CATHAYS

Conversations

LEE WATERS

Acknowledgements

I am grateful to everyone who has being willing to be interviewed. I have included eight transcripts and have used a further two as background information.

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CATHAYS CONVERSATIONS

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LEE WATERS is the Member of the Senedd for the Llanelli constituency. He served for five years as Minister in Mark Drakeford's Welsh Government. He was Deputy Minister for Economy & Transport from 2018 – 2021, and Deputy Minister for Climate Change from 2021 – 2024.

Before being elected in May 2016 he was Director of Wales' leading independent think-tank, the Institute of Welsh Affairs. He ran the sustainable transport charity Sustrans in Wales where he led the successful campaign for the World's first Active Travel Act.

He was Vice-Chair of the successful cross-party Yes for Wales campaign in 2011. He is a former Chief Political Correspondent of ITV Wales, BBC Producer, and House of Commons Lobby Correspondent.

INTRODUCTION

'There is to be a Welsh Government, or Llywodraeth Cymru' the Government of Wales Act grandly declares.

After a decade of muddle, where the division between the executive and the legislature was unclear the law was changed in 2006 to state boldly that the Welsh Government was 'an entity separate from, but accountable to, the National Assembly.'

Whereas the Senedd has become increasingly familiar to us, and fairly transparent for all to see, the executive branch remains shrouded in mystery. The Welsh Government stands as the Black Box of the Welsh constitution - it is reassuring to know it's there, but there is virtually no understanding of its internal working.

After spending five years working within the Welsh Government as a member of Mark Drakeford's Ministerial team, I've taken on the task of attempting to piece together some of the moving parts of this little understood part of our political system.

As there is precious little literature about Welsh government and politics, this volume is a modest attempt to start filling the knowledge gap. I have gathered together a collection of people I worked with, but who are no longer part of the Welsh Government, to capture their perspectives of some of its internal dynamics during the period I served: 2018 - 2024.

I am grateful to the former ministers, special advisers and civil servants who were willing to open up about their time working in Cathays Park, the main Welsh Government office building in Cardiff.

I tried to focus our conversations on the six main areas of pressure that ministers face in doing the job:

1. The breadth and load of ministerial responsibilities.
2. The capacity and capability of the Civil Service to deliver change at pace.
3. Relations with local government - the real delivery arm of government in Wales.
4. The sources and quality of scrutiny faced.
5. Relationships within and between parties.
6. The government's legislative capacity.

The picture that emerges from all this first hand testimony is of a highly complex environment. The politics is multi-dimensional and contested, as is the delivery landscape. The capacity is limited, and the capability is patchy. Ministers want to do more than the Civil Service can support. And far from welcoming a weakness in scrutiny and challenge from an under-nourished civil society, media and Senedd, there is a real awareness of the dangers that this presents.

When ministers arrive at Cathays Park to meet the First Minister and be invited to join the government some have been waiting for this moment, and this portfolio, and have a clear direction they've long thought about. Others are caught on the hop and really don't know where to start. And there's precious little time and space to think. The pace of things coming at you, and the sheer volume of work, is relentless.

The Civil Service is set to auto-pilot and it takes a determined minister to wrestle control of the console, and chart their own course. But once the officials feel they have a minister who knows their own mind they are quick to fall-in and do their best to deliver.

But their best is heavily constrained by their limited numbers. There are fewer than 6,000 civil servants working for the Welsh Government - which makes it only about a quarter of the size of Cardiff Council with its workforce of nearly 25,000.

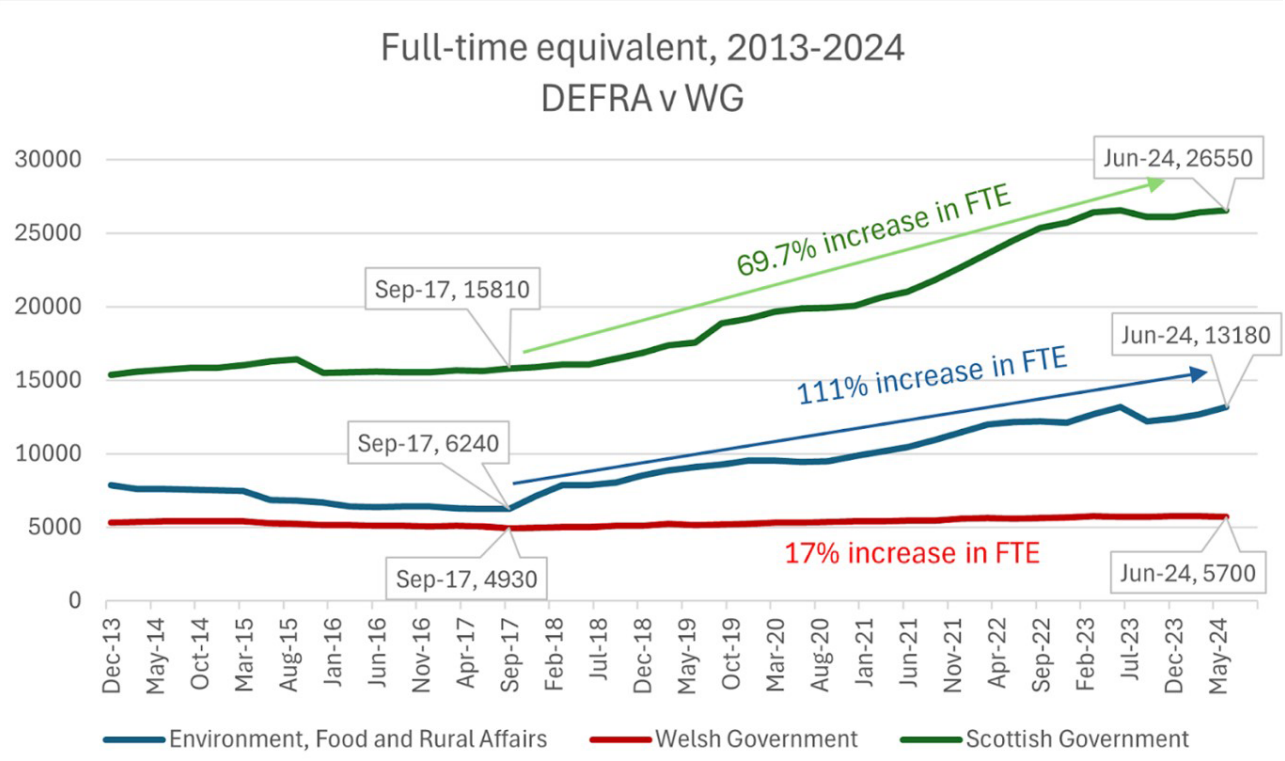
About one third of the civil servants in the Welsh Government work on policy and in supporting ministers. Around a third are involved in practical delivery, and around a third in supporting roles in what's known as the 'Corporate Centre' - things like governance, procurement, legal services and compliance - the bits that are there to stop bad things from happening.

When democratic devolution kicked in, in May 1999, the civil servants of the Welsh Office transferred over to the new Assembly. Whitehall's smallest department had to pivot from serving just three Westminster ministers to a Cabinet and a National Assembly based in Cardiff Bay. Their ability to serve a Government wishing to be active in all areas of devolved policy has stretched their ability to its limits. But it is remarkable they do so much with so little.

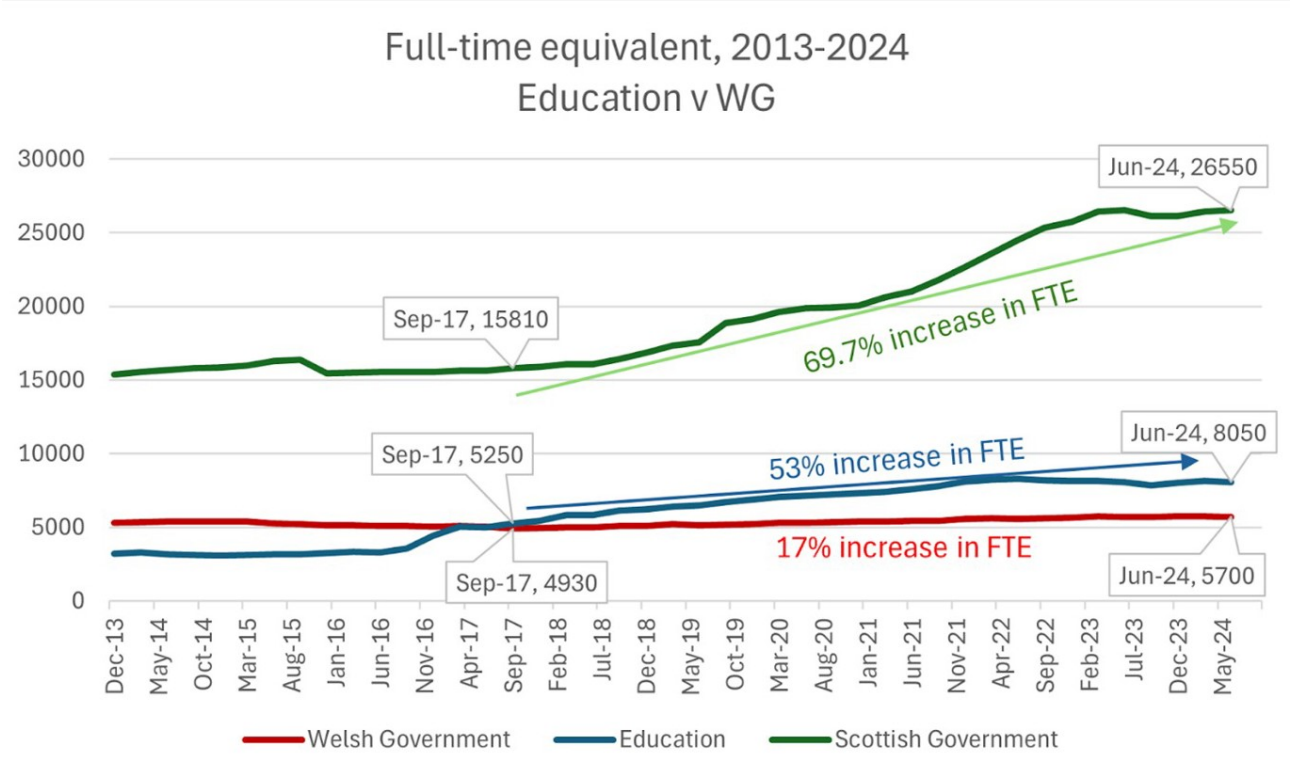
The headcount of the Welsh Government Civil Service has been pretty flat since the UK government initiated its policy of austerity. The then Finance Minister, and subsequent First Minister (and then Finance Minister again!), Mark Drakeford, pledged to his former colleagues in local government that the Welsh Government would not add to its ranks whilst councils had to cut-back. But when the pressures and workload around Brexit and then COVID hit, Whitehall went on a hiring spree, whilst the Welsh Government remained on rations.

The data has not been widely seen but in an answer to a Written Question I tabled the head of the Welsh Government Civil Service, the Permanent Secretary Sir Andrew Goodall, confirmed the numbers. And, when set alongside the data on staff numbers in other Whitehall Departments, they are stark.

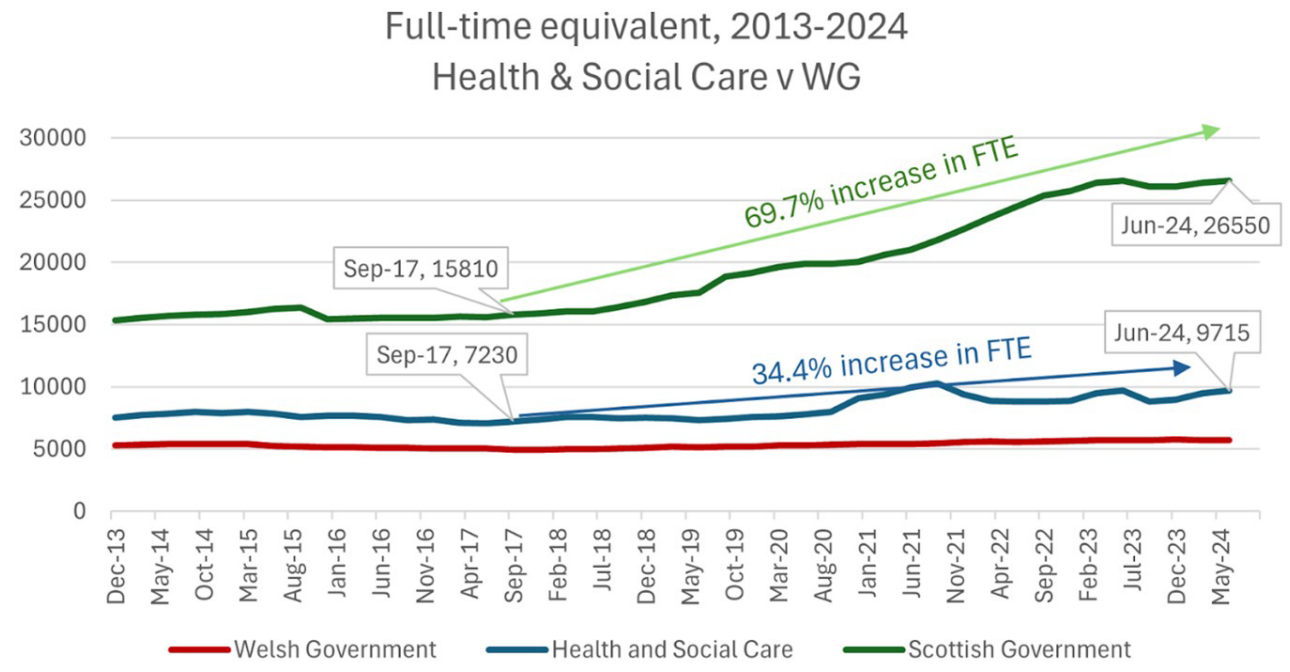
Between this year and 2017 the Department for Environment and Rural Affairs in England has increased its Civil Service support by 111%. Over the same period the Scottish Government grew by a remarkable 64%. The Welsh Government headcount grew far more slowly at 17%.



