the point of the 2007 One Wales Government, Conway recalls dissuading Ieuan Wyn Jones that he should be Finance Minister, as Finance Ministers generally find themselves set against the rest of the Cabinet and the likelihood was that finances were going to become more tight, making things particularly difficult for a junior coalition partner<sup>79</sup>.

After the 2011 Assembly election, Carwyn Jones elected to call his new government the ‘Welsh Government’ rather than the Welsh Assembly Government, in a recognition of the new status of a government with primary law-making powers. For Andrews it felt like ‘government in Wales was growing up’. The Department of the First Minister which had developed under Rhodri Morgan was subsequently described as the ‘strategic centre’ by some working in Carwyn Jones’s government, including the office of the first minister, the Cabinet Secretariat that coordinated the cabinet’s work programme, ministerial private offices, constitutional affairs, Europe and external affairs, communications and knowledge and analytical services, along with a further expanded team of special advisers<sup>80</sup>.

### Cabinet

Initial thinking was that ‘because the assembly would operate through committees, its relationship with its civil servants would be more akin to that of a local authority’.

The committee system, said the handling note prepared for the Lord Chancellor in

advance of his chairing the second meeting of the Cabinet Committee on Devolution to Scotland, Wales and the Regions of England, noted that this would be ‘unfamiliar in parts of Whitehall.’ Within a few weeks, however, the Welsh Office had concluded ‘that it would not be possible for the Assembly to operate exactly like a local authority and it would need an executive committee to take certain kinds of decisions which could not be taken in open conclave. The Welsh Office therefore proposed ‘a fusion of the Westminster and local authority models’. A draft memorandum by the Secretary of State for Wales, dated 29 May 1997, envisaged that the executive committee would consist of the ‘leaders’ of the other policy committees in the Assembly and would have powers to delegate action to officials. Importantly, the memorandum said ‘the Assembly leadership will have to account to the Assembly as a whole for such decisions in the same way as Ministers account to the UK Parliament.’ But the Prime Minister’s office worried that ‘the Welsh devolution package is an odd sort of creature’ and would be ‘tricky to explain’. The White Paper further clarified that the executive ‘would operate in a similar way to the UK Cabinet, and would normally be formed by members of the majority party within the Assembly’ and would meet ‘in private’.<sup>81</sup>

The Government of Wales Act (GOWA) 1998 referred not to a Cabinet but to an ‘executive committee’, although the Act said that the name of the committee would be determined by ‘standing orders’<sup>82</sup>. It was only in the latter stage of parliamentary discussions of what became GOWA 1998 that thought was really given to the role of the executive. Former Welsh Office Permanent secretary Rachel Lomax was explicit that nothing other than corporate body status was on offer, because of the compromise that had been struck within the Wales Labour Party at that time. Her



successor Jon Shortridge was more emphatic, stating that it was in Labour's manifesto so there was no moving from that<sup>83</sup>. Rhodri Morgan was one of those pushing for a more Cabinet-style model as a back-bencher<sup>84</sup>. Lynch notes that little preparatory work had been done prior to devolution on roles within the executives in Scotland and Wales<sup>85</sup>.

Following work by the National Assembly Advisory Group and the Standing Orders Commission, the Cabinet Model was effectively in place at the beginning of the Assembly<sup>86</sup>, with Conway making key decisions which subsequently had to be endorsed by Alun Michael as Secretary of State. Conway took the view that a Cabinet Minister should have the kind of Private Office structure of the kind 'that a Minister should have'. He had a budget of roughly £650,000 to create the Cabinet Secretariat - essentially the Private Office support structure, which he had to staff at below the normal civil service grades for these posts. The Act gave Michael as the First Secretary the right to appoint members of the executive committee. Andrew Davies recalls being told before the Assembly election that he would be a minister, and following the election he went into Cathays Park where 'a lot of the early discussions with Alun were about who was going to be in the Cabinet'. Jane Hutt recalls being appointed to the Cabinet 'within days'. The first meeting was held during an away-day at The Lake Hotel in Llangammarch Wells in Powys<sup>87</sup>. Cabinet meetings have subsequently been held in both the First Minister's office on the fifth floor of the Assembly Building in Ty Hywel in Cardiff Bay and in Cathays Park at different periods and at different times and on different days.

Morgan's performative creation of the Welsh Assembly Government and the adoption of the titles of First Minister, Ministers, and government was given formal endorsement by the then Assembly Presiding Officer's Review of Procedure, though as Morgan notes, the Opposition parties were broadly in support of it from the beginning<sup>88</sup>. The explicit public assertion of the separation of executive and legislative roles by Morgan in 2000 was symbolised by his address to civil servants on the internal steps of the Cathays Park government building - what Morgan calls 'the Welsh Whitehall in the civic centre' - where the bulk of Cardiff-based civil servants have their offices<sup>89</sup>. Morgan notes that this 'mass assembling' of civil servants still occurs – another 'new ritual' -at the beginning of each Assembly, with the First Minister presenting his newly-sworn in ministers and an overview of his plans for that Assembly. Incoming Ministers in 2011 were told that they could not visit their offices until after this event had taken place<sup>90</sup>.

The creation of this new government also saw the establishment of what Rawnsley has called 'Welsh constitutional conventions' in respect of collective responsibility for Cabinet Members and the growth of the Cabinet Secretariat, including communications and an expanded policy unit<sup>91</sup>. Collective responsibility survived two coalitions, and both Mike German and Ieuan Wyn Jones as Deputy First Ministers pay tribute to the collegiate way in which Rhodri Morgan handled cabinet relationships. Carwyn Jones notes that there was never a vote in the eighteen years he served in a Cabinet: issues were resolved beforehand or round the table. Elin Jones points to the considerable work that goes into discussion of Cabinet papers between officials and others prior to Cabinet: 'it's gone through a lot of hands and lots of pairs of eyes have

read that paper before it comes to Cabinet, and therefore it's close to being a fait accompli when it gets into Cabinet.' <sup>92</sup>

Although the bulk of Cardiff-based Welsh Government civil servants is located in Cathays Park, the geography of power had shifted after devolution from Cathays Park to Cardiff Bay<sup>93</sup>. Cathays Park houses the First Minister's office and other ministerial offices and some senior civil servants, but the fully operational ministerial private offices, along with special advisers, are routinely based on the Fifth Floor of the Cardiff Bay Ty Hywel Assembly building<sup>94</sup>. It has been suggested that there are clear cultural differences between the two centres, with a younger staffing component amongst civil servants, direct mixing with politicians in formal and informal settings, and a strong sense of urgency in the Bay<sup>95</sup>. Morgan was keen for Cabinet Ministers to spend the bulk of their time in Cathays Park, but Conway says that it was obvious from the early days that the nature of Assembly business meant that Ministers would need to be based in the Bay<sup>96</sup>. Theoretically, their co-location on one floor in Cardiff Bay makes for 'more collegiate' working than Whitehall<sup>97</sup>, but it may also allow a more controlling centralized operation by the First Minister through his department than is available to Prime Ministers, where Cabinet Ministers may still be more 'barons in their separate kingdoms'<sup>98</sup>, geographically scattered around Whitehall.

Lynch adopted concepts from the UK 'Whitehall Programme' against which to test the powers of the First Ministers, including freedom to intervene in policy-making and power of appointment. The power to hire and fire remains one of the most powerful roles of a First Minister, as with the Prime Minister at Westminster. Morgan

has a somewhat caustic view of his predecessor's approach to Cabinet appointment in his autobiography:

The key thing about Alun's first and only Cabinet was its geographical spread....geographical balance – the Cabinet represented every part of Wales. I took a different view, when choosing the Cabinet fell to me – I chose big hitters and hoped they would turn out to be well-distributed across Wales (though they weren't)<sup>99</sup>.