In education, the Department for Education in England increased its Civil Service numbers by 53%. Again, over the same period the Scottish Government grew by 64%, and the Welsh Government by 17%.



In health and social care, staff numbers in England have risen by 35%, while the Welsh Government as whole recruited less than half that.



The story of any Welsh organisation that is part of a UK whole has always been the same - they try and do a lot with a little. It is true of the BBC, it is true in NGOs, it is true in industry branch offices. And it was true of the Welsh Office between 1965 and the birth of the Assembly.

The difference now is that, as the functions and powers of the Senedd and Welsh ministers have grown, the capacity of the Welsh Government has not kept up. The complexities of Brexit, and the hyperactivity of responding to COVID have added enormously to the pressure the organisation is under. And whereas the Government in England and Scotland have grown their Civil Service to reflect all that, the Welsh Government have not.

It is rather stark to note that at 5,700 civil servants the Welsh Government stands at just over 64% of the Scottish Government's 8,900 count of officials. That is quite a gap when the populations they serve are much closer in size - one serves a population of just over three million, the other a population of five and a half million people.

Of course the headline figures don't tell the whole story and much greater research and understanding is needed to dig down into the numbers and tease out a clearer picture about the resourcing and workings of the Civil Service in different parts of the UK.

Mark Drakeford points out in his interview that the comparison with Scotland is erroneous given that the Scottish Government has taken on a whole new range of responsibilities in the welfare field that we don't have in Wales. The Cardiff Council comparison is not entirely robust either given the volume of delivery staff working for a large local authority. Imperfect as these comparators are, they are all we currently have and, they do give some sense of the relative disadvantage faced by the Government in Wales.

The pressure on the Civil Service is going to grow once the Senedd expands. The increase from 60 to 96 members will only add further to the demands on the Welsh Government, but while the debate has focused on increasing the capacity of the legislature - nothing is being said (or done) to increase the capacity of the executive in response. There is a growing sense of concern amongst ministers and civil servants that not enough attention is being paid to this, but there is little visible activity amongst the Civil Service leadership to react.

The operational independence of the Civil Service is fiercely guarded and ministers are kept away from any role in staffing matters. The most senior civil servant is the Permanent Secretary, currently Sir Andrew Goodall, responsible for the day-to-day running of the Welsh Government. He is part of the UK senior Civil Service and is line-managed by the UK Cabinet Secretary, but answerable to the First Minister and subject to scrutiny by the Senedd for the use of public money. It would be generous to say that the lines of accountability are fuzzy.

This ambiguity makes it hard to challenge the overly bureaucratic ways of working which have built up - and are seized upon, with some justice, by those who argue against diverting funding from the frontline in order to add the staffing headcount.

In other words, the Civil Service does not help itself.

In a separate interview, for the podcast series that I produced to accompany this volume of transcripts, 'Y pumed llawr - the fifth floor,' former Special Adviser Sara Faye reflected that:

'I think there's a sense in the Civil Service that they're overwhelmed. I don't necessarily think that that is true. I think that they have, like any big bureaucratic organisation, made it bureaucratic. So they have complicated ways of doing things.'

This confected complexity is the cause of significant frustration within the Welsh Government Civil Service. A range of procedural and cultural practices guarded by a so-called Corporate Centre that is widely seen to be guided by far too high a degree of caution, and too much of a focus on regularity, adds further strain on an already stretched organisation. The energy spent fighting the system grinds down ministers, and, it wears down good officials too. And breeds a certain resentment.

This is compounded by the low turnover of staff. Whilst helpful for stability and institutional memory, the lack of movement does not provide what Mark Drakeford describes as "the natural refresh" the bigger

turnover a Whitehall department gets where, as he says, “You get people who arrive, do a stint, move on to do something else, and that brings refreshment with it.”

The creation of a new role of a Welsh Government Director of Operations under the Permanent Secretary in September 2022 has not made the difference that was hoped.

The idea of a single Welsh public service, which would reduce the distinction between Welsh Government civil servants, local government officials, health boards and other arms-length bodies, has been gaining currency. And as part of the Welsh Labour / Plaid Cymru Co-Operation Agreement, the idea of a School of Government to encourage a more dynamic culture in the Welsh Civil Service has been progressed.

What’ll you read about in these pages is a system and a set of people doing their very best, but under strain. Public opinion and political debate is increasingly concentrating on the delivery gap in Welsh public service, these set of interviews tell part of the story of why that is.

I hope the conversations that have been captured provokes a rich conversation about the importance of the ‘hidden wiring’ of the Welsh constitution, and the role and working of the Welsh Government Civil Service in that. This has been a much neglected area of debate and study, in part because it is hidden from view. This secrecy and opacity does not serve the Welsh people well, and risks undermining the efficacy of our devolved institutions and the support for them.

My analysis and interpretation needs challenge, but I hope it draws attention to the problem and generates some debate which will result in more information, and greater understanding, of how the Welsh Government works - or doesn’t work. To help provoke the debate I have some initial thoughts of what could be done to address some of the frustrations captured in these pages.

The view that the staffing of the Civil Service is not a matter for ministers needs challenging. The performance of officials and their ways of working absolutely impacts on the ability of ministers to deliver their priorities. And, whilst there does need to be a degree of operational independence, the extent to which ministers are excluded from these decisions is unhelpful.

The latency in the performance of Civil Service is certainly not unique to the Welsh Government. In April 2024, the public service think-tank Reform issued a report looking at the barriers to effective delivery across Whitehall and concluded a lack of focus on workforce performance was leading to weaker public services. Among 14 ideas for change, they recommended bringing more people from outside into the Civil Service by a greater use of external recruitment - too many jobs are a closed shop, only open to insiders; and a greater emphasis on talent-spotting within.

There also needs to be a robust review which listens to the frustrations of middle and senior leaders about the risk-aversion and complexity of the systems policed by the Corporate Centre in the Welsh Government - what the former Director of Education and Welsh language, Owain Lloyd, referred to as a culture that is “there to find 99 reasons why you couldn't do something, instead of finding the one reason, or the one way of taking something forward.”

I’d add that there needs to be a social-partnership based agreement with the main trade unions to manage-out poor performers. The keenness on avoiding compulsory redundancies, when retrenchment has been necessary, has closed off a route routinely used in the private and NGO sectors for tightening performance. This will clearly be fiercely resisted but refusing to confront the issue of wasted capacity in the form of a minority of weak staff is adding to the drag. After all, public service is about the services the public receive, and not an end in itself for the benefit of public servants.

And the issue of the headcount restrictions needs to be reconsidered too. Let's put to one side whether Mark Drakeford was right or wrong to stick to the austerity staffing once Brexit hit. There is an overwhelming argument for looking again at the policy now.

The Civil Service in Wales has some brilliant people, driven by public service values, that we all rely upon to rise to the intractable problems our small country faces.

We need to set them up to succeed.

Lee Waters December 2024

Dan Butler

Dan Butler was a Special Adviser to First Minister Mark Drakeford from the beginning of his government in December 2018 until he stood down in March 2024. He specialised in the environment and climate change.

Interview 30th September 2024

LEE WATERS
What do you think is most poorly understood about the reality of the government in Wales?

DAN BUTLER
I think that's different depending on different groups really. I think there's different levels of misunderstanding depending on how close or distant you are from government.

I mean, on a very basic level, I've got friends who are civil servants in UK government who I had a conversation with, who didn't realise that it wasn't MPs in the Welsh Government, that it was Members of the Welsh Parliament - and that's somebody who's grown up in Wales. They don't live in Wales now, but, I mean, they have family in Wales. So, there's sort of that level of not understanding the machinery of government, even from people who were actually in the machinery itself.

And then to pick up on the particular bits of civil society that I worked with, the environmental groups, I felt often lobbied on a sort of overly rational basis that failed to really take into account the more sort of personal and emotional elements of how politics works; the fact that you are actually working with human beings who have, you know, problems to solve and aspirations to pursue.

I think the reality is just very, very few people have much direct experience, because government occupies a very strange sort of position compared to other organisations. You know, if you're working in a business or a charity, the way that you think about the patterns of activity over time are based on how you get money in, whereas when you're working in government, I suppose, maybe similar to working very large organisations, that's not the thing that you worry about every day. That's something some people worry about, but actually for most people, it's not the guiding principle, really,

LW
I guess it's the size of the Welsh Government that people get wrong, because there aren't that many people doing most things.

DB
I was thinking earlier, what's the largest organisation I worked in? And I thought, 'Is it Welsh Government?' and actually it was probably Cardiff Council. Cardiff Council is probably bigger than Welsh Government, but that's not what people would necessarily think.

LW
So, when I talk to civil servants, one of the things that they are frustrated with is the numbers cap that's been imposed on the Civil Service, primarily by Mark Drakeford. You were one of his close advisers who shared the view, I think, that there's a lot of inefficiency in the system and we shouldn't be focusing on increasing the numbers; we should be better at directing the machine we have. On reflection, do you still think you're right about that?

DB
I mean, there are definitely instances of that. So, for example, when I first started, there were lots of teams working on grant-giving in

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government and dealing with the day-to-day relations of grant-giving. And Welsh Government's not very well set up for grant-giving. There are organisations out there like the lottery who are, and we definitely improved things, freed up capacity, and made a better service for the poor people in receipt of these grants by making that change. I mean, there's definitely things like that.

Does that outweigh the overall massive pressure of austerity on the public sector? Because I think it's not just the numbers, but it's the circumstances in which you're working, whereby you're cutting and constraining all the time, when everybody who you deal with day to day thinks you should be doing the exact opposite. And I think that creates inefficiency in its own way, because people try and find ways around it.

People try and save things that shouldn't be saved, and people give up things that shouldn't be given up. But we've spent a lot of time doing that around the budgetary process. It's making sure that the right things are constrained, and the things that shouldn't be constrained are allowed to carry on. So I think it's possible for both to be the case, as in, we did need more people, but equally, we needed to make better use of the people that we had really because, you know, the working methods of the Welsh Government are positively 19th century, you know, never mind 20th century. But very, very, very bureaucratic systems...

LW
More so than Whitehall?

DB
I don't know if more so than Whitehall, but certainly more so than most modern organisations. And I would count some local authorities as having more advanced and dynamic ways of working. I don't think it's a purely public sector thing. I do think there is a particular sort of inertia in Welsh Government, in my experience, I mean, I can't speak to Whitehall.

LW
And how much ability do ministers have to try and disrupt that?

DB
Do you know I'm not sure I ever really fully understood? The thing is you've got a very strange setup in Welsh Government, democratic governments generally, in that you have to have an organisation that is set up in such a way that you can cut its head off every five years and it carries on moving. Most organisations are not like that. I mean, most organisations that suffer that kind of damage would really struggle to carry on and often take a long time to recover, whereas the government just carries on going. And that's brilliant, but it means there's a particular disconnect between executive decision making and then the operations.

It's very unusual and quite hard to navigate, and very difficult for people from the outside to understand. So, if I was working in a business, and there was somebody managing an area and it was causing problems for stakeholders, then at some point you'd expect the executive to be able to do something directly about that.

Well, in government, you can't, beyond, you know, you have a conversation with someone who has a conversation with someone else who has a conversation with the First Minister, who has a conversation with the Perm [Permanent Secretary]. But what happens after is that, often, especially as a special adviser, you're not even told so you don't even necessarily know what the management actions being taken are.

LW
Do you think the Welsh Government has more dead wood than a typical organisation, or do you just think that's the nature of the public sector?

DB
I definitely don't think it's a public sector thing because there are areas within Welsh Government that are very high functioning. I don't think it's across the board, but I definitely do feel that there's a particular sort of institutional inertia working in Welsh Government I felt, in particular, compared to, you know, in a much more junior role, but working in a local authority. And I think maybe some of that is to do with the distance from the front line that you inevitably are as a government compared to a local authority; you're not dealing with the external pressures quite so immediately, as you are if you're in that sort of role, just because the nature of the role [means] you're slightly removed.

LW
How much of a constraint do you think that is to the better delivery of the government's objectives?

DB
I think improvement in governance and operational efficiency could make a huge difference. And I think a lot of it is not hugely complicated organisationally, but how you actually make that happen within the government.

Like I said where there was ministerial locus (focus?) over things, so, for example, you have a function that government's delivering and government could do a better job if it shared that task with somebody who knows a bit more about it, you can do things like that.