Morgan says his rationale was that the people chosen should be of a level that could serve in a UK Cabinet or at Minister of State level, as they would have to deal with Whitehall Ministers. In terms of freedom to intervene in policy-making, both Morgan and Jones were seen largely to have given ministers freedom of manoeuvre, though in certain areas, the economy in the case of Morgan, and local government reform in the case of Jones, they may have kept a closer eye<sup>100</sup>.

Ministers are appointed in the First Minister's office in Cathays Park<sup>101</sup>. Following Ministerial appointments, there is usually a photocall with the new Cabinet and deputy ministers on the steps of the CPI building following their announcement. Reshuffles have tended to happen a couple of times during each Assembly term, usually in a recess to allow ministers to 'bed in without being asked questions', with occasional mini-reshuffles. Jones describes the process:

the process we went through at reshuffles was that there were documents, and you basically sat with people who were your advisers and worked through

scenarios. There'd be a first draft of people and then there's a second, third. You shift people around into different areas. You have discussion about who's staying, who's going. All that's quite normal, and then you eventually end up with a reshuffle<sup>102</sup>.

Does the Welsh Government have what Whitehall scholars have called 'a core executive'? <sup>103</sup>As Lynch observes<sup>104</sup>, it is a question which has not been tested out in the literature, but roughly speaking the functions of First Minister, Finance Minister, Leader of the House or Business Minister, and chief whip, clearly play a coordinating role, supported by the First Minister's Department, and particularly the Cabinet Secretariat. Two former minority party leaders, Deputy First Ministers in coalitions with Welsh Labour, have emphasised the importance of the First Minister/Finance Minister/Business Minister 'axis', and the importance therefore to them, as Labour held both roles, in having access to all the papers which the First Minister and Finance Minister saw, and in coordinating mechanisms which oversaw budgetary and government business issues<sup>105</sup>.

The Annual Budget plays a central role in the coordination of government business, requiring a clear timetable, ordinarily over the May-December period, but on occasion with delays in budget announcements from central government (for example in 2010). Ministerial accounts stress the importance of the party manifestoes in ensuring public endorsement for policies which are then incorporated not in a Queen's Speech, as at Westminster, but in the Programme for Government<sup>106</sup>. The Programme for Government, and the accountability sessions introduced by the First Minister after

2011 supported by the Delivery Unit, also provided an organising structure for the government supplemental to the ordinary business of Cabinet. During the One-Wales Government, the Budget and Performance Committee and the Legislation Committee to some extent institutionalised that function. The coordinating role of the Cabinet Secretariat in undertaking forward trawls for business for Cabinet and for the Assembly plenary once or twice a year are central to the organisation of government business<sup>107</sup>.

A significant departure from the Westminster Model was the decision taken immediately by Rhodri Morgan to publish Cabinet Minutes – another new ritual - six weeks after the meeting had taken place, along with circulated papers, unless there are grounds for withholding them<sup>108</sup>. Welsh Government Cabinet minutes have been published from 2000<sup>109</sup>. This practice has continued after Morgan's time as First Minister. The business of Cabinet is set out in the Ministerial Code: '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'<sup>110</sup>. Departments provide briefing for Ministers on all items on the Cabinet agenda. Cabinet Papers are meant to be cleared with all relevant ministers and record which departments have been consulted. There is an unspoken convention that ministers who have concerns on specific papers communicate these to the First Minister's office and the lead minister on the issue.

Conway recalls in 2007 having to assert the right of the FM to determine the nature and structure of Cabinet Committees<sup>111</sup>. Papers of Cabinet Committees have also been published for the period up to December 2009, when the incoming First Minister,

Carwyn Jones, decided not to have Cabinet Committees aside from the Budget and Performance and Legislation committees agreed as part of the One Wales coalition. This decision persisted into the 2011-16 Assembly, until in late 2013 a Cabinet Subcommittee on Infrastructure and Delivery was established with a small Ministerial membership. In the 2011-16 Assembly there were Ministerial Task and Finish groups on Welfare Reform<sup>112</sup> and Public Service Reform<sup>113</sup>. Minutes of the Budget and Performance Committee, Legislation Committee, Infrastructure and Delivery Committee, and the Task and Finish Groups have not at the time of writing been published.

In terms of ministers and their departments, Laffin noted early on that Ministers were impatient for advice and action, and saw traditional civil service methods as slow and generalist, while subsequently Cole noted a growing minister/department nexus which he suggested actively challenged the opportunities for joined-up government<sup>114</sup>. Cole noted that quite early on most departments had a Policy Board, and Shortridge makes it clear that was one of his own preferences, believing that ‘Ministers should have a strong controlling role in relation to their departments’<sup>115</sup>. Andrews illustrates the Policy Board operation in the Education and Skills area, which he argues helped to break down the silo mentality within the civil service and give officials wider understanding of issues beyond those which they were dealing with on a day-to-day basis<sup>116</sup>.

## The civil service

Substantially more has been recorded and written about the role of the Welsh civil service post-devolution than about Welsh Ministers, looking in particular at those working in Cathays Park<sup>117</sup>. Rhodri Morgan's desire was to build a cadre of civil servants who would look beyond Whitehall with its model of 'anonymity, a culture of secrecy, a principle of 'behind closed doors' interactions and the support of formal doctrines of (political) accountability such as individual ministerial responsibility'<sup>118</sup>. Morgan wanted to augment the authority of government. He notes that, in his view, the Permanent Secretary with whom he worked for most of his time, Sir Jon Shortridge, might have had concerns that he was trying to politicise the civil service<sup>119</sup>. Certainly the new Welsh Assembly Government was seen as more interventionist and the extent of contact with ministers grew<sup>120</sup>. Others had initially worried that the new institution might be captured by the civil service<sup>121</sup>.

These tensions reflected long-standing views, which existed prior to devolution, about the impact of an elected Assembly on the civil service working for the former Welsh Office. There had been fears that civil servants would face similar pressures to officers in local government. There were concerns that there would not be a doctrine of collective responsibility in the Assembly. The 1997 Cabinet Committee paper from the Secretary of State for Wales envisaged that 'limits would have to be placed upon the information that can be provided to Assembly officials not least because they will have a responsibility to provide advice to all members of the Assembly, irrespective of political party'<sup>122</sup>. Maintaining the Welsh Office civil servants within a unified Great Britain-wide civil service governed by a common civil service code was a clear



statement that devolution was a development of the UK constitution<sup>123</sup>. Tony Blair made a specific speech on this theme<sup>124</sup>. The need to ensure a unified civil service featured in Cabinet discussions throughout the spring, summer and autumn of 1997 although it does not appear to have been a contentious issue<sup>125</sup>.

Rachel Lomax explained that there were high-level conversations with the UK Cabinet Secretary about whether a unified civil service was the right thing for devolution. It was not a given that Welsh civil servants would remain within the British Home civil service - Northern Ireland has its own independent civil service – but the decision taken gave reassurance that the civil service traditions of independence from political interference, impartiality, and an integrated career structure would be maintained, and indeed a staff guidance note to this effect was produced in February 1998<sup>126</sup>. Cole et al suggested in 2003 that an independent Welsh Civil Service may be inevitable, although eighteen years after their article was written this looks no more likely<sup>127</sup>. Welsh Office civil servants of course were only a tiny minority of civil servants employed in Wales – Britain-wide departments such as what is now called the Department for Work and Pensions, and HMRC, employed many more. The Civil Service Code however was modified to ensure that Welsh Government civil servants were accountable to the Assembly, not to Westminster<sup>128</sup>. In the early days, civil servants had to support both the Assembly itself and the government: ‘constitutionally, it was a real mess’ recalled Andrew Davies<sup>129</sup>.