As part of the climate stuff, we funded personal development for civil servants. Because when I was here early on, Andrew Johnson [SPAD] pointed out that that was something that a government could do, which hadn't really occurred to me that that's something you could do, so we funded a bunch of that. And I do think some things came out of that. I mean, some of the transport people that worked on the strategic roads' biodiversity stuff were part of that. So, you know, whether that helped them, or whether they helped that initiative, I don't know. And that's the thing, you haven't got that day-to-day management responsibility as a special adviser, so you're kind of, it feels like dealing with a natural organism, almost. It's quite hard to know what's going on inside.

LW
Even ministers, and therefore, by extension, special advisers, aren't able to direct the running of the Civil Service. And as you say, that is an impediment to better performance. So, how would an incoming government tackle that?

DB
Well, I guess it does it in the same way all organisations do really, you invest in the people that you have, you invest in the managers, and you invest in the...

LW
[interrupts] but that's not something ministers would generally get involved in.

DB
It isn't but, like I say, you actually can, you know. Over the years we put millions of pounds into sending civil servants on courses, and by getting them to co-operate in groups, like the Bio-diversity Task Force. But as a minister, you sign off the money, and then somebody else goes and manages that and, really on this, on the scale of which you're working, you know, a training initiative for dozens of people is very, very low. You know, it's below the ministerial radar, really.

LW
Do you think that, because of the lethargy in the Welsh Government Civil Service that you described, ministers find themselves being sucked in to managerial functions that in a Whitehall department, they wouldn't do?

DB
I think they can be, yeah, I think it is a risk. I don't think all do get dragged in. I think it depends a bit on the professional background. So, ministers that I've worked with who've come from senior management positions in other organisations just can't help it. You know they've been doing it for decades, and they just end up having conversations about it and getting dragged into it. Others who've never come from that background and therefore have not really had to do that sort of thing in the past don't tend to get dragged in, because how would they?

LW
In terms of the headcount, a point often made is that after Brexit the Civil Service in Whitehall expanded, particularly DEFRA for example, expanded significantly, dealing with all the different regulations…

DB
Yeah.

LW
And the Welsh Government didn't. That was a deliberate political decision by the First Minister. Do you think that was the right call? Why was that done?

DB
Well, I mean, obviously I had a very close involvement in that work with DEFRA. I mean vast, vast amounts of that work was utterly redundant. So huge amounts of that work are totally wasted. I mean, we spent millions of pounds setting up all these border units and they're utterly redundant. So, yes, I mean, Whitehall invested more in that, but how much have they got from that investment? I'm not that sure. We did things like change the regulations on the shape of the bottles that wine comes in. Is that really good use of Welsh Government resources to put more people in? You know? I don't think so. What happened to that resource, and therefore what we did instead, I don't know. You'd have to…

LW
[Interruption] I'm interested in the decision by Mark Drakeford to say that local authorities are facing austerity, and we should not be increasing our headcount at the same time as we're asking them to let people go. What was behind that thinking?

DB
It's not a decision I was very close to. My work with local government tended to be more on the policy side, generally, rather than worry about things like that, but, you know, it was supposed to be a better, closer relationship. You know, 'We're not giving you one rule and then having [another] one,' you know…equally, I never, I never heard anyone from a local authority thank us for that.

LW
[laughter]

DB
I guess the bits of local government that I was dealing with often were those in receipt of additional Welsh Government funds on things like air quality and circular economy. We were encouraging local authorities to expand what they were doing, so I guess in that sense, it was probably slightly out of their normal context.

LW
Just to close off this bit then. So, do you think that overall numbers and capacity is a constraint to the Welsh Government?

DB
My background is coming from organisations that have lived hand to mouth, and so it's not terms I think of. If I have five people in my little charity, I'm not sat there thinking, 'Oh, I need 10. If only I had 10, I'd be able to…' you know… I'd concentrate on the five that I've got, and I'd work out. If I want to get to 10, what am I going to have to do to get 10? It wouldn't occur to me to think, 'Oh, well, if only I had twice what I had, then I'd be fine.'

When you're working in Welsh Government you see the huge process inefficiency. I mean, I received five, six hundred emails a day. I mean, that's ridiculous. There's absolutely no need for information to flow around an organisation in that way. Cardiff Council didn't work like that in the early 2000s when I was there, so why is the Welsh Government working like that 20 years later? It doesn't need to be that way.

When you're working in Welsh Government you see the huge process inefficiency. I mean, I received five, six hundred emails a day. I mean, that's ridiculous.

At some point there will be generational changes, and people will start to adopt different ways of working, because I just find it really hard to be persuaded by the sense, 'We would need lots more people just because...'

There was the famous 'edible dormice' case [an example often quoted by Julie James] where the first piece of legislation that the Climate Change Minister - brand new ministry, new minister coming in, you know, officials have been off working on this 'very important piece of work' to change regulations about edible dormice, and then she's being told, we need more people and we haven't got legislative capacity. Well, it's hard to be persuaded by that when the machine is then outputting this. And, you know, lawyers have worked on that, senior officials have signed that on - you know that there's been a whole process behind that. And I was finding things like that all the time, wasn't I? Then just waving them in front of her and setting her off!

LW
In terms of the Civil Service again, one of the things I kept hearing was 'the centre' was slowing things down, or 'the centre' was being a problem on Cardiff Airport. I never fully understood who 'the centre' was.

DB
No.

LW
As far as I could understand, it referred to all sorts of senior officials, finance officials, the legal officials, governance…

DB
It's a good example of what makes the Welsh Government/other organisation distinction. I found lots of things like that; my example was about Treasury spending rules, about EU replacement funding, and nobody seemed to really know. Nobody was ever able to show me a piece of writing with any sort of authority which explained why we had to do the things we were being told we had to do. And I never really got to the bottom of that. In any normal organisation, some sort of major strategic thing: 'Can we spend this money on this, or can we

spend it on that?' and 'What happens if we get it…?' you know, someone would need to know the answer to that. And there would be a very clear line. Whereas here it was like, "Oh well ask Treasury," or "Ask this person,' or, you know, 'When we were speaking to this person,' - was all very nebulous.

LW
Is it because of a lack of central strategic direction within the Welsh Civil Service, or is that because of custom and practice that no one's ever had the ability or the authority to challenge it properly?

DB
Both. I mean the only thing about the first one is because you don't have that day-to-day management involvement, you know, I'm always slightly reading the rooms with the Civil Service because there's some stuff they'll talk to you about and other stuff they won't, because as a special adviser you have no role in the day-to-day management. So, things happen, things get reorganised, people appear, people disappear, but nobody ever, unless they're feeling generous and you catch them [for], you know, [a] quiet word after a meeting or something like that, you're just presented with it. So, my understanding of the logic of how things were managed was always quite difficult.

LW
In terms of the role of special advisers, there's a big difference between Wales and Whitehall that's often not understood it's that you work to the First Minister not to individual ministers. That's a big difference isn't it? You have kind of a matrix management kind of relationship with the minister that you support. It's a really odd kind of relationship, but it kind of works. How would you describe it?

DB
There's a massive difference between Whitehall and in Wales as well, just because of the scale. So, in my role, I reckon I spoke to probably 30 or 40 different people in the UK Labour shadow team who were doing bits of my job. So, you know, that's obviously completely impossible for any person to be across all of those things. So people tend to specialise, I find, and do become types of special adviser. I tended to be quite policy and internal operations focused, you know I liked reading the budget and that sort of thing. I probably did a lot less with stakeholders and media than a lot of other special advisers would have done.

LW
And you decided that based on where your comfort level was, or were you tasked with that?

DB
A mix of the two? I mean, after I started to realise quite how weak some of the civil society institutions were, it made less sense to devote as much time on them, to be honest.

LW
[Laughter]
Yes, I understand that.

DB
Yeah. Well, some of it was self-inflicted…

LW
You had a bit of reputation for not responding to emails from civil society, well, that's probably a judgement call you made about best use of time,

DB
Probably. It is also to some degree down to the insane way that information is managed in the Welsh Government as well. Because the reality is, unless you spend several hours a day sifting through your emails, then things start to get… so it's quite likely I probably never saw half of those emails, rather than…

LW
This division of accountability, who you work to, and how you manage that very nebulous set of responsibilities, what were the upsides and the down sides of that?

DB
Well, I mean, managing intra-cabinet dynamics is a really important part of the role, and I think it's a common public misperception that people think that if you have a First Minister, they have a Cabinet, and they pack it with their allies. Whereas what actually happens is, from a party management point of view, you need to have some level of representation. So you need to have some levels of intellectual tension, political tension, in the Cabinet, because it helps you make better decisions and keep people on side. But obviously, as a special adviser, then you're caught in the middle of that.

So, it's difficult in that sense, but equally, it's easier doing that than it is managing tensions that are going on outside. And I mean, that's the point, isn't it? That's why you have that sort of arrangement.

For me, I've been working with Mark for 20 years before I joined here, and so I guess that made that part of the role slightly easier, then I needed to get to know the ministers that I was working with. But actually, I had a very strong relationship with the First Minister already, whereas for someone like Sarah [Faye - other climate change SPAD working with Julie James], she had the exact opposite. She had a really, really strong relationship with her minister. And I think that's probably the more typical type of arrangement where you have somebody who's very close, right?

LW
More typical in Whitehall but not in Wales though? I don't think…

DB
I don't know.

LW
Ministers don't get to choose their special advisers.

DB
Well, I don't know. Julie did. Didn't Ken [Skates] bring Andrew [Johnson]? Isn't that how that happened?

LW
Yes, because he worked in his constituency office, but those are the exceptions.

DB
Okay, I would say, I honestly don't know.

LW
Generally, you get told, 'This is your special adviser.' When Sam Hadley came to work with me, I was informed, and when I was approached to be a special adviser by Carwyn Jones. I was asked to go work with Leighton Andrews and I explicitly asked, 'Can I discuss it with him first?' And was told 'No,' so I said, 'No, thank you.'

DB
[Laughter]

LW
So, who did you feel you were working to?

I think it's a common public misperception that people think that if you have a First Minister, they have a cabinet, and they pack it with their allies.

> … some of the time you're working on a cause or an issue, aren't you, so you're working with whoever is on your side, essentially, and sometimes people who are not on your side.

DB

I mean, day to day, you work alongside your minister. At the end of the day the person you walk to the edge of the cliff with is your minister day to day. I would see the First Minister on the weekend, and we'd, you know, chat about things, but in terms of the working relationship, you see him for a few minutes every couple of weeks for a very specific meeting where essentially he says, 'I need something done about this,' and you say, 'Great,' and go off and do it. Whereas, you know, your minister you arrive with every day, you go to all the meetings, you share the pain, you have all the all the experiences of the day to day. So, even though I feel like I worked with Mark, because that's how I got involved, I definitely feel like the people that I spent all my time with and got to know the best in work were the ministers and, you know, some of the officials. I mean, that's the thing, some of the time you're working on a cause or an issue, aren't you? So you're working with whoever is on your side, essentially, and sometimes people who are not on your side.

LW

Back to the point about resolving tensions, political tensions, policy tensions within the ministerial team, talk a little bit about how that happens.

DB

Well obviously, prevention is better than cure, for sure. So being able to pre-empt the things that will get your ministers worked up is obviously the best way of of dealing with things - either by making sure that, before something happens, those who are involved in whatever decision are fully cognizant of how your ministers are likely to respond, and therefore might think about how they go about it, or, otherwise developing ways of handling it with your minister; whether that's, you know, something that they might want to do something about and that is going to be helpful to the government, then you might try and help them with that.

If it's not something that's going to be helpful to them and the government, but they're going to do it anyway, then it might be a matter of damage control and trying to help explain to some of the other people who might be annoyed about it, why somebody might look at it from a different perspective.

My shorthand summary of what being a special adviser is, I mean it's slightly glib, but you spend half your time telling people what the minister thinks, and then half your time telling the minister what other people think. And I would put the resolving Cabinet tensions very firmly in that model really; a lot of it is just helping people understand their views.

If you're presenting something as a special adviser I just think it's a slightly easier way to present something to someone, because the person who you're presenting it to knows that you work for them, you know, or if you've got that trusting relationship, they know you're working for them. So they might be annoyed, and you might take a bit of flack, but actually having that conversation with you about it when they know you're on their side allows them to think that through and how they want to deal with it in a way that's much easier than if they

were told by somebody who they know firmly isn't on their side, or is batting on for a slightly different objective.

LW
And how much autonomy do you have to sort of pursue your own views on things and issues you think are important?

DB
I wouldn't really. I just wouldn't put that as part of the role really. I mean, I have lots of views on things, and obviously you would explore them with ministers and civil servants. But at the end of the day as a special adviser it doesn't matter what you think, you're as good as your advice. That's how I always saw it. And if my advice just consisted of my own views, then I'm probably not going to get very far. It's a much better place to give advice on things that I've gone and found out about.

LW
So, you were a SPAD for the whole of the Mark Drakeford term. You mentioned earlier about resolving internal disputes, but also your conversations with special advisers at the UK level. Talk a little about the internal party management, the dealing with MPs or shadow ministers or the leader's office, and how all of that kind of flows through?

DB
Yeah, very strange. I mean there's a London/everywhere else dynamic that goes on. And I've worked in other organisations where there's a London head office and it's a very, very, similar kind of dynamic. So, there's definitely that to it when it comes to the UK party. And obviously your relations with the UK party are very context dependent. So, at a time when Labour were low in the polls at UK level, and we were doing well in Wales, you know, you're a good thing. As soon as Labour in the UK level are doing well in the polls, and you're in the midst of governing and trying to do difficult things that they don't want to be associated with then things become rather more difficult, really.

LW
There's a bit of a caricature isn't there about the Labour MPs that they are some kind of group, and they are hostile to what Welsh Labour are doing and are a problem.

DB
Yes

LW
Is there any justice to that kind of caricature?

DB
To be honest, the experiences I could think of don't really correspond to that. But that's not to say it's not the case. Because, typically, my engagement with MPs would either be explaining things, you know, they've heard something they don't understand, 'Why the Welsh Government would be doing this terrible thing,' and, you know, having to explain to people. And I found MPs to be just as good and receptive as anybody else really - councillors, MSs—so I can't ever say that I had any particular issues with them. Some other people might have done in other policy areas, but in mine, it's not something I would say was a big feature of my experience.

LW
Do you think enough attention is given by ministers and the government here to dealing with MPs and giving them some kind of voice in policy making?

DB
I think quality of communication, you know, not just the government and MPs, but also with back benchers, with councillors, with members, it still feels to me very sort of 19th century - we are very sort of long in prose and tend to be focused on the minutiae, and people just don't take in the information. So that the typical experience, and I've definitely heard this from SPADs, is that they're getting asked for information

that they feel they provided multiple times, and it's like, if you've provided it multiple times and it's not been received, then that's not necessarily all the faults of the those in receipt of it.

I know it's easier said than done, but I tried to make sure that where we were spending money on projects in the environmental area, that as well as having long lists that we always publish of grants, we publish maps of things so that, for example, someone could have a look at what was happening in their constituency, you know, whether that's a councillor or an MP or anyone, and little things like that that could probably improve that relationship. But as I say, it wasn't something that was a massive problem for me. So it's not something I devoted huge amounts of time to. But, you know, everybody's busy, and people can feel a bit cut off from each other, but I don't think that's a uniquely government/MPs thing, particularly.

LW
So, you mentioned internal party relations; in terms of relations with other parties, the opposition parties, you were there at the time when there was a compact (contract?) with Plaid Cymru [Co-operation Agreement]. That seemed to take up an awful lot of time and energy behind the scenes, between the two 'designated members' who were the front people for that, and the SPADs and the officials. And obviously it delivered a budget. What are your reflections on that whole process?

DB
Well, it's interesting really because the day-to-day experience as a special adviser, my experience completely universally is I had really positive relationships with the group offices of all the political parties. So, the individuals that I would deal with in Plaid, Tories, Lib Dems, and even in the other various party offices that existed before the '21 elections, were all perfectly cordial. You know, these are people who are working for not the best salary to be a part of our democratic life. You know, you might disagree with their political views, but I always found people really easy to get on with, and generally wanted to find ways of getting things done.

And I think, you know, the experience of the big bills we did on things like air quality and agriculture, where actually, you know, with a lot of hammering stuff out, we actually managed to get quite a lot of consensus around those things. And I think some of that was because there is some consensus, but actually some of it was because they were willing to give ground to see things done. And, you know, almost acting in the national interest you would say, rather than their party interest, and there's more than that that goes on.

LW
Was that true of the agricultural pollution regulations experience?

DB
That was a very different sort of experience, although I would note that the regulations for the delay included a 'sunset' clause, and I think that's a big concession for Plaid. So, you know, are they going to push the sunset clause back once more? Probably. But, you know, they had to take some degree of trust to be able to agree to that, because they could have just said no, and they didn't.

In the end we managed to find a compromise. [We said…] 'We will delay this, but for our purposes [there's] this other thing [we need to do.]' And actually, they did concede on that. So, in my experience of it, though, obviously it was an awful, very unedifying saga, but actually, in the negotiations there's probably slightly more pragmatism involved than one might have thought from outside.

The thing about the Co-operation Agreement is that the dynamic is completely different because of the sort of half in / half out of government situation there was. And so, in a way, that was much easier. With group offices your lines are drawn very clearly, and therefore it's actually quite easy to develop a kind of cordial relationship with these people, because you know exactly where each of you stand.

I think the thing was, the special advisers who came in with the Co-operation Agreement are obviously like any special adviser, it's, you know, just completely bamboozling to begin with. And obviously they're coming into a completely different political grouping, but also with people who've been around for years as well. And so, it took a lot more investment of time to develop that trusting relationship. Because understandably, at first, they don't trust you, because they don't know what's going on. You do. You have all sorts of ways of

making things happen. And, you know, things pop up here and there, and they're like ‘How did they do that?’ So, it just does develop. It takes work.

I do think by the end, I had a really good working relationship with the special adviser I worked more most closely with. And the designated member I worked most closely with was Cefin Campbell, and he was a very personable and a nice person, which actually, going back to an earlier point, really makes a difference in working with other people, somebody who's pleasant and cordial. But also, he generally wanted to find solutions, and so, he often came, you know, we had lots of meetings where he would come with one position, we would come with our position, and we were no closer at the end of the meeting than we were at the beginning. But he was always willing to give it a further go and try another route. And so, in that sense, I think we got there in the end. It took a lot of time.

… and he was a very personable, and a nice person, which actually going back to an earlier point really makes a difference, in working with other people, somebody who's pleasant and cordial.

It's very hard to develop that trusting relationship. It is hard to get to the point where they will hear from the officials saying, ‘Well, we can't do this because of these reasons,’ and then trusting that there's not something else going on that they're not privy to. Because until you develop the understanding for yourself...And I think one thing that probably helps, I think Stefan [Bryn, Senior Plaid Special Adviser] and I have quite a similar sort of disposition. And so, he would tend to do the sorts of things that I would do. And so I think we developed a sort of understanding whereas with, you know, some of some other people, we shan’t name, you know, it's just because you have a very different disposition, then you just don't tend to see things in a similar way.

LW
You mean personality style?

DB
Personality, but working style as well, as much as anything else.

LW
Obviously, pragmatically the votes weren't there so you need to compromise. And so, it was a form of compromise that was successful, but from a public policy point of view did that process of compromise produce a better outcome you think?

DB
I follow Westminster politics closely, and obviously have had a close involvement with Senedd politics. I do think the dynamics are very different because of the numbers. And I do think we get a slightly more realistic view of what politics is in Wales, because you don't just have governments that can do whatever they like. I do think that on a macro scale that it is beneficial.

We reached a series of compromises with them as part of the Co-operation Agreement that squared that circle of theirs. Where we gave ground was largely on issues that we would have been happy doing in any event.

I do think, as a country, we're better off for having governments that have to accommodate, not just the views of various ministers, but the views of other parties and people that come at it from completely different perspectives.

LW
We've had experience there already of a full coalition and of this partnership agreement approach, which as you said is one leg in, one leg out. What do you think, having seen through that period, do you think that is a model that holds up to scrutiny? Is that something you think we could do again?

DB
It was tough to make it work. There was a huge amount of work that went into it. I don't really have direct experience of coalition; well, I suppose I do because before 2021 it was Lib Dem and Dafydd El wasn't it? And in terms of my role, I had a lot of that kind of coalition type stuff, because she [Kirsty Williams] had a real interest in the farming stuff, so I used to spend huge amounts of time with Tom [Woodward, SPAD]. But Tom was a very experienced special adviser and so that's a very different position from Stefan [Bryn, Plaid Senior SPAD], who was coming in afresh. Tom had been there years longer than me, so it was just a very different sort of relationship, and, obviously, that was very easy, partially because of the sort of person he is, but also because of the fact it was an established relationship. But there was no more agreement with Kirsty on some of these things than there was with Plaid. I mean, they are adopting exactly the same position.

LW
So, was it resolved in a different way with her than it was with Plaid?

DB
Yes. I mean, she had a lot less say over those things. I mean, that was the thing [with Plaid] I was negotiating multiple times every week over policy positions, whereas...

LW
[Interrupts] Well, she had as much say as she wanted to have because she still was a vote that was needed. She just chose not to exercise it in the way Plaid did.

DB
I mean, I suppose she would have had the same power in terms of a budget, but also the other context of the Co-operation Agreement was all the Senedd reform stuff, and two thirds majority, wasn't it? So, she didn't have that sort of power, because she was just an individual member. Yes.
LW (space?)
I never quite understood that argument. We had to keep Plaid on board because we needed two thirds for Senedd reform. There's no world at all where you're going to vote against Senedd reform.

DB
Well…

LW
So why was that? Why did that become such a powerful story?

DB
They did vote against some stuff you would think would be in their direct self interest there.

LW
But not Senedd reform, that kind of core business for them, isn't.

DB
Do you know what? I never got to the bottom of how Plaid determines its strategies. I mean, lots of the things that Plaid do as a party seem to me ill advised in terms of their own reputation, you know.

LW
Okay, that's a whole different story, let's not go down that rabbit hole. [Laughter],

Let's move on to the relationship with local government, because that's another thing I think that is different to the UK context, this partnership idea. We saw the upside of that during COVID, but we've also seen the downside of it as a constraining force - the education consortiums, for example, local government reform. They do seem to have quite a powerful effect in killing off reforms they don't want to see - which is quite a lot of reforms. But in practice, they are, as they keep being described, 'The delivery arm of the Welsh Government.' Can you explain to somebody outside the system what role and power local government has over Welsh Government? What's your impression?

We saw the upside of that during COVID, but we've also seen the downside of it as a constraining force - the education consortiums, for example, local government reform.

DB
Well, I mean, they have their own independent mandate, don't they? That's one of the key things that distinguishes them, for example, from some other public bodies you deal with. You know, we deal with NRW, but NRW aren't elected– they work to the minister; whereas, when you're dealing with local authorities, they have a mandate of their own. And I think that does change the dynamic, because they will say quite rightly, 'We've been elected on this basis, and you're trying to tell us we have to do this; or you're going to try and make us do this, and it's going to disrupt this other thing which our electors have told us needs to be done.' You know, there's not much comeback for that, really.

LW
So, in terms of what practical influence do you think they have on what the Welsh Government does? How powerful are they to stop or shape things?

DB
I don't know. It's an interesting question. Though I never really thought of it like that, as in, for me, if you're doing something and it's being completely undermined by the local authorities, then there's probably some improved design available. I mean, so… you know the improvement in the recycling rates, you know, you can see that. You can see it in the stats over time happening. You could see the change in policy. You could see the divergence with England. But in many ways, it's always been quite an uncomfortable arrangement because ministers don't want to levy fines on local authorities, and to some extent, local authorities know that ministers are reluctant to end up playing this sort of slightly strange dance around all of that. So, working through it didn't feel a very comfortable institutional relationship, but it did produce results.

LW
That's a rare example of where ministers did have a solid lever to pull.

DB
…yeah, and didn't want to use it..

LW
..but the fact they had it was material.

> The classic example of this being is anytime you talk to a Senedd committee or a lobby group, they want you to set up some sort of quango, some sort of independent body.

DB
I think so. Yeah. I mean, obviously the policy had been around for a long time, so different ministers would have taken a different approach. And certainly, you know, there were more fines levied in a time when austerity was slightly less of a thing, I think.

LW
I think that does seem outrider as an example of the Welsh Government's relationship with local authorities, doesn't it? And yet it is the one area where we have seen significant change.

DB
Yeah. And equally I never saw any minister arguing for that system to be replicated for other areas.

LW
Well, I guess in a sense it was the EU rules that gave them those powers in the first place, it wasn't that the Welsh Government chose to have them, was it?

DB
But the fines and the recycling targets, there's no system like that in England, so, it was all in line and all part of the EU framework. But certainly, the fines, the recycling targets, the 70% and all of that, that was all Wales-specific legislation.

It's one of the examples of one of the very early and ambitious things. It's actually got a lot closer to what it said it would do than many of the others. I mean, fuel poverty, a completely different example, where rather than levying fines, it's pouring in money. And actually, you know, how much did that move things along? It really struggled.

LW
Yeah, so arguably, as an example where fines were a useful tool to have in the back pocket. So, why is it you think that they have that approach that hasn't been replicated in other policy areas?

DB
Because I think the implication it has for the relationship, because I think it changed the relationship. I never felt that any ministers I worked with were totally comfortable with that relationship, because it felt like a sort of student / teacher type relationship - and particularly with people who've got local authority backgrounds. It's not how they see it.

You know, local authorities are not a problem for the Welsh Government to solve. They are delivery organisations. They are out there helping thousands and thousands of people every single day and allow, you know, our towns and cities to exist. They're not perfect. There are many things to improve. But you know, my own experience of working for a local authority, which is some time out of date, is that it was a more modern organisation than the Welsh Government was, and so we had as much to learn from them as we did to teach them, that's for sure.

LW
To come into the idea of scrutiny. So again, what I'm trying to tease out here is the difference between the theory and practice of governing? And obviously, one of the key lessons of political teaching is that parliament scrutinises a government and the government responds to that. The civil society has a role, as does the media, and in Wales there are particular accents on each of those aren't there?

DB
There are.

LW
To what extent did you feel inside the government you were being pressured by scrutiny to act in a different way?

DB
Extremely rarely. It's the thing I suppose I found the most shocking, really, is actually quite how little [there is] - not just the scrutiny not being very robust, but actually there being a lack of enthusiasm for scrutiny. That's, that's what I felt.