Under the original settlement, the Permanent Secretary had responsibility for all civil servants serving the National Assembly for Wales, not only those working for the government<sup>130</sup>. Although the revised settlement after GOWA 2006 resolved this, there

are still ambiguities. The Civil Service Code states that civil servants are accountable to Welsh Ministers, and ‘in turn accountable to the National Assembly for Wales’.

The Permanent Secretary has a complicated accountability: accountable to the Head of the Home Civil Service for observing Home Civil Service standards, though with the appointment role now devolved to the First Minister finally; accountable to the FM for day-to-day performance of the Welsh Government, accountable to the National Assembly as Accounting Officer and, according to the UK Government website, to the National Assembly in general terms<sup>131</sup>. At a UK level, the problem of dual accountability of Permanent Secretaries was raised in 2017 by the National Audit Office<sup>132</sup>. The Welsh Permanent Secretary appears to have had triple lines of accountability from the beginning<sup>133</sup>.

Welsh Permanent Secretaries continued to take part in the weekly Permanent Secretary gatherings in Whitehall. Morgan questions whether they should have done, asking whether it tied the Welsh Government into a structure beset by pre-devolution ways of thinking<sup>134</sup>. Cole, on the other hand argues that in fact civil servants had a common interest in making the institution legitimate, and it can provide intelligence on UK government plans and opportunities for networking<sup>135</sup>. In 2012 it was agreed that the only political input into the appointment of the Permanent Secretary in Wales would come from the First Minister. The appointment of the Permanent Secretary was largely devolved by the Prime Minister to the Head of the Home Civil Service. The First Minister would make the final appointment from a short-list after a process conducted by the Head of the Home Civil Service and interviews by a panel chaired by a senior Civil Service Commissioner of qualified candidates<sup>136</sup>. Separate from, but allied to this, there has been a long-expressed desire of the Welsh Government,

endorsed by First Ministers and Permanent Secretaries, to create a single Welsh public service, in culture if not organisation, embracing those who work in the different public services within Wales, with Public Service Summits involving the top public service leaders in Wales held in 2015 and 2019<sup>137</sup>.

The likelihood that civil servants would be exposed more publicly to political contact had been anticipated by Rachel Lomax as Permanent Secretary in 1997<sup>138</sup>. The early days of the National Assembly certainly resulted in a growth of the civil service workload. These included briefing ministers directly on a regular basis in detail, preparing ministers and themselves for committees, supporting ministers in responding to oral and written questions, a regular flow of input into speeches, consultation documents, drafting of legislation and so on<sup>139</sup>. This was a ‘seismic’ shift, says Jane Davidson; Jane Hutt believed that some civil servants were ‘struggling with the level of responsibility to ministers’. Alun Michael notes that few civil servants had any experience of working with elected members, unlike even the most junior of Council officers. Carwyn Jones says ‘it took some time for the civil service to adapt’<sup>140</sup>.

Separate from this, was the need for the civil service to develop a new policy capacity. The received wisdom is that under administrative devolution, the Welsh civil service simply ‘tended to follow whatever was done in England and stamp it with Wales on the front’, says Carwyn Jones<sup>141</sup>. A policy unit had been created in 1998 on a cross-departmental basis responsible to the Permanent Secretary<sup>142</sup>. By 2003, confidence had grown sufficiently about the overall capacity and the distributed understanding of norms that sub-Accounting Officer roles were created for senior

civil servants below the Permanent Secretary<sup>143</sup>. Civil servants were at the heart of a range of policy networks, helping to shape ‘Made in Wales’ policies<sup>144</sup>. As in Whitehall, the civil service gives independent advice to other political parties on preparations for government, for example in the period leading up to the formation of the One Wales Government in 2007, when there were civil servants allocated to the other parties for discussion of a so-called Rainbow Coalition<sup>145</sup>.

While there has been a long debate around the hollowing-out of government at a UK level<sup>146</sup>, in the case of Wales the structure of government was in fact ‘filled in’ with the absorption of most of Wales’s quangos after 2004, not without controversy<sup>147</sup>. This added new capacity to the Welsh Government civil service, addressing the ‘personnel deficit’<sup>148</sup> although cultural issues took time to be resolved, certainly in some departments<sup>149</sup>. Technical capacity was strengthened in areas such as statistics, communications and HR. Legislation became a more important function following the passage of GOWA 2006, and capacity had to be strengthened, though again there were ministerial concerns during the 2011-16 Assembly that this capacity needed to be further strengthened<sup>150</sup>. Following the passage of Welsh legislation, a new ritual evolved, whereby the First Minister would apply the Welsh Seal to the legislation following Royal Assent, with the responsible minister and their civil service bill-team attending<sup>151</sup>.

Ministerial relationships with civil servants were not always harmonious, particularly over issues of policy delivery. Hutt believes that government remains ‘silo-based and competitive between departments and ministers’. Davidson records, in respect of the Welsh Government’s sustainable development obligations, ‘a cabinet-agreed

commitment was not enough....the civil service still did not see the commitment as *the* priority among other priorities even though the cabinet had endorsed it.’

Meanwhile Andrews explains his concerns about the policy and delivery capacity of the Education department when he became Education Minister in 2009. Davies doubts the robustness of civil service advice to Ministers today<sup>152</sup>.

The need for a new capacity for delivery had been identified as a result of the work on public service collaboration, known as the Beecham agenda, in the Second Assembly<sup>153</sup>. Gill Morgan, appointed after Jon Shortridge as Permanent Secretary by Rhodri Morgan who was then seeking ‘a different style’ of civil service leadership<sup>154</sup> introduced an internal ‘Dashboard for delivery’ to guide implementation of government delivery<sup>155</sup>. However, there was significant criticism by ministers and former ministers in the Third Assembly (2007-11) of the delivery capacity of the civil service<sup>156</sup>. This was reflected in the Welsh Labour manifesto for the 2011 Assembly elections, substantially drafted by former Finance Minister Andrew Davies<sup>157</sup>. A new Delivery Unit was then established to track departmental performance against the Programme for Government plans ‘to look at problems before they arose’ according to former First Minister Carwyn Jones. The new Permanent Secretary appointed in 2012, Sir Derek Jones, determined that the role of the civil service was ‘Delivering for Ministers’, with this branding being present even on Welsh Government computers. He cut the number of senior civil service roles and sought to release more delivery resources for ministers<sup>158</sup>.

## The National Assembly

An expansive role for the new Assembly was envisaged in Cabinet Committee discussions:

The Assembly would have authority deriving from its democratic legitimacy and would be expected to begave responsibly. It would have an interest in all matters affecting Wales, whether reserved or devolved, and it would be necessary for departments to ensure that it was properly consulted at all stages.

This expansive approach was carried forward into the White Paper, *A Voice for Wales*. However, early proposals indicated an Assembly that might only meet once a week, and even after the referendum had happened one official in the Prime Minister's office questioned whether it should be a full-time job and whether the roles couldn't be filled by Welsh MPs as part of their job<sup>159</sup>.