The classic example of this being is anytime you talk to a Senedd committee or a lobby group, they want you to set up some sort of quango, some sort of independent body. As if, 'Oh, well if, if we could just have a group of people who are, you know, quote, unquote, independent looking at this, i.e. doing the scrutiny, then everything would be fine.' And it's like, but what are you doing?

So, you know, a major example, and I was really surprised how this all played out, but the environmental governance arrangements—we had this whole EU, Brexit referendum, sovereignty, all of that sort of stuff. And then, you know, not wanting to lose sight of EU regulation and keeping up that standard, and the real urgency and importance of that. And then all the parliaments just said, 'Oh, well, the government can just set up a body and they can do that.'

And the governments either haven't set up a body, in Wales' case, or they've set up bodies that are ultimately beholden to the Secretary of State. So, with the UK, the body can't decide to investigate things unless the Secretary of State approves. Well, that doesn't sound like a great system of environmental scrutiny to me.

I really don't understand why the parliament didn't say, 'Right. This is our time. The EU used to do this. We're going to have to take a much more robust role in all of this.' And they've just produced reports saying the government needs to set up a quango, and it just doesn't put pressure on anyone. Because who cares? There will be some professional people to whom that matters. But they will really struggle to explain to you in any coherent terms why it matters.

And the conversation often had with people is that the lobby groups wanted fines to be levied by the body. That was the big cause. You set up a quango, and the quango has fines. But you point out to the people that if the quango is run by the government, then the fines are going to go to the government. So, the government will do something wrong, it will be fined, it'll then be given the money. But, you know, that's not an accountability mechanism. That's not going to give you additional scrutiny, because when you were part of the EU, the money went to the EU, it didn't go to this government. So, the dynamic is completely different.

But the logic was, we used to get fines from the EU. The government used to respond to getting fines from the EU. Therefore, we need fines in the new system. And that was the level of thinking. And these are the big organisations, and it's quite easy to explain why that isn't going to work; however, many years later, you know, we're almost 10 years on, and the calls are still the government needs to set up a quango to look at this.

It's like you've had 10 years where government policy has basically been, you know, it's crazy, really. And you think that over that time, all the infractions, all of those processes in the EU, that all of those governments right across the EU have been subject to, nothing of that sort has happened in Wales. For almost a decade

LW
So that's a criticism of NGOs so particular policy maturity, generally. But well...

DB
Well, I would say the parliament should have been the one. In my view, the parliament should have said we're going to beef up our scrutiny because of this change.

LW
In terms of the more general parliamentary scrutiny, committees and questions and so on, did you feel any pressure from that to up your game?

DB
There were absolutely, without question, examples of questions, particularly from opposition, and to be fair, particularly to certain members of Plaid Cymru, where actually they were quite good at highlighting issues. And it kind of felt like, 'Okay I can see why.'

So, there was a committee report and a bunch of questions around local authority farms. Well, you know, that is not an issue that's very high up the government's agenda; and local authorities have been selling off their local authority farms for many years because they're desperate for cash. But actually, it does have quite big implications for entry into the sector, because that used to be a very important way, and over time, it has eroded. And, you know, the government faced pressure on shoring up the loss, and also, you know, examining other sorts of routes.

Okay, it's not a major example. But though there are definitely examples of somebody who will raise something, it's not something that the minister or many officials have given much thought to, so actually, stuff does happen as a result. But that's a tiny minority.

The majority of what happens in the chamber, it seemed to me, is, 'I'm going to make my statement, I'm going to clip it and put it on social media, and I'm going to sit down,' and it's not, you know?

I think that applies to a degree in Westminster, although obviously they have a lot more time and space to do scrutiny. So, I definitely felt, from a parliamentary point of view, and obviously as a special adviser this wasn't really my bag, but it did feel to me as if there was very limited parliamentary debate about lots of things. It tended to be quite repetitive things that would get brought up, there wasn't a lot of surprise in things.

I definitely feel committee reports were such a missed opportunity, because I feel like the ministers I worked with wanted to be responsive to committee reports. The steer I always had from ministers was trying to make the officials' rather grim responses [to report recommendations] slightly more upbeat, positive, and receptive. But the reality is that they made it quite easy for us a lot of the time by putting in things that were pretty anodyne, or things that were just so barking mad that, you know, there's no way that they were going to happen.

LW
And then the media element of scrutiny, give me your impression of that.

DB
'What media would that be?' would be my short answer. If there are lots of people following the Welsh media, I certainly didn't meet them. I mean, I don't know whether it's something to do with people here not being as interested, or, you know, whether it is just poorly served by our media. But I mean, if you read the Welsh media, it's just, it's pretty unedifying. And I can't believe that that's because, you know, Wales is just

so much of a more boring place than anywhere else. I just think there's a lot less scrutiny. It felt very superficial. And especially the environmental reporting. I mean, it was just nonsensical. A lot of the time it was just, you know, it was like, 'Somebody said something, article gets written, somebody says this thing,' and it's just like, who cares, you know? And so, yeah, I spent very little time thinking about the Welsh media, because as far as I could tell, very few other people spent any time thinking about the Welsh media. And unfortunately, I think it's, it's kind of self reinforcing,

LW
One of the arguments the media make is that ministers don't really put themselves up for scripting. They routinely turn down interview requests and are quite closed. Is there any justice to that argument?

DB
I mean, definitely, some ministers enjoy the media more than others, and some are more willing to do it. I am not sure you could apply that to all the ministers I work for. I think you possibly could apply it to some of them just not being very up for that, but some of them totally were.

I guess some of the specialist press, I would say some of the farming press, would scratch the surface a bit more, and tended to pick up on, you know, you would read things in the specialist press and think 'Is that really a thing?' and find out that it was. Whereas I cannot think of a single example of where I saw something reported on, you know, Wales online, or Nation Cymru or BBC that you thought 'Oh, I need to, I need to look into that.' You'd see it and you'd be like 'Oh, that one.'

I mean, you know, they do the NRW trees story, they'd use the same picture of a pile of logs. [Laugher]

They couldn't even be bothered to find a second picture of a pile of logs with which to flog this story. And, you know, I think that really says a lot.

LW
So, in terms of the sources of scrutiny to sharpen performance, you said the media is weak, you said the parliament is weak, and you said the civil society is weak and naïve; Civil Service you've described as well as being pretty lame. So, if you look at the dashboard inside government to see where the system is not working, where could you look for just signs of things are problematic?

DB
I did have key informants and people, often people that I'd known before working here, who worked in particular sectors, and sometimes you get a bit of that.

But I definitely think there are many, many, many civil servants who were truly brilliant individuals. And to be honest if I was in a position to employ some of them in a different organisation, I absolutely would have taken them with me. And I think some of their insights were brilliant, and equally, you know, key informants in the sector, really.

… I cannot think of a single example of where I saw something reported on, you know, Wales online, or Nation Cymru or BBC that you thought 'oh, I need to, I need to look into that'.

But a lot of it is just, you know, it's triangulation, and nous isn't it? It's like trying to work stuff out, that's what you're trying to do, is you understand different perspectives and trying to understand where the discrepancies are.

LW
In my own experience, I felt correspondence was a good source.

DB
Yeah, I always read correspondence definitely.

LW
And some ministers don't, which I find quite staggering, but I don't think the system takes correspondence seriously as a source of …

DB
Fully agree, it always felt to me like correspondence was dealt with slightly reluctantly as an institution. And if tomorrow, nobody wrote the Welsh Government another letter ever again, that many people would be delighted. But I completely agree with you. I think it was a really, really good way of finding out about things. And yeah, I definitely would put that in the same bucket as the capacity and modern ways of working. Because as a business, you just wouldn't speak to people like that, because it doesn't serve you well –it's creating more problems. But it creates more problems for you as an organisation if you create tensions with your pay masters, ultimately, which you know the public are, then you're creating more problems for yourself. And I do think we definitely could have done a lot more to make sure that correspondence was dealt with, I mean, courteously, if nothing else.

LW
So just to come to a conclusion then. So 2026, there'll be more Senedd members generating more questions and more pressure on the Welsh Government. And you've said, you think the size of the Welsh Government is broadly correct, given the environment and the public spending settlement that we have?

DB
It is what it is, I think. And so yeah.

LW
So, what does the Welsh Government need to do - take the ministers out, as a body, to be better equipped to meet the challenges of the next few years?

DB
Well, I definitely do think investing in the Civil Service capacity has to be a big part of it, and I do think that's hard for a government to do. But having worked in a range of organisations, there's just so much time and energy and goodwill that's taken up by inefficiency, and particularly poor flows of information so that people are being overwhelmed. And I know that happens to ministers, but I think it happens all the way down the organisation as well. People spend huge amounts of time trying to pick out the signal from the noise. And I do think some modern ways of working would be hugely helpful.

But, you know, the context is grim. I mean, the economy is grim. The reality is that the UK as a nation, is struggling to pay its way. We are living off the kindness of strangers at the moment. Unless there is some sort of improvement in our economy, and particularly productivity, it's not going to get easier, no matter what else is done, because the value of what we're able to produce, and therefore what we're able to get is going to go down.

We're already seeing that through things like the energy prices and inflation, whereby the reality is that other people are able to pay a good price for this now in a way that they weren't 50 years ago. So, unless we are willing to get with the program, it's going to get more difficult, not easier, regardless of what actions are taken.

I don't think you can fundamentally avoid that, really. And obviously, you know, I'm a lefty socialist, so I think more of that is to do with government intervention in sorting out the economy, because of the way it's developed has been very lopsided, and we're now seeing the results, because people are not being invested in and that's a problem.

LW
So, reflecting on your whole time as a special adviser, you said there's some brilliant people. You said there are some real inefficiencies in the system, and you said the externalities beyond their control are severely limiting. How confident are you that devolution can live up to the strains, as you described, in keeping the public on board with this? That the project is worth continuing with?

DB
Well, I don't think it's a given that's for sure. I think at the moment, broadly, the political context is that there has obviously been a change of government at UK level. You know, I think if people are finding that their lives look very similar in five years time, then I do think devolution would be in trouble, because I think the weight of opinion would start to shift against it.
Do you see the Senedd as a group of people who are much closer to the circumstances about which they're making decisions? Or do you see them as just another layer of these inefficient bureaucrats that we don't need? And I think which one of them the bulk of people take will depend on whether they can see a left of centre government turning things around. And I think if they can't, then I do think people will start to question the value of the institution much more than they have. I mean there's a general polarising tendency, and it's not unique to the UK, but we are seeing a hardening of the sort of pro-independence, anti -Westminster view, and hardening of the sort of anti-devolutionary view, you know. And I think if we continue in a very difficult economic position, then I expect that those polarising tendencies will continue.

LW
Okay, is there anything that you think we haven't touched on that you want students to get a sense of?

DB
I guess the thing that's definitely coloured my experience, you know, I worked on farming issues, environmental issues, energy issues, is that you've got very, very different stakeholders and views of the world. And the reason why the farming organisations were the most effective in getting across their point of view - they didn't always get what they would want, because, you know, they were often diametrically opposed in policy position to the government - but they got listened to a lot more than anybody else. I think of the ones that I dealt with, it was because of the professional way in which they approached the scrutiny role.

And a big part of that, I think, was just understanding that you're dealing with human beings in a way that you know, the energy groups and the environmental groups who are just very rational about things. And there's a role for being rational. But the reality is that most ministers and backbenchers have a strange relationship with environmental groups, even if they're very pro -environment, and you know that, and that's that shouldn't be the case; whereas with the farmers, it's the opposite.

Even the Senedd members who find themselves both clashing with, you know, the likes of NFU and FUW, they all know their local reps, they spend time with them, they've gone on farms; you know, they know the names of their pets and children, you know, but it's like that stuff's actually really important because at the end of the day, people are human beings.

I think that really is something that feels like it gets lost in a lot of when people are trying to influence politics. They treat it as if it's some sort of computer system, and it's not. It's just a bunch of humans who make mistakes and who have, you know, feelings about things. And the reality is, if you want to be listened to, then not having the person who you're talking to recoil in horror at the mention of the name of you or your organisation is a pretty good starting point, but that does seem to get slightly lost. I feel.

LW
Okay, great. Thank you. Dan

Tom Woodward

Tom Woodward was a special adviser from May 2016 to July 2024.

He joined government with Liberal Democrat AM Kirsty Williams on her appointment as Education Minister under Carwyn Jones and stayed in the role when Jeremy Miles took over the Cabinet post under Mark Drakeford after the 2021 Senedd elections.

He remained a SPAD when Vaughan Gething became First Minister moving to a central coordinating role as Cabinet Office SPAD and left government when he resigned in August 2024.

Interview 3rd October 2024

LEE WATERS
Just to start with, just to get just a potted biography of you. So you became a Special Adviser to Kirsty Williams in 2016, and before that?

TOM WOODWARD
I was Head of Comms for the Welsh Lib Dems.

LW
You were then Education Special Adviser the whole time until the 2021 election and then you stayed on in the same role with Jeremy Miles until Mark Drakeford stood down.

TW
Yeah, and then when Mark stepped down, I continued as a Cabinet Office Special Adviser under Vaughan. I worked in the First Minister's office, and my role there, it was a new job that didn't exist before, but it was lots of different things, but the priority that I had was to try and bring ministers together, to have clear priorities that weren't necessarily externally facing, but were internal.

I wanted three - we got five in the end - and they had to be as specific as possible. So, you know, it'd be reading and writing for kids; it would be waiting times, but particularly longest waits. And then from then on, it would be to help have delivery plans, and help have some like clear trajectories. My argument constantly was that we have too many priorities - 'Please, just, let's get everyone to at least agree that waiting times is the number one thing we should be talking about,' as an example.

We had a ministerial away day where we did end up getting priorities. But obviously, under Vaughan, it didn't, it wasn't, you know, I finished when Vaughan finished. So, it went from January to last month [September 2024].

LW
Where did the initiative for that role, that purpose, come from? Was that Vaughan's initiative, or did that emerge more organically?

TW
I don't know how much they had planned beforehand, but I know that in the campaign they had talked a little bit about some sort of delivery unit type thing, and I had said specifically I only would want to carry on as a special adviser if I could do a job like that, because I'd already done a portfolio. I didn't particularly want to do another portfolio, and I passionately believed, and still do, that the Welsh Government needed to narrow its priorities completely to improve focus in some of those areas.

LW
So, let's talk a little bit about that analysis. What's led you to feel that?

TW
I think this would be slightly unfair as a characterisation, but there could be an argument that the Welsh Government has been generally very good at delivering its manifesto policies in previous years; and the Programme For Government is the way that we operate, and we're very focused on the delivery of that.

… the priority that I had was to try and bring ministers together, to have clear priorities that weren't necessarily externally facing, but were internal.

My argument would be, ‘That's a hell of a lot of policies, all of which I should say are important, that need to be delivered if they're in a manifesto.’ That's the pledge, that's what needs to happen. But some are more important than others. The system needs to know what's the most important, so then civil servants, when we come to budget discussions, all of that stuff, everyone agrees that ‘Well, the number one priority we will have is this, this and this,’ rather than what could be a long list of priorities.

LW
I guess you didn't have enough time to see that through but what are your takeaways of where the Welsh Government's Civil Service and ministerial approach is strong, and where it is not?

TW
For that particular piece of work, it was quite interesting really, because senior civil servants generally were very supportive of this work. I think, they didn't say this explicitly but wanted a greater sense of priorities so then the mechanisms of government can support that, and we can prioritise. However, I should caveat that with, and I don't want to be unfair, but that was welcome, but I'm conscious that civil servants would then also be maybe looking to be dropping other things then [laughter] to be able to do that. And that's the bit that…

LW
[Interrupts]
That they didn’t want to do in the first place.

TW
Yeah.

LW
One of my observations from being in government is just that the bandwidth of both the Civil Service and the ministerial team just can't cope with a number of things the government has to do. What are your reflections on that? Was that your experience?

TW
Yes, I came into Welsh Government and thought, ‘Wow, there's so many people here.’ I'd come working from the Lib Dems, where you've got a handful of people doing a hell of a lot. I’d come all of a sudden into, you know, numerous people in private office, and just what felt like an endless amount of people. Six months in you definitely don't feel like that at all.

The number one thing that I have always found that ministers and special advisers will have to learn is you can't keep asking everyone to do everything because you won't get anything done. You do need to prioritise, and you do need to kind of let things go. And the difficult judgement for any minister and special adviser is then not to lower your standards.

So, you go in and you want all of these things done, and by this time; and you slowly realise that's going to be difficult, and actually you want to support improvement in the key areas. But at what point do you start relaxing too much, and then it's kind of a coasting? It’s the big question. So yeah, to answer your question, I felt like constantly everyone was over-stretched.

What I don't have oversight of is, does that mean that there's not enough people? Or does it mean that people are mobilised in the wrong places? It's very difficult. Historically, you know, I'll make this up: ‘Education will have this amount of people, economy will have this amount of people, rural will have this amount of people.’ My understanding is that doesn't change very easily. And can, you know, can go way back when; and doesn't necessarily logically follow with how much policies or funding, or regulations, are in a particular area.

So, I can't answer whether this is a problem of whether people are in the wrong places doing the wrong bits of work, or whether there's just not enough people. I presume maybe a bit of both.

LW
Thinking back specifically to your time working with Kirsty Williams, five years as Education Minister. She was a strong minister with a clear set of priorities. What are reflections of that period, of the main crosswinds of that period and how you dealt with that?

TW
Well, I think it was, on the whole, quite successful because from quite early on we had what we called our 'national mission,' which was a tagline, but it was meant to bring everyone in, in a way that I think it kind of successfully did, because schools did have this document, and they often, when I would speak to them, would talk about 'our national mission' and what's in it, which was kind of incredible, that there was that level of awareness of what is basically a government document.

But the key thing of what we did from that was set out what the priorities are, but also set out a clear direction of where we're heading until the end of the parliament. And you know, that's not bringing in new stuff, actually. And people often say, 'There's too many things going on,' but by bringing it all together and saying 'This will happen then, this will happen then, and this will happen then,' and they're all contributing to the same mission, I think brought a bit of coherence that was needed.

We did the wall charts that every school would have. I don't know how many were actually used, but I know a lot of them did. So, a lot of it was actually bringing stuff together in what felt like it was quite messy landscape, and just not laying on loads of extra additional things, but bringing a bit of coherence to it to show why it would be happening.

LW
So, what's the conclusion you draw from that: the importance of leadership, the importance of a clear communications narrative and the importance of having priorities?

TW
Exactly. And she was a minister that built a good rapport with the profession, which was a good mix of empathy and understanding - you know being a teacher or head teacher is a bloody difficult job - while at the same time being pretty strong on standards and not letting things drift, which is a hard sweet spot to hit. But I think she did well with that really.

LW
Just on the politics of that because you were effectively part of a coalition government - you were a Liberal Democrat, very small team, in a Labour government with a formal agreement behind it. I don't think the policy agenda was especially ideological, especially 'Liberal Democrat,' but was very clearly around her set of priorities. What was it like operating as a Liberal Democrat within the Labour government? Talk a bit about how complicated that was.

TW
One thing I will make as a wider point was that it took a long time for the Civil Service to get used to it. The Civil Service has had the same government for over 20 years. So that does blur the lines a little bit of 'what we've achieved together' - 'we', as in what the Welsh Labour

… she was a minister that built a good rapport with the profession, which was a good mix of empathy and understanding…

> It'd be fascinating to know if there was completely a different party in Wales, how the Civil Service would move, because it's not done it before, and it's defended the same record.

Government, and whatever people has joined them - and civil servants. So, the lines that you've used to defend what you've done, everything is actually all as one.

And Kirsty had spent however many years criticising all sorts of policies. You know a basic example would be, correspondence goes out, or doesn't go out, but would come up to her and it says, you know, 'We're extremely proud that we have done blah blah blah in 2010.' and she's like, 'I criticised that. In fact, I said we should scrap it.'

That was an interesting case study. You know most civil servants in Westminster, they're used to governments changing. And you just change with that. It'd be fascinating to know if there was completely a different party in Wales, how the Civil Service would move, because it's not done it before, and it's defended the same record.

But anyway, for me, it was absolutely fine, because I don't know if it's just because it was me and Kirsty, so we weren't seen as too much of a threat, or whether people are just very nice, but it was absolutely fine. Everyone was very welcoming.

I worked really closely with the special advisers. There wasn't just education policies I had to implement, there were other wider policies, which I was obviously not going to be an expert on. But there was stuff about farming, and stuff about homes. So, I had to work with other special advisers in that portfolio and check how they were getting on doing that, which was kind of difficult and important for me to keep positive relations, really, because it'd be very easy for them just to make that difficult for me.

LW
In terms of disagreements within the government, I spoke with Dan Butler [Climate Change SPAD], who said one of his main roles was diffusing any tensions or disagreements, before it got to Cabinet. Obviously, Kirsty was in a particularly unique situation as the sole representative of a political party in the government. So how were those policy or political disagreements dealt with?

TW
Well, when Kirsty was doing it, I would usually meet initially with Matt Greenough [Chief SPAD for FM Carwyn Jones] and I would say, 'This is my issue. Kirsty absolutely will not want to do X, Y And Z. This is the problem. We're not going to be able to get this over the line.' And, you know, him and I would slowly thrash it out. And if he and I couldn't get an agreement, Kirsty would meet with Carwyn at that point.

They actually met every week anyway. So, the four of us would meet every week, which was a mechanism that was part of the agreement we had when we said Kirsty would join [the government]. We said, 'We also want a weekly meeting.' So, there were issues like the M4 relief road, which obviously at the time, the Welsh Government, or Carwyn, was supportive of the M4, and the Lib Dems were 100% against it. We wouldn't be able to, she wouldn't be able to, stay in government if that was built so that went to the wire, and was difficult.

And another one was Brexit. More generally, all the endless ‘What kind of Brexit do you want?’ and things like that. And actually, that got to a point where actually Kirsty did vote differently to the Welsh Government, which is kind of unique, but that was the only way we could do it. Carwyn decided, ‘Well, you know, Lib Dems would very much have a second referendum.’ Plaid would put down another motion to try and trap people, and then that did cause us difficulties; but he recognized that it wasn't devolved. So ‘As long as it's not devolved,’ then Kirsty could, on that occasion, vote differently, which I can't think of many other times in other governments where the minister has voted differently on purpose, and it's been agreed beforehand that's what will happen.

LW
In terms of how much ministerial time is spent dealing with those intergovernmental tensions, and how does that work? You were slightly unique in that situation, having a direct hotline with the First Minister, backed by an agreement and the ability to walk and bring down the government. So, you obviously had power there. In your experience after, when you were Jeremy Miles's Special Adviser and subsequently, just try and paint a picture for people who have not seen it in action of how that bit of government works. So, there’s a weekly Cabinet and all sorts of issues comes up. How does the special adviser team as a discrete unit—because it did meet as a collective—how did that team work? In parallel with the Cabinet and ministers?

TW
Yeah, special advisers would generally meet twice a week: beginning of the week and the end of the week; and generally, it was pretty cordial and focus on what's coming up, but quite often the issues of the day would kind of consume it a little bit. But I wouldn't necessarily say it was the place where problems were rectified, that would usually be more direct conversations. If it was Jeremy having an issue with finance, I'd be meeting the finance minister SPAD, and it would be going through it that way. And that can be massively time consuming, particularly if there's a lot…I mean, COVID is the most obvious example where things are fast moving and changing.

These are massive issues that you're constantly feeling like you're being jumped into, but that's not because anyone's trying to do that but because, lo and behold, something's just popped up that is massive. That took up a lot of time.

Another example would be the trade unions when there were strikes, you know, we'd be having our discussions with the teaching unions. We think we get a deal, but actually, I've then got to run it by First Minister's Special Adviser. They might be dubious because the Health Special Adviser is very nervous. If we do this deal, it's going to make it more difficult for them. The local government [team] have got a problem, and all that stuff is really difficult, actually.

LW
The way the special adviser team works within Welsh Government is different to Whitehall in that special advisers worked to the First Minister - alongside ministers, but not accountable to ministers. How did you find that system broadly? I guess, post your time with Kirsty, because that was a slightly unique situation?

TW
It's obviously so different to London where a special adviser job generally is probably going to be short term. There's a huge amount of them, like ridiculous numbers. And one day your minister is sacked or something, you've then got to go. Obviously, in the Welsh Government it’s completely different, there's a really small amount of SPADs comparatively, and they all work for the First Minister. So, there's quite a lot of stability there, and that stability is actually generally been continued by each First Minister. I worked for three. It hadn't crossed my mind actually to continue once Kirsty left, but they were happy for that to continue.

I guess there's a fine line because you do work for the First Minister, but you become very close, or most do, with their with their ministers, and you are aligned, really, to them. I never lost sight, particularly after Kirsty left - because I considered I worked for Kirsty not for Carwyn -but once it wasn't a Lib Dem minister, then I was always conscious it was the First Minister who employed me and wanted me to do the job.

> It’s hard to know what a SPAD is, but I've generally considered one of the main roles of a SPAD is to communicate and to help implement what your minister wants...

So, yeah, it's difficult, but generally in the special adviser meetings, or anything really, you are representing your minister and their views.

It’s hard to know what a SPAD is, but I've generally considered one of the main roles of a SPAD is to communicate and to help implement what your minister wants, and be the voice to the Civil Service of what they want.

LW
Were there many times where you found a conflict between that? Because I know Mark Drakeford would have meetings, bilateral meetings himself with SPADs, excluding the ministers, from time to time…

TW
Yes.

LW
…which ministers didn't like very much.

TW
No

LW
So, were there times when you were put in a difficult position?

TW
No, no, I don't think so. Not really. I would generally be on the same page as Jeremy. The obvious examples are budgets and things, where he and I would be arguing for more priority for education, obviously, and Jane Runeckles, Chief SPAD, or the First Minister, would be taking more of a corporate approach, and that's to be expected. No, I didn't find it a problem.

When Mark Drakeford would speak to special advisers, from my point of view, that really was not a case of skipping out other ministers. It was generally, ‘Can I have some information on this, which, because I've, I've been thinking about it, and it's coming up in FMQs a lot.’ It would generally be that kind of thing. It was very rarely, ‘I want to have a discussion with you about what we do with X, Y and Z, and the minister not being involved,’ although I can see why ministers are thinking, ‘Why? What are they talking about?’