Carwyn Jones recalls the moment of the National Assembly's creation in 1999:

Nobody had ever been an Assembly Member before, and so, with fifty-nine others, I began learning what that meant as we looked to make sense of this new political world<sup>160</sup>.

Research shows that 'generalised support' for devolution in Wales has 'grown substantially' since the late 1990s, but that the public legitimacy of the Assembly 'remains limited and conditional'<sup>161</sup>. Apart from the One Wales Government, and the period of Welsh Government since the November 2017 reshuffle which has incorporated the independent former Plaid Cymru AM Dafydd Elis Thomas, no

Welsh Government has had a clear majority in the National Assembly<sup>162</sup>.

Governments have therefore had to compromise on legislation or policy, negotiating with Opposition parties on legislation such as the Wellbeing of Future Generations Act, the Violence against Women et Act, or the 2015 Local Government (Wales) Act: or on specific policy areas, such as the creation of Tuition Fee Grant in 2005. But as Ieuan Wyn Jones points out, most government activity is not dependent on votes in the National Assembly<sup>163</sup>.

In the first two Assemblies, of course, the corporate body status of the National Assembly meant that, with the exception of the Audit Committee, as it was then called, Ministers were members of the Assembly committees – something which former Liberal Democrat Deputy First Minister Mike German says was ‘clearly bonkers’<sup>164</sup>. It was only after the implementation of GOWA 2006 in 2007 that the effective separation of executive and legislature took place, whatever the practical separation since 2000. This meant ambiguity in the accountability arrangements.

Conway recounts that the original seating plans for the National Assembly, prior to its creation, would have seen members of the Executive Committee, as the Cabinet was then known, sitting on a raised dais at the front of the Assembly, facing the other Assembly Members, along with the Permanent Secretary. Conway objected to this, saying that Executive Members were members of the legislature so they would have to sit ‘in the body of the Kirk’, and got Michael’s endorsement for this. Conway also had to assert the entitlement of the Executive Committee to determine its own timetable of meetings independently of the rest of the Committees<sup>165</sup>.

There were also significant issues with the Standing Orders in relation to government business and other matters. Morgan recalls asking then Assembly Member the late Val Feld, who he says was a member of the National Assembly Advisory Group (NAAG) - in fact, she wasn't a member – on how the Standing Orders had been constructed. Feld is quoted as saying ‘Well, we looked at how Parliament operated, and our usual guiding principle was to do the exact opposite!’. (Morgan may here be confusing the work of NAAG with that of the Standing Orders Commission chaired by former Labour MP Gareth Wardell – NAAG had advised the Secretary of State on the guidance for the Commission. As Brennan and Drakeford (2017) comment, Morgan's book is not ‘a book of historical record’<sup>166</sup>).

Certainly NAAG had reported that ‘there was strong support for a break from Westminster traditions where they were seen as based on out-dated practices unsuited to a modern participative democracy’. Conway says that he and the then Secretary of State Alun Michael identified that Standing Orders would be a problem early on. Conway arranged for the first Business Minister, Andrew Davies, to meet Murdo McLean, from the UK Government Chief Whip's office to discuss procedural matters<sup>167</sup>. However, the accountability of the Welsh Government is more engaged than that of the former Welsh Office, and this was identified early on by civil servants who faced a significantly raised workload as a result<sup>168</sup>

It is also the case that government has mobilised the broad left-of-centre consensus within the National Assembly against the austerity, anti-union and Hard Brexit policies of UK governments since 2010, resisting UK policies by denying Legislative Consent Motions and developing legislation (for example on agricultural workers,



trades unions and other issues) which directly confront actions of the UK Governments, some of which have subsequently ended up in the Supreme Court. The minority nature of the National Assembly and the direct access of pressure groups to Assembly Members has given considerable opportunity for opposition parties to influence legislation, meaning that the role of government in policy networks is often circumscribed<sup>169</sup>.

### Intergovernmental relationships

In 1995 Hennessy only had to consider inter-governmental relationships in the context of EU and foreign affairs. Devolution has changed that arena of discussion. In the early days of devolution, this was largely focused on multilateral relationships linked to the British-Irish Council and Joint Ministerial Committee, and establishing initial bilateral relationships between Welsh Government and UK Government departments, whose responses to devolution were inconsistent and in some cases highly territorial<sup>170</sup>. From the outset, there were challenges, many of them, as Alun Michael recalls ‘bloody difficult, because officials in Whitehall didn’t get the fact that devolution had now happened’. Relations with central government departments have not therefore been smooth. Some of the difficulties in those relationships in the early years of devolution were in part determined by objections to Wales doing things differently from the New Labour public service reform agenda. Morgan illustrates some of the difficulties in relationships with Whitehall departments over Objective One and the funding of the Olympics and its impact on the Welsh Budget<sup>171</sup>. The former Permanent Secretary Gill Morgan outlined some of the frustrations with ‘Whitehall arrogance’ in central government departments’ understanding of

devolution, although by 2010 she suggested that there had been a ‘sea change’ in views, led by Sir Gus O’Donnell, in evidence to the Welsh Affairs Select Committee.<sup>172</sup> O’Donnell accepted that ‘officials sometimes forget’ about devolution, and in more recent years there have been deliberately structured programmes to inculcate wide understanding of devolution within Whitehall, but the former Permanent Secretary, Sir Derek Jones, said in mid-2017 that there was still far more to do<sup>173</sup>.

Prior to 2010, Labour Party solidarity provided a unified cultural framework with which to discipline relationships and maintaining good working relationships was key. The Secretary of State genuinely had a significant role in terms of intergovernmental relations<sup>174</sup>. This is not to say that there weren’t occasional squabbles between UK and Welsh Labour ministers<sup>175</sup>. The 2007 Welsh Labour conference vote in support of the One Wales Government can be seen as Welsh Labour’s ‘historic compromise’ with nationalism, and saw the effective transfer of power within Welsh Labour from Westminster to Cardiff Bay<sup>176</sup>. With the election of a non-Labour UK government in 2010, Westminster/Wales relationships have been overlaid with ideological differences: at the very point that the Assembly’s law-making powers took effect, so did austerity. Welsh Ministers have preferred to deal direct with Whitehall counterparts though, in certain policy areas – education, health and welfare reform – relations became more aggressive. Andrews delineates the growing disagreements between Wales and Westminster in education and welfare reform in the context of what was labelled a wider ‘war on Wales’ that also encompassed UK government attacks on the Welsh health service<sup>177</sup>.

A considerable amount of analysis was undertaken in the early days of devolution on the formal structures of inter-governmental relationships, including the 1998 Memorandum of Understanding, the Concordats and Devolution Guidance Notes, the JMC and BIC<sup>178</sup>. There has been little if any systematic research on how ministers see the JMC and BIC arrangements, or inter-governmental relationships as a whole. For Carwyn Jones, ‘the JMC plenary is basically where we go to complain’, though Ieuan Wyn Jones felt that occasionally the JMC process could open doors in UK government departments which had previously been blocked, and saw the value of the British-Irish Council in the informal relationships which developed outside formal settings<sup>179</sup>. Post-2016, the Brexit discussions, and subsequently the Covid-19 pandemic, have brought the JMC structures more into public view in respect of the impact on constitutional relationships and powers. There have been some suggestions that Prime Ministerial engagement has fallen away since the early days of devolution – Jones pays tribute to the work of senior Conservative Minister David Lidington in trying to make the JMC process around Brexit work consistently, while Jane Hutt draws attention to the occasional ‘quadrilaterals’ of Finance Ministers across the UK as an important regular forum<sup>180</sup>. This would be a fruitful area for further research. Some work has also been done on policy learning and policy transfer between governments in the UK<sup>181</sup>.

#### Discussion: Welsh Government as emergent cultural practice?

What do insider accounts add to our understanding of the Welsh Government? First, Hennessy’s ‘hidden wiring’ thesis can reasonably be applied to the Welsh Government in its context. The monarchy continues to play a significant and

continuing role, underpinning the appointment of Welsh Ministers, which has been acknowledged by former Plaid Cymru Ministers as much as others. Its 'halo effect' has been actively adopted to reinforce the status and authority of the Welsh Government. The First Minister's role has significant scope for 'situated agency', with Morgan in particular first 'stretching the elastic' of Welsh devolution's foundational legislation in creating the Welsh Assembly Government, then shifting the balance of power strategically within Welsh Labour from Westminster to Cardiff Bay with the endorsement of the Welsh Labour conference for the historic compromise with Plaid Cymru. Jones then takes this a stage further, moving to an early referendum on the powers of the National Assembly in 2011, and then renaming the Welsh Assembly Government as the Welsh Government, a title subsequently reinforced in legislation. Insider accounts from coalition Deputy First Ministers reinforce the importance of the First Minister's role, with their statements about the need to have access to all the documents that the First Minister sees. The Cabinet as it now exists follows closely the Westminster model which Hennessy outlines, seeking consensus over decisions rather than votes.

Insider accounts give some substance to the effect that there is a core executive in Wales built around the First Minister/Finance Minister/Business Minister axis. There are key civil service roles in the hidden wiring of Wales, just as there are at a UK level, with the nexus being the Permanent Secretary, the Cabinet Secretary/Head of Cabinet Secretariat and the Head of the First Minister's Office (or PPS). The National Assembly's role, from the perspective of government, had to be adjusted to give greater prominence to government business in its Standing Orders, and its initial style, explained by Conway, adopted a Westminster model by ensuring that ministers

sat in the Assembly seats rather than in an elevated position at the front of the Assembly Chamber. Intergovernmental relationships, not a subject to which Hennessy gives much space, play an increasingly important formal role following UK Labour's ejection from office in 2010.

Insider accounts also shed new light on emerging cultural practices, some of which diverge significantly from Westminster, including the focus on collaboration and partnership in public services across Wales, the publication of Cabinet minutes as an example of open government, the attempt to create a Welsh Government culture of civil servants working for ministers, underscored by the First Minister presenting the government to civil servants in their Cathays Park offices, the co-location of ministers in the same geographic space rather than separation of ministers in ministries as in Whitehall, the role of the Programme for Government in expressing collective government ambitions, and the symbolic formality of the process of sealing new Welsh legislation by the First Minister.

The various insider accounts also give us a strong sense of ministers engaging in 'sense-making', learning about their new roles in the context of new institutions – the National Assembly, the Welsh Government, its Cabinet, the Welsh Government civil service, ministerial offices – as they evolve, as both the wiring of their formal structural relationships adapts and as their cultural practices emerge and develop. Insider accounts therefore give us a strong sense of the active shaping of the internal processes and power structures of Welsh Government, and the conscious construction of Welsh Government and its narratives by those who *perform* Government. It is clear

that these narratives take their shape from the perceived Westminster tradition, even when on occasion they are defining themselves against it.

Contrasting the insider accounts with the recently-released Cabinet papers of 1997 also illustrates how far Welsh devolution has developed. The kind of Welsh Government now in operation was certainly not on the table in the 1997 Cabinet discussions. Welsh Government has been created, developed and above all *performed* by Welsh Ministers and officials straining at the binds of the foundational and subsequent legislation.

The insider accounts we have so far tend to confirm existing academic research on the formation and operation of Welsh Government, but they provide additional ‘colour’ and offer insights into the intentionality and strategic action of key actors. They serve to pinpoint emerging cultural practices or new rituals which would not necessarily be obvious to outsiders. They provide important source materials. They also illustrate the dearth of academic analysis of ‘actually existing’ Welsh Government in operation<sup>182</sup>.

### *Conclusion*

This paper has sought to demonstrate that there are significant areas relating to post-devolution Welsh Government that are under-researched and under-theorised. There are both cognitive and conceptual gaps which could be fleshed out with further research. Specifically, these relate to matters which at an equivalent UK level have begun to be addressed over the last thirty years, namely the key relationships and how

they function at an executive level in government. In the case of Wales, ministerial life is under-researched, and detailed examination of First Minister/Ministerial relations, Minister/Civil Service relationships and many other areas of Cabinet life, such as the ‘court politics’ of private offices and of special advisers, ministerial relationships and performance remain under-explored.

The paper sets out some tentative observations which recognises previous analyses, and draws on documentary materials, the four book-length insider accounts so far produced by former Ministers, the seven Institute for Government interviews with former Welsh Ministers, additional interviews by the author, newly-released Cabinet archive sources and some autoethnographic observations. It specifically identifies the enduring influence of the Westminster Model and its traditions, the powerful position of the First Minister, and the existence of a ‘core executive’ in Wales.

All of these issues require further testing through research. Developing greater understanding of Welsh Government is likely to require significant qualitative work of historical recovery, further structured elite interviews with former and existing ministers, and officials directly supporting them, along with narrative explanation, documentary analysis (including of Cabinet minutes and papers), case studies of particular policy domains, and conceivably observational and ethnographic work. Academic understanding of Welsh Government is only just beginning.

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<sup>1</sup> Cairney, *The Scottish political system since devolution*;

Cairney, McGarvey. *Scottish politics*; Keating, *Government of Scotland: Public Policy Making after Devolution*; Lynch, *Scottish government and politics: an introduction*. Deacon and Denton. *The Government and Politics of Wales*.

<sup>2</sup> Connolly et al, *Making it happen in public service: devolution in Wales as a case study*; Rawlings, *Delineating Wales: Constitutional, legal and administrative aspects of national devolution*; Wyn Jones and Scully. *Wales Says Yes: Devolution and the 2011 Referendum*; Moon and Evans. 'Welsh devolution and the problem of legislative competence.'

<sup>3</sup> Cole, *Beyond devolution and decentralisation: Building regional capacity in Wales and Brittany*; Cole. 'Serving the nation: Devolution and the civil service in Wales.' Cole et al, 'Inside the National Assembly for Wales: the Welsh civil service under

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devolution’; and Cole and Stafford, *Devolution and governance: Wales between capacity and constraint*.

<sup>4</sup> Chaney and Fevre. ‘Ron Davies and the cult of “inclusiveness”, devolution and participation in Wales.’ Entwistle, ‘The distinctiveness of the Welsh partnership agenda’.

<sup>5</sup> Jones and Osmond, eds. *Inclusive government and party management*; Jones and Osmond, eds, *Building a Civic Culture*; Osmond and Jones, eds. *Birth of Welsh democracy*.

<sup>6</sup> Andrews, *Ministering to education: A reformer reports*; Davidson, *futuregen: Lessons from a Small Country*; Jones, *Not Just Politics*; Morgan, *Rhodri*.

<sup>7</sup> Transcripts of interviews with former Welsh Government Ministers, Andrews, Davies, German, Hutt, Jones, Michael and Wyn Jones, hereafter Transcript (name).

<sup>8</sup> although Connolly et al does make use of observational techniques.

<sup>9</sup> Andrews, *Ministering to Education*; Dixon, *Testing Times*; Evans, *A class apart: Learning the lessons of education in post-devolution Wales*: Evans, ‘Back to the future? Reflections on three phases of education policy reform in Wales and their implications for teachers’.