LW
It says something about the nature of Welsh politics in this era that you can be a Liberal Democrat in the government and stay on, with a degree of comfort I imagine, under two subsequent Labour First Ministers, and that neither you nor the others would feel particularly uncomfortable about that. I’m sure you’ve thought about that, what conclusion do you draw from that?

TW
Yeah, well, I mean, obviously Mark Drakeford was a lot like that. He liked working with other parties. I was completely stunned. It wasn't my plan to continue. I thought, ‘Kirsty leaves,’ and it never crosses my mind to stay. Jane Runeckles said Mark would like me to stay. I was originally a bit uncomfortable with what that meant. I spoke to Jane

Dodds, Leader, Welsh Liberal Democrats, and asked her what she thought, and I spoke to Kirsty and what she thought, and they were both keen for me to continue in the role. Jane, in particular, said it would be helpful for her, as the lone MS, to have someone that was still about that would be able to support in some way or another. So, I thought, why not?

LW
Did you remain as Liberal Democrat in that period?

TW
Yes, I wasn't Labour…I've always remained loyal to Jane Dodds, and I was loyal to Kirsty, and I didn't feel too much conflict of also being loyal to the Welsh Government and wanting what's best. That rarely butted up against each other, so it wasn't a problem.

LW
But you there as a public servant primarily?

TW
Yes. I offered to become, well I'm saying more than is needed now, but I could have become a specialist adviser [a less political Civil Service post] which is what I think I'd suggested, and they were said there was no need. So, I thought, 'Well, then why do I mind?' I wasn't ever doing Labour politics, and I wasn't doing Lib Dem politics. I was just doing the special adviser role without having to go to Labour conference and what have you. Obviously, as you know, I carried on working with MSs and stuff, so it kind of doesn't make much difference,

LW
But you did have some kind of political relationship ongoing with Jane Dodds?,

TW
Yes, but not in any sort of official way. I just know her and respect her a lot.

LW
So just keeping lines of communication open?

TW
Exactly.

LW
Interesting. In terms of your experience of working with three different First Ministers, what difference do you think the personality of the First Minister makes?

TW
Well, it's difficult in a way because we see the First Minister so much that it has quite a big impact, actually, because they all work very differently. And obviously Mark was particularly interesting because he was a former special adviser. So, I don't remember ever once getting a message from Carwyn Jones' private office, saying he would like to speak to me at one o'clock today, and it would be about some issue - like that never happened. And with Mark that would happen relatively frequently. It would be usually, 'Something's come up in FMQs,' and he'd like to know a bit more information about it. It was as simple as that, but that was a different way of working. And obviously he had his own priorities that I think everyone was clear about. And he was a lot more hands on, I guess.

LW
And then I guess Vaughan never really had time to get established. But did you discern any differences in the time that you did have?

TW
Um, not really if you're talking about a wider system, I mean, people have their own ways of working, which is what I meant by, 'as a special adviser that impacts you,' because there's just a different rhythm to the week. But that's less of what I think the question is. The question is, 'Did the system feel particularly different?' And I would say not massively.

Obviously, for Vaughan it was quite early days, but it's 'What's the new priorities?' Or 'What are we having more of?' So, it's kind of getting a sense of what they're about, and the Civil Service getting a better sense of what's different now. There is that, I guess.

But if I was, let's say Education's SPAD, I'm not sure my day to day, of what we were doing, was particularly different under Mark or under Carwyn, or would have been under Vaughan actually. Certain things changed, but…

LW
How much difference do you think individual ministers make?

TW
I actually think quite a lot, personally. Or they can do. You know, it takes a certain type of minister to actually leave a bit of a personal imprint on their department, but it's definitely possible. You know, some are more like that than others, I guess.

LW
And that's just down to different personalities, different priorities, different intellects, I guess?. What's the ingredient you think of being an effective minister?

TW
There's one thing I would say that I've thought about quite a lot, and I'm not talking about the ministers I worked for necessarily, but just generally now. Some ministers, or even politicians, forget that they're basically leaders.

Obviously, public facing, they're the leaders, but actually they have their own department, and you will set the objectives of what you would you want that department to be focused on; but actually the way that you conduct yourself can have a big impact on people wanting to, you know, run through walls for you, or think, 'Oh, sod it!'

As in any job you will ever do, leadership is really important actually and that's sometimes potentially forgotten at the very top. And it's just, 'I want this and this should happen.' Fine, but actually, if you want people to do a great job, you have to do all the leadership qualities that you've, you know, that we're all familiar with.

I think that's quite an important, and sometimes forgotten, thing about government and ministers and getting things done. And then obviously more ministers have more views, just generally. Some ministers come in and have a really strong view of what they want to achieve - and how - more than others. I mean, again, that's stating the obvious. Others are possibly more happy for it to be a little bit more managerial.

LW
Tell me a little bit about intra-party relationships. In terms of your observations of the internal management within the Labour Party, both within the Senedd Group and with MPs, how much of an influence do you think internal party politics has on the life of a government?

TW
I would say huge. I mean, it certainly felt like that in the last year, but also beyond then, particularly during COVID.

During all of these major things, what the party, what the backbenchers are thinking and MPs are thinking, and whether they're on board and bringing them with you, and feeling informed, seems to have been

absolutely huge, I think - just because of the smaller number of people in Wales. This is really important. In a way that if you've got a big, super-big majority in Westminster, you can kind of crack on? You've got to bring people with you in Wales obviously.

LW
That matters in terms of party management, of dealing with opposition or resistance, where it occurs. But does it affect the outcomes? Do you think many different choices were made as a result of opposition to a policy or set of circumstances arising, and therefore a different course was taken in order to avert a party revolt?

TW
I think so yes...maybe not as much as people would like, but I know the amount of times I was in a meeting and I want to do something, and I get told by someone else, 'Well, actually, name three names, backbenchers - are not going to be happy with that.' And I think, 'What the hell do they bloody know about this? I've just been working on this for six months. They've just heard about it for half an hour.' You know, actually that initial reaction, but obviously it's absolutely important; these people have to vote, and they have to go back and speak publicly saying this is the right decision. And, obviously, I'm saying that flippantly and as a joke. They would have known probably about the issue, but I would be told, 'Well, go back and think again, because it's not going to fly.'

LW
The other interesting dynamic in Welsh politics is the role of local government, which is probably more pronounced than in England; in the education sphere especially, and very vividly during COVID, I guess. The role of working with local government was pretty critical. What are your reflections on how much of a force that was?

TW
That relationship, and the work that had been put into it, which went on before COVID, and is very time consuming - hugely, I think, paid off.

I would say Mark Drakeford's view of the world, and Jane Runeckles [Mark Drakeford's Senior SPAD] was particularly good at executing it as well, and making sure local authorities were informed, that did seem to pay off to have those relationships formed once COVID happened. It seemed to me to be a force for good.

It was interesting when Kirsty was Minister, because there were no Lib Dem councils, and that was very difficult for her actually. Relationships with local authorities were difficult because it was easier for them all to be collectively 'anti' a Welsh Government policy, because none of them had skin in that game particularly, or felt that they didn't, in a way that's quite unique. You wouldn't usually get that, you'd usually have a Tory or a Plaid or a Labour that would go, 'Oh no, I can't sign this.' So, what I mean by that is that it gave a good sense of how hard it can be if you haven't got local authorities necessarily on side all the time.

In a way that if you've got a big, super, big majority in in Westminster, you can kind of crack on? You've got to bring people with you in Wales obviously.

Famously it was a Liberal leader in the 70s, Jeremy Thorpe, who prophesied that devolution would create a ‘South Glamorgan County Council on stilts’.

LW
How would that manifest itself? That tension with local government leaders?

TW
It was often very political. So, there'd be these open letters that wouldn't happen against any other minister, but Kirsty had to put up with quite a lot of that. You know, Kirsty worked well with nearly all the local authorities, but quite often they'd have to be Labour local authorities meet with a Labour minister, and maybe Kirsty would sit in. So, it was still very party political, which I think was possibly more difficult for everyone [else] because actually not having the Education Minister in a meeting when they were all talking about education is probably difficult in itself... but on the whole, it was good.

LW
And then, generally, the relationship between the Welsh Government and local government in Wales is different than in England. How does that influence the way the Welsh Government makes decisions?

TW
Well, obviously, they have a bigger role, just by the fact they run schools still in Wales and they don't, generally, in England. I mean, that's a huge difference, which means we would struggle to implement and get our priorities done if we haven't got local authorities on board, understanding them, and, for the most part, supporting them.

So, from that perspective, it's kind of imperative that there is that relationship, which seems to not really exist as much in England because they've mostly been sidelined. You know, the local government funds schools, the Welsh Government doesn't on the whole. That's a real big tension that doesn't exist in England as much.

LW
Famously it was a Liberal leader in the 70s, Jeremy Thorpe, who prophesied that devolution would create a ‘South Glamorgan County Council on stilts.’ Do you think that the way that devolution has emerged that the Welsh Government is in fact a super-county-council, rather than the government in the sense we traditionally understand it?

TW
I guess I would say no. I mean, I can see where that comes from just by pure budget and things like that, it feels like that at times. But it's easy to forget that the whole of schools’ policy is basically 100% devolved. You know, that's a big thing. You could bring all sorts of different types of policy there. You know, local authorities wouldn't be able to do that. So, I mean, I think that undersells the influence the Welsh Government does, and can, have over public services. And kind of makes it a little bit, you know, it belittles, actually, what is a humongous policy space. And likewise, I guess, for health.

Where I do agree with that little bit is obviously just the size of the budget, and then the size of the health budget. Obviously, these things become, if over half [of the budget] is on health, and you're not going to cut health, where do you go from there? I don't know, because it just means it's a smaller slice every time. I mean this is a

wider UK-wide problem, but it's less acute in England because it's a bigger economy in a way that ours isn't really, so it all feels quite small.

LW
Just to dwell on the local government point a little bit more, because in terms of trying to explain the dynamics of the way government works. My experience was that getting involved in the granular delivery alongside local governments is a big part of how the Welsh Government delivers services, in a way that's not true, I don't think, of a minister or a senior special adviser in Whitehall. Do you recognize that as a characterisation, and how would that play out?

TW
Yeah, I recognise that definitely as a characterisation well; as in that recognise that's true.

I mean, Wales is just like that anyway, isn't it? Everyone knows everyone and has a relationship, generally. So it is easier to pick up the phone, and it is a little bit easier, well it should be, to be able to invest in those relationships, and it actually be meaningful in a way that if I was running the government in England, that's probably quite difficult.

Leadership, again, is so important here. So, Andrew Morgan [Leader, WLGA] was particularly effective at speaking to ministers, speaking to SPADs, and then being able to take a decision to go, right, 'I'll try and bring everyone with me on that,' because you can't do 22 deals on everything. People seem to expect local government to speak as one voice, which is obviously - particularly ministers actually, who can often be quite cross that there's different views.

But Andrew Morgan was particularly good at showing those leadership qualities to be able to help get things done, you know. And also, I should say, to be absolutely clear, to say to Welsh Government, 'We can't do this. We won't do this,' type thing. Speaking for or against whatever it might be, having someone that can speak for a large group of people is just so effective for decision making and for governance, isn't it?

LW
I'd like to finish on legislation. You've been involved in a couple of bills. One of the things you often hear in frustration by some ministers is that the Welsh Government law-making machine is just jammed. It's very hard to get space and capacity to bring forward legislation. And there is a queue. I was involved in the Bus Bill, which just keeps getting delayed, just because there isn't drafting capacity,

TW
[interrupts] Yes, which goes back to the priority work I mentioned earlier on, because the Bus Bill was interesting to me: all ministers saw that as an absolute priority. So, it's like, right, how do we now make this happen then? Because that wasn't necessarily vocalised like that before internally. So anyway, yes, I couldn't agree more.

LW
I use the Bus Bill as an example because it wasn't slowed down for policy reasons. It's been slowed down because there's just a queue of stuff to go through, and the team who works on it can only work at one thing at a time. It just had to keep getting pushed back. Do you think there's just too small a capacity in the Welsh Government to make bills, because in Westminster they just churn them out at a rate of knots, or do you think the government, the Welsh Government, turns to legislation as an answer too often?

TW
I think political parties turn to legislation too often. I'm talking about opposition parties, actually. I mean, they will get the shock of their lives if they had a majority and came in and all the bills that they've promised to do, it's just actually not possible. And I didn't know that until I got the job.

I remember Welsh Lib Dems having a whole long list of bills we would have done. And then after a year in the job, I was like, 'We wouldn't be able to do any of these,' because there's not the capacity to do it and

> I spent the whole time in government, constantly being told we can't do any legislation.

they're not the right approach to be doing it anyway. It's an easy press release. The campaigners are happy. Everyone's happy, but people of Wales don't actually benefit from it, necessarily.

So, I don't necessarily think the Welsh Government does try to [turn to legislation, too much]. In fact. I spent the whole time in government, constantly being told we can't do any legislation. And every time I wanted to do a bit, I realised it would be too difficult. And on the whole, I wouldn't say that. I would say it was completely, you know, really good people working there, but completely under-resourced. I mean, it's by far the biggest under-resourced problem that seemed to exist, as far as I could see, and absolutely not a good experience at all. And I don't know what the problem is. I don't know enough about it. Have to get more lawyers in? I don't know enough about that, but it's mind blowing, that a government just can't… it's constant, you know, ministers say, 'We can't even think about that.'