<sup>10</sup> Moon, ‘Rhetoric and policy learning: On Rhodri Morgan’s ‘clear red water’ and ‘made in Wales’ health policies.’; Moon, ‘Red Dragon FM: Carwyn Jones’s ‘Welsh Labour Rhetoric’.

<sup>11</sup> Guarneros-Meza et al, ‘Putting the citizen at the centre? Assembling local government policy in Wales’; Andrews, ‘The National Assembly for Wales and broadcasting policy, 1999-2003.’

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<sup>12</sup> See CAB 134/6047 (note that CAB 134/6128 and CAB 134/6133 are currently closed and retained by the Cabinet Office but due to be published); Connolly et al *Making it happen in public service* had access to some of the implementation papers from the old Welsh Office.

<sup>13</sup> Davidson, *#futuregen: lessons from a small country*, p72.

<sup>14</sup> O'Brien, 'Is political biography a good thing?'; Pimlott, 'Is contemporary biography history?'; Gamble, 'Political memoirs'; Richards, and Mathers, 'Political memoirs and New Labour'; Rhodes, 'Theory, Method and British political life history'; Diamond, and Richards, 'The Case for Theoretical and Methodological Pluralism in British Political Studies'.

<sup>15</sup> Smith et al, 'The changing role of central government departments';

<sup>16</sup> Bevir and Rhodes.

<sup>17</sup> Cole et al: 227; Cole: 465.

<sup>18</sup> Andrews, *Wales says yes: The inside story of the yes for Wales referendum campaign*:192.

<sup>19</sup> Dunleavy, 'Reinterpreting the Westland affair: theories of the state and core executive decision making.'

<sup>20</sup> Andrews, *Ministering to Education*:18-19

<sup>21</sup> Bevir and Rhodes. *Governance stories*:4.

<sup>22</sup> Diamond and Richards, 'The Case for Theoretical and Methodological Pluralism in British Political Studies'.

<sup>23</sup> Williams, *When was Wales?*; Smith, *Wales: A question for history*.

<sup>24</sup> Thomas, , in Jones and Osmond, eds. *Building a civic culture*; Laffin, 'Is regional centralism inevitable? The case of the Welsh Assembly'; Laffin et al., *A New*

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*Partnership?: The National Assembly for Wales and Local Government*; Entwistle, 'The distinctiveness of the Welsh partnership agenda'.

<sup>25</sup> On the potentially expansive basis of Welsh devolution, see inter alia, Davies, *Devolution: a process not an event*; on the inclusive agenda, see Chaney and Fevre, 'Ron Davies and the cult of inclusiveness'; Davidson, #futuregen: 35; Cole and Stafford: 29.

<sup>26</sup> Cole and Stafford :30; Schmidt, Vivien A. 'Discursive institutionalism: The explanatory power of ideas and discourse':311.

<sup>27</sup> Transcript, Davies.

<sup>28</sup> Connolly et al, *Making it happen in public service: devolution in Wales as a case study*.

<sup>29</sup> Bevir and Rhodes, *The state as cultural practice*: 203.

<sup>30</sup> Interview with Mark Drakeford, First Minister of Wales, 4 February 2021.

<sup>31</sup> Hennessy, *The hidden Wiring: Unearthing the British constitution*; Bevir and Rhodes, *The state as cultural practice*.

<sup>32</sup> Hennessy, *The Hidden Wiring*; UK Government *Ministerial Code*.; UK Government *Cabinet Manual*.

<sup>33</sup> Government of Wales Acts 1998, 2006; Wales Act, 2014; Torrance, *A process not an event: devolution in Wales 1998-2020* has a useful summary of the relevant legislative developments; Standing Orders of the Welsh Parliament, 2021; Welsh Government, *Welsh Ministerial Code*, 2019.

<sup>34</sup> Bevir and Rhodes, *The State as Cultural Practice*: vii;20.

<sup>35</sup> Hay, 'Constructive institutionalism'; Bevir & Rhodes, *The State as Cultural Practice*: 37; Andrews, *Wales Says Yes*.

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- <sup>36</sup> Bevir and Rhodes, *The State as Cultural Practice*: 94-5
- <sup>37</sup> Connolly et al, *Making it happen in public service*.
- <sup>38</sup> Cole, 'Serving the Nation': 466.
- <sup>39</sup> Andrews, *Wales says Yes*; Wyn Jones and Scully, *Wales Says Yes*.
- <sup>40</sup> Morgan, *Rhodri*: 194.
- <sup>41</sup> Interview with Lawrence Conway.
- <sup>42</sup> UK Government, *Cabinet Manual*: 6
- <sup>43</sup> Hennessy, *The Hidden Wiring*: 51; House of Commons, Political and Constitutional Reform Committee - Sixth Report.
- <sup>44</sup> The National Archives, PREM 49-18-1, opened 20 July 2021.
- <sup>45</sup> The National Archives, PREM 49-19-1, opened 20 July 2021.
- <sup>46</sup> Connolly et al, *Making it happen in public service*: 46
- <sup>47</sup> Morgan, *Rhodri*: 290.
- <sup>48</sup> Cole et al 'Inside the National Assembly for Wales': 225.
- <sup>49</sup> *To Ministers-Designate. Arrangements for Ministers-Designate, Monday 16 May*, unpublished Welsh Government document, private possession, 2011.
- <sup>50</sup> Transcript, Wyn Jones.
- <sup>51</sup> Interview with Elin Jones.
- <sup>52</sup> Bradbury and Andrews, 'State devolution and national identity: continuity and change in the politics of Welshness and Britishness in Wales': 229
- <sup>53</sup> Morgan, *Rhodri*: 270-1.
- <sup>54</sup> Jones, *Not just Politics*:97.
- <sup>55</sup> Transcript, Andrews. Morgan, *Rhodri*: 270, 290.
- <sup>56</sup> Welsh Government, *Law Wales*.
- <sup>57</sup> PREM 49/19.1.
- <sup>58</sup> PREM 49/21.1; CAB 134/6047, DSWR (O) (97) 6<sup>th</sup> Meeting, 15 October 1997.

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<sup>59</sup> Hugh Rawlings' Twitter feed, 26 July 2021

<https://twitter.com/satsiwma/status/1419686395157913603>

<sup>60</sup> See PREM 49/21.3 and PREM 49/22.1.

<sup>61</sup> On the lack of academic research, see Lynch, 'Governing Devolution'. The different styles of the different First Ministers are briefly discussed in the Institute for Government transcripts by Andrews: 12-13 and Wyn Jones: 9-10.

<sup>62</sup> Laffin and Thomas, 'Beyond Westminster'. See also Rawlings, *Delineating Wales*, and Storer and Lang, 'Institutional Evolution: the operation of the Welsh Executive'.

<sup>63</sup> Lynch, 'Governing Devolution'.

<sup>64</sup> Cole and Stafford, *Devolution and Governance*; Cole, 'Serving the Nation'.

<sup>65</sup> Morgan, *Rhodri*: 161; and see also Osmond, 'Devolution, a dynamic settled process':10, and Marinetto, 'The settlement and process of devolution':315.

<sup>66</sup> Rhodes, *Everyday life in British Government*:34-5. 'From core executive to court politics'.

<sup>67</sup> Interview with Lawrence Conway.

<sup>68</sup> Morgan, *Rhodri*:180

<sup>69</sup> Ibid.

<sup>70</sup> Interview with Rhodri Morgan, 30 June 1998, by the present author.

<sup>71</sup> Transcript, German; Morgan, *Rhodri*: 192.

<sup>72</sup> Laffin and Thomas, *Designing the Welsh Assembly*; Transcript, Michael; Transcript, Wyn Jones.

<sup>73</sup> Transcript, German; Transcript, Jones; Jones, *Not just Politics*; Interview with Elin Jones.

<sup>74</sup> Transcript, Jones: 6.

<sup>75</sup> Connolly et al, *Making it happen in public service*: 185.

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- <sup>76</sup> Osmond, *Crossing the Rubicon*.
- <sup>77</sup> Transcript, Andrews: 4.
- <sup>78</sup> Morgan, *Rhodri*: 295; Interview with Lawrence Conway.
- <sup>79</sup> Interview with Lawrence Conway.
- <sup>80</sup> Transcript, Andrews:11; Cole, *Serving the Nation*:467-8.
- <sup>81</sup> CAB 134/6047, DSWR (O) 97 1<sup>st</sup> Meeting, 12 May 1997; PREM 49/18-2; DSWR (O) 97 4<sup>th</sup> Meeting, 2 June 1997; DSWR (O) (97) 6 *Welsh Assembly: Functions and External Relations: Draft Memorandum by the Secretary of State for Wales*, 29 May 1997: 6; PREM 29/19-2; Welsh Office, *A Voice for Wales*, Cmnd 3718:7, 26.
- <sup>82</sup> Government of Wales Act, 1998.
- <sup>83</sup> Connolly et al *Making it happen in public service*: 178-181.
- <sup>84</sup> Rawlings, *Delineating Wales*: 97.
- <sup>85</sup> Lynch, 'Governing Devolution'.
- <sup>86</sup> Trench 'Old wine in new bottles'.
- <sup>87</sup> Transcript, Davies: 3; Transcript, Hutt: 3; Interview with Lawrence Conway.
- <sup>88</sup> Osmond, 'A constitutional convention by other means', and 'In search of stability; Morgan, *Rhodri*:196-7.
- <sup>89</sup> Morgan *Rhodri*:189.
- <sup>90</sup> Morgan, *Rhodri*: 187; *To Ministers-Designate. Arrangements for Ministers-Designate, Monday 16 May*, unpublished Welsh Government document, private possession, 2011.
- <sup>91</sup> Rawnsley 'Towards a Parliament'
- <sup>92</sup> Transcript, German, 9; Transcript, Wyn Jones, 9-10; Transcript, Jones, 14; interview with Elin Jones.
- <sup>93</sup> Deacon, *The Governance of Wales*.



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- <sup>94</sup> For a description of their structure, see Andrews *Ministering to Education*: 20-21.
- <sup>95</sup> Connolly et al, *Making it happen in public service*: 125ff.
- <sup>96</sup> Interview with Lawrence Conway.
- <sup>97</sup> Laffin & Thomas, ‘Beyond Westminster’; Chaney & Drakeford, ‘The Primacy of Ideology’; Transcript, Jones: 12.
- <sup>98</sup> Transcript, Andrews: 13; Norton, ‘Barons in a shrinking kingdom: senior ministers in British Government’.
- <sup>99</sup> Morgan, *Rhodri*, 161.
- <sup>100</sup> On First Ministers and policy intervention, see Davidson, #futuregen: 60; Transcript, Andrews, 12; Transcript, Jones: 6.
- <sup>101</sup> Andrews, *Ministering to Education* :20
- <sup>102</sup> Transcript, Jones: 15.
- <sup>103</sup> Rhodes and Dunleavy, *Prime Minister, Cabinet and Core Executive*.
- <sup>104</sup> Lynch, ‘Governing Devolution’.
- <sup>105</sup> Transcript, German; Transcript, Wyn Jones; Interview with Elin Jones.
- <sup>106</sup> Andrews, *Ministering to Education*: 118; Davidson, #futuregen: 66, 77; Transcript, German, ?; Transcript, Wyn Jones: ?; Transcript, Jones: 15.
- <sup>107</sup> Private information.
- <sup>108</sup> Osmond, ‘A constitutional convention by other means’.
- <sup>109</sup> It has been agreed that the minutes of the Welsh Government from the Alun Michael period 1999-2000, will be published, but they have not so far been.
- <sup>110</sup> Welsh Government, Ministerial Code.
- <sup>111</sup> Interview with Lawrence Conway.
- <sup>112</sup> Andrews, *Ministering to Education*: 360.
- <sup>113</sup> Private information.

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<sup>114</sup> Laffin ,‘The Engine Room’; Cole, ‘Serving the Nation’.

<sup>115</sup> Cole, ‘Beyond devolution and decentralization’; Shortridge’s comments are contained in Connolly et al, *Making it happen in public service*: 185.

<sup>116</sup> See Andrews, 2014: 22-51.

<sup>117</sup> Cole *Beyond devolution and decentralization* Manchester; ‘Serving the Nation’; Cole et al ‘Inside the National Assembly for Wales’; Cole and Stafford, *Devolution and Governance*; Connolly et al, *Making a difference in public service*; Laffin, ‘The Engine Room’; Parry, ‘Devolution, Integration and Modernisation in the United Kingdom Civil Service’; Parry , ‘The Civil Service and Intergovernmental Relations’; Parry, ‘Changing UK Governance under Devolution’; Parry, ‘The civil service and intergovernmental relations in the Post-Devolution UK’; Parry, ‘What can UK public administration learn from the devolved nations’.

<sup>118</sup> Cole, ‘Serving the Nation’: 459.

<sup>119</sup> Morgan, *Rhodri*: 196.

<sup>120</sup> Cole, ‘Serving the Nation’: 466.

<sup>121</sup> Andrews, ‘Unelected civil servants could end up running Wales, not National Assembly’; Osmond, *Adrift but afloat: the civil service and the National Assembly*; Speed, ‘Civil servants ‘will hold power over Assembly’.

<sup>122</sup> CAB 134/6047, DSWR (O) (97) 4<sup>th</sup> Meeting, 2 June 1997:4; CAB 134/6047, DSWR (O) (97) 6, *Welsh Assembly: functions and external relations. Draft Memorandum by the Secretary of State for Wales*: 5; Cole et al, ‘Inside the National Assembly for Wales’: 224.

<sup>123</sup> Parry, ‘Devolution, Integration and Modernisation in the United Kingdom Civil Service’; Cole ‘Serving the Nation; and Cole et al, ‘Inside the National Assembly for Wales’.

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- <sup>124</sup> Osmond, ‘Adrift but Afloat’.
- <sup>125</sup> PREM 49/19-1; PREM 49/19-2; PREM 9/21-1; PREM 49/22-3.
- <sup>126</sup> Connolly et al, *Making it happen in public service*, 179; Osmond, 1999a.
- <sup>127</sup> Cole et al, ‘Inside the National Assembly for Wales’.
- <sup>128</sup> Laffin, ‘The Engine Room’
- <sup>129</sup> Transcript, Davies:7.
- <sup>130</sup> Laffin and Thomas, ‘Beyond Westminster’.
- <sup>131</sup> Cole et al ‘Inside the National Assembly for Wales’.
- <sup>132</sup> National Audit Office, *Accountability to Parliament for taxpayers’ money*.
- <sup>133</sup> Cole et al, ‘Inside the National Assembly for Wales’; Davies, Oral Evidence to the Public Accounts Committee; Davies, Written Evidence to the Public Accounts Committee. Nicholl, ‘The capacity of the civil service in Wales’.
- <sup>134</sup> Morgan, 2017: 194-5.
- <sup>135</sup> Cole, ‘Serving the Nation’: 461.
- <sup>136</sup> ‘Appointment of Permanent Secretary’, National Assembly for Wales.
- <sup>129</sup> Cabinet Papers, Welsh Government, ‘One Welsh Public Service’, January 2016, CAB (15-16)35; Cole, ‘Serving the Nation’: 468; Osmond, ‘Nation-Building and the Assembly’; Connolly et al, *Making it happen in public service*: 187); Leighton Andrews, Minister for Public Services, speech to Welsh Public Service Summit, 2015 [https://www.youtube.com/watch?v=RCOCed9HC\\_s&list=PLCItQOYtOTkgyLN2DRLyf3oGnaouLERds&index=4](https://www.youtube.com/watch?v=RCOCed9HC_s&list=PLCItQOYtOTkgyLN2DRLyf3oGnaouLERds&index=4); Carwyn Jones, First Minister, speech to Welsh Public Service Summit, 2015, <https://www.youtube.com/watch?v=E5XpvYqIye0&list=PLCItQOYtOTkgyLN2DRLyf3oGnaouLERds&index=10> ; Mark Drakeford, First Minister. Speech to Welsh Public Service Summit, 2019, <https://www.youtube.com/watch?v=OxSuW53TNio>

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- <sup>138</sup> Rachel Lomax; 1997 Preparing for the Assembly;. Osmond, *Adrift but afloat*.
- <sup>139</sup> Cole et al, 'Inside the National Assembly for Wales' and Cole, 'Serving the Nation'.
- <sup>140</sup> Davidson, #futuregen: 37; Transcript, Hutt:7; Transcript, Michael: 4-5; Transcript, Jones: 12.
- <sup>141</sup> Transcript, Jones.
- <sup>142</sup> Cole et al, , 'Inside the National Assembly for Wales': 226; John Osmond, '*Devolution: a dynamic settled process*'
- <sup>143</sup> Cole, 'Serving the Nation': 469
- <sup>144</sup> Cole et al, 'Inside the National Assembly for Wales': 228.
- <sup>145</sup> Morgan, *Rhodri*; 290; Interview with Lawrence Conway.
- <sup>146</sup> Rhodes, 'The hollowing out of the state'.
- <sup>147</sup> Cole, *Beyond devolution and decentralization*:77; Jones et al "'Filling in" the state: economic governance and the evolution of devolution in Wales'; Morgan, *Rhodri*: 275-6; Shortridge, 'Debate: Ten years of devolution'.
- <sup>148</sup> Cole, 'Serving the Nation': 468
- <sup>149</sup> Andrews, *Ministering to Education*: 33; Transcript, Andrews:6-7.
- <sup>150</sup> Cole, 'Serving the Nation': 467; Transcript, Jones: 13.
- <sup>151</sup> 'Signed, sealed, delivered: Queen approves Welsh seal'. *BBC News Online*, 15 December 2011, <https://www.bbc.co.uk/news/uk-wales-politics-16202209> accessed 25 June 2021.
- <sup>152</sup> Transcript, Hutt: 8; Davidson, #futuregen: 60. Andrews, *Ministering to Education*: 33; Transcript, Davies: 13.
- <sup>153</sup> Guarneros-Meza et al 'Putting the Citizen at the Centre?'; Andrews, *Ministering to Education*: 33.

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<sup>154</sup> Interview with Lawrence Conway.

<sup>155</sup> Cole, ‘Serving the Nation’.

<sup>156</sup> Davies, Oral and Written Evidence; Davies, ‘Tackling Welsh Sir Humphreys’; Williamson, ‘AM attacks Welsh civil service for a “litany of failures”’ and ‘The Welsh civil service is process-obsessed, it isn’t about performance, outcomes and delivery’; Shipton, ‘New head of civil service “must implement radical change to culture”’.

<sup>157</sup> Standing up for Wales, Welsh Labour Manifesto 2011; Transcript, Davies: 10-11.

<sup>158</sup> Transcript, Jones: 11; Andrews, *Ministering to Education*: 39.

<sup>159</sup> CAB 134/6047 DSWR (O) (97) 4<sup>th</sup> Meeting, 2 June 1997; CAB 134/6047, DSWR (O) (97) 6, *Welsh Assembly: functions and external relations. Draft Memorandum by the Secretary of State for Wales*:6; PREM 49/22-5.

<sup>160</sup> Jones, *Not just Politics*, 82.

<sup>161</sup> Scully and Wyn Jones, ‘The Public Legitimacy of the National Assembly for Wales’.

<sup>162</sup> Transcript, Jones: 7.

<sup>163</sup> Andrews, *Ministering to Education*, 331-2; ‘Women’s groups ‘held hostage’ over violence bill’, *BBC News Online*; ‘Council mergers delayed as deal agreed to pass bill’ *BBC News Online*; Transcript, Wyn Jones: 3.

<sup>164</sup> Transcript, German: 13.

<sup>165</sup> Interview with Lawrence Conway.

<sup>166</sup> Morgan, *Rhodri*: 190; Recommendations, National Assembly Advisory Group (NAAG); Brennan and Drakeford ‘Foreword’ to Morgan, *Rhodri*; McAllister ‘The road to Cardiff Bay: the process of establishing the National Assembly for Wales’.

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<sup>167</sup> NAAG. The rationale behind the creation of the original structure is well-explored in Connolly et al, *Making it happen in public service*: 58ff; Interview with Lawrence Conway, interview.

<sup>168</sup> Cole et al, 'Inside the National Assembly for Wales'.

<sup>169</sup> see, for example, Moon and Evans, 'Welsh devolution and the problem of legislative competence'; Connell et al, How can subnational governments deliver their policy objectives in the age of austerity?.

<sup>170</sup> Transcript, German: 16-17.

<sup>171</sup> Transcript, Michael: 9; Interview with Lawrence Conway; Morgan, *Rhodri*, 315; Cole et al 'Inside the National Assembly for Wales'.

<sup>172</sup> Morgan, 'Gear change for our civil service'; House of Commons, Welsh Affairs Committee; Livingstone, 'Officials sometimes 'forget' Welsh devolution, admits civil service chief'.

<sup>173</sup> Constitutional and Legal Affairs Committee (CLAC), *UK Governance Post-Brexit*; Kenny et al, *Union at the Crossroads: can the British state handle the challenges of devolution?*

<sup>174</sup> Transcript, Hutt; Cole, *Beyond devolution and decentralization*: 81-4. Kenny et al, *Union at the Crossroads*; Alan Trench, 'Washing dirty linen in private'; Transcript, Jones: 27.

<sup>175</sup> Shipton, *Poor Man's Parliament*.

<sup>176</sup> Moon, "'We're Internationalists, not Nationalists": The Political Ramifications of Welsh Labour's Internal Power Struggle over the 'One Wales' Coalition in 2007.'

<sup>177</sup> Andrews, *Ministering to Education*.

<sup>178</sup> For example, Cole, *Beyond devolution and decentralization*, 81-4; 'Serving the Nation': 463

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<sup>179</sup> Transcript, Jones: 23; Transcript, Wyn Jones: 13.

<sup>180</sup> Transcript, Jones: 24; Hutt, 2018:12.

<sup>181</sup> Keating, et al ‘Policy convergence, transfer and learning in the UK under devolution’; Paun and Munro, *Governing in an Ever-looser Union*; Paun, et al ‘Devolution as a policy laboratory’.

<sup>182</sup> With Cole and Stafford, *Devolution and Governance*, an important exception.