LW
Do you think that because of those adverse outcomes we are the poorer because of that?

TW
Yes, absolutely. I mean, the bills take such a long time; they generally struggle, there's problems with them, which is probably normal, but it just causes a constant blockage. I mean, it's maddening, absolutely maddening,

LW
Reflecting on your experience of taking the bills through that you did, and going through the whole process of devising legislation, what are your reflections in hindsight? What have you learned in the process of what a good piece of legislation needs?

TW
Talking completely internally, the most obvious thing that it 100% needs is the policy teams and the legal teams to all be working together from the beginning - in the same meetings, all of that stuff that's obviously pretty basic, but didn't seem to happen; well it happened a bit, but it was a change we tried to bring in.

There was constant friction, which there will be, and that can be a good thing, but it means that ministers aren't getting necessarily always the full picture, and it's just not a good way of working. They need to be much more closely aligned, policy and legislation more generally, I think, for when you're working on a bill,

LW
Just to finish up to give people learning about politics for the first time a sense of what it's like. People look at Welsh politics and they see the Senedd, they can see what's going on there to a large degree, but the government is kind of invisible, really.

TW
Yes.

LW
Reflecting on your significant time as a Special Adviser, how would you describe to someone the reality of what it's like?

TW
It is incredibly fast moving. What is a problem, and this won't probably surprise people, is the short termism of working in a parliament.

You've got a Friday, which is probably your minister's constituency day, so that's one day of the week gone. Tuesdays and Wednesdays, they're going to be dragged into the chamber to do all sorts of things, so that's difficult to focus and to actually 'govern.'

You're not leaving a lot of time for the big thinking and to be able to act, and focus on good implementation, because, lo and behold, you've got a meeting. You want to talk about this big issue that absolutely needs to be sorted out, but then you've got to be dragged in to the chamber because there's a topical question on, I don't know what.

I'm not arguing against that, because that's how democracy works. But it means that actually, the amount of time I think people would think that their ministers are getting to actually, again, 'govern,' is really not a significant amount of time.

Once they've done their oral questions, they've done a topical question, they probably have to meet stakeholders or do a visit because that's what they need to do. There's just not enough hours in the day to just get your head into it.

That's the challenge, and management of yourself, of your diary and of your team, which is a huge challenge, which I think is not necessarily observed or noted really.

Kirsty Williams

Kirsty Williams was elected to the National Assembly for Wales in 1999 as its youngest member.

She served as the member for Brecon & Radnor until she stood down from the Senedd in 2021.

She was Leader of the Welsh Liberal Democrats and Minister for Education under two Labour First Ministers from 2016 to 2021.

Interview 9th October 2024

LEE WATERS
Kirsty, you've had some time away from being a minister to reflect. When you look back, what are your reflections on what it was like to be a minister?

KIRSTY WILLIAMS
I think I had been slightly naive before coming into government about the pressures of the job, the scale of the task, and just managing the portfolio, along with the other responsibilities that you continue to have as an MS.

I think I was wildly ambitious about what I thought I could achieve, and I took too long to realise that I did not have the capacity, the department didn't have the capacity to do everything that I wanted to achieve, but on a personal basis, it felt like every day you were making potentially career ending decisions. And that pressure was intense.

I had led a political party, obviously in opposition, but I led a political party when you know the wider party was in a coalition government. So those were tough years. I thought that was a tough job to do, but I never felt the pressure in the same way as I did as a minister.

When you were the leader of an opposition party Tuesdays were important: I used to do a press conference in the morning, and I used to do FMQs [First Minister's Questions] in the afternoon. And as long as you were better than the other two opposition leaders, and some of the time you managed to land a few blows on the FM, you had been regarded as doing a good job. But as a minister, every day, there were decisions put in front of you that you felt, 'If I make the wrong choice, this is the end of my career.'

LW
And how do you cope with that on a human level?

KW
[Laughter] Gosh. I think what was really important to me was trying, even in the most difficult of times, to have a little bit of joy in it, to try and remind myself that it was a privilege that I had spent all my political career wanting to make a difference.

The support of a really good private office I think is really important for a minister, knowing that bit is taken care of; great specialist advice from your special adviser, and very often the camaraderie, actually, of the people that you work with. It's not to say that you get on, particularly, with everybody you work with but you know, there is a shared sense of camaraderie with that group of people. And I think a combination of that, kind of keeps your head above water, but it was the most intense period of my life and it's quite difficult to explain to people who've not done it, what it's like to be in that environment, and five years was enough for me.

LW
I guess some of that will be true, or quite a lot of it will be true, in Westminster or in the Scottish Parliament too. Are there any peculiar Welsh elements that make it more challenging?

KW
I think first of all, your portfolios are huge, absolutely huge. We just don't have an institution that is big enough to be able to have. and you know there are constraints out there on the number of ministers are

… as long as you were better than the other two opposition leaders, and some of the time you managed to land a few blows on the FM, you had been regarded as doing a good job.

> I think one of the great things about Welsh devolution is the proximity of government to the rest of the legislature, so everybody's got access to you.

allowed to have and the size of the government. So you're carrying an awful, an awful lot.

I think one of the great things about Welsh devolution is the proximity of government to the rest of the legislature, so everybody's got access to you. You know, it's equally a curse and a blessing that Wales is such a small nation, because when I was the minister I could get every head teacher of the secondary school in one room, you know, so you got the opportunity to talk directly to your stakeholders and the people that you're working with.

But equally, you're massively exposed. There's no getting away from it. And it felt like you were 'in it' 24 hours a day, seven days a week.

You're also part of the government, so you've got your portfolio, but actually you're also a spokesperson for that government. So you've got to do your fair share - you know, of the media rounds that might not, you know, specifically be on your area of responsibility out there, answering questions on behalf of the government generally. So yes, it was intense.

I think that proximity, the size of the institution, and the fact that you're a small group of people delivering all of those services makes it a particularly unique Welsh context.

LW
Obviously, you were fairly unusual in being a party leader in a coalition of one person. Talk to me a little bit about the party stuff. So your own party, how much of your time and thought and energy was taken up with having to manage your own party and their expectations?

KW
Initially, a great deal of time, because the Welsh Liberal Democrats have all these processes that you have to go through before you can actually say yes to taking up a position within a quasi-coalition. So initially, it took a long time.

It was different for me because I didn't have back benchers. And I think that was a very different experience than my colleagues would have had in the first assembly. Jenny Randerson and Mike German [Lib Dem AMs in coalition Government led by Rhodri Morgan between 2000 - 2003], when they would have had backbenchers to deal with. It was just me, so I didn't have to worry about that. But that means you're having to do that party relationship stuff at a distance. But I think the party was in such a shock and disarray [after a devastating set of results in the 2016 election] there wasn't a huge amount of pressure put on me by the party, so I was very fortunate in that way. But there was still that to manage.

And of course, the other thing that you've got to manage is your constituency, balancing your ministerial work with not wanting to to let your constituents down, not wanting your constituents to feel that you'd abandon them because you were the 'big I am' now, so therefore you didn't go to the things that you used to go to.

LW
And you were pretty 'hands on' with the constituency stuff?

KW
Yeah, yeah, very much. So trying to balance that. It was working seven days a week, because you would do your ministerial stuff, and then you'd spend Friday, Saturday, Sunday, catching up and doing everything that you needed to do in the constituency.

LW
And as well as being the Education Minister, which is a chunky brief, you also had a role within the coalition - a weekly meeting with the First Minister - and you had those internal politics to manage as well?

KW
Yeah

LW
How much of an extra pressure was that?

KW
Yeah absolutely. So I remember when I first met with Carwyn Jones and I was trying to set out my terms. And I said, 'And I need to see everything.' And he said, 'Believe me, you do not want to see everything.' And I was like, 'No, no, no, no, I need to see all the papers that you see.' And he's like, 'I'm telling you now that is just not manageable.'

But those weekly meetings were really, really important. So there would be issues coming up. Some of them were like the 'known knowns.' So I always thought I'd have to quit because a decision would finally be made about the M4. I thought that would be the time I'd have to leave.

LW
I hadn't realised that was a 'walk the plank' issue.

KW
Yes.

LW
If I had I wouldn't have gone to so much trouble if I'd realised!
[Laughter]

KW
Oh, no, don't say that. So yeah, we always worked on the basis that I'd have to leave when that happened, because the party would not stand that. So there's lots of things the party,

LW
[Interrupting] And Carwyn Jones knew that, but he was going ahead anyway?

KW
Yeah, he was going ahead anyway. But as it came to pass, that didn't happen, and I didn't have to go. But that's what we were always working to.

We figured we'd have that time in the government, and then I would have to leave, because there was no way the Liberal Democrats would put up with that. So there were like 'knowns' like that.

And then obviously there are events that come up within the context of the Welsh Government, and you've got to try and handle that. But then there's, like, the other stuff that's going on in the world. So obviously, there were often votes around Brexit on the floor when I was the Minister. You know, it used to drive the Tories mad, in particular, where I would not vote with the government.

Because that's an arrangement that I'd come to with the FM, obviously collective responsibility applied when there were matters that the Welsh Government were responsible for, that were devolved, but if it was outside of that, and it wasn't a devolved issue, I was allowed to have the flexibility and the freedom to vote in the way I wanted to. It used to drive the Tories mad, they used to put up little memes and things on social media, but they were always a source of great hilarity to me.

LW
So as a political arrangement, being a one-person coalition, you pulled that off you think?

KW
Did I pull it off? It's for others to say isn't it?

LW
Well you lasted five years and got stuff done

KW
Yes, lasted five years, got stuff done, got most of what we wanted to achieve done.

LW
It was easier, because it was just you?

KW
Yes, it would have been much harder, much, much harder if we'd had backbenchers to manage and deal with. So, yeah, much easier.

LW
And just in terms of internal government relations, you spanned two First Ministers and if I remember correctly, under Carwyn Jones, you had a Deputy Minister in Alun Davies?

KW
I did, and then Eluned Morgan..

LW
I'd forgotten that! And under Mark Drakeford you didn't have a deputy?

KW
No

LW
What was it like having a deputy? How did that dynamic work?

KW
Well, I hope he won't mind me saying this, but I did say to Carwyn Jones when he told me it was Alun Davies, I did say, 'Well, I didn't know you had a sense of humour.' He's not renowned, is he, Carwyn, for his sense of humour but clearly he had one, and I did have a very frank discussion with Alun before we started.

It's a curious thing I think being a deputy minister in the Welsh Government, I don't think necessarily it's particularly clear…

LW
It does depend on your relationship with the minister.

KW
Yeah, I think that makes a massive difference. So, it was absolutely fine. And you know, they would have areas of interest that they were particularly interested in and very happy to let people pursue those areas…

LW
And they effectively have operational freedom within those areas?

KW
Yeah, pretty much. And for Alun when he was deputy minister, he actually did most of the legwork on the ALN [Additional Learning Needs] legislation. And so he was very busy doing that.

LW
[Laughter]
Okay.

So in terms of the 'crosswinds' that hit you as a minister…

KW
Like a pandemic?

LW
Yeah, well, so let's talk about the pandemic. Did that just to upend your political agenda for education?

KW
Yeah. It was really devastating, really, really, really devastating because we'd worked really, really hard on establishing the vision for the 'national mission' - you know, getting stakeholder buy-in to that vision. We'd made some really important progress on key things like Leadership Academy, but we also had really important pieces of legislation - reform of higher and tertiary educational governance, and the funding structures around that**,** as well as the legislation to introduce the new curriculum. But there were so many other initiatives, non-legislative, that we were working on, and then it was just all blown out of the water with children not being able to go to school and yeah, just devastating, absolutely devastating,

We'd made some really important progress on key things like Leadership Academy…

LW
And personally you felt that very personally and deeply?

KW
Yeah, it was just horrific. I was horrified, and I just knew personally, I had children at home. I knew personally what having children out of school was doing for children. I knew the challenges of trying to deliver education remotely. And you know, some parts of the sector did a wonderful job; other parts of the sector not so good.

But what it meant socially for children, for their mental health, for their well-being. And, yeah, it was really, really, really challenging that everything that we've been working to and the momentum that we had - I believe we had really built up within the sector around the national mission and this reform program - and then it just all got obliterated because of the pandemic. So yeah, it was heartbreaking.

LW
I know you've thought very deeply about it in readiness to give evidence to the COVID inquiry, and then you weren't called to give evidence to the COVID inquiry. So that whole process must have been quite triggering and re-traumatising?

KW
I found it very hard to look back. I found it difficult to remember the things I know now I did not know [then]. Decisions that I made in good faith with the knowledge I had at the moment is not the knowledge that we subsequently had. And it's hard to remember that you didn't know that then, and that when we took a decision to close schools, we didn't know whether the virus was going to kill children. We didn't know those things, and we acted in the best interest.

My deep, deep regret during that period was my inability to persuade others to open schools sooner. We could have opened schools…

LW
By others you mean the [teaching] unions?

KW
..the unions, local authorities, in some cases parents, but I was not able to make the case, and it seemed incredible to me that people could get on with other aspects of their life, and children were still not back in school. And it did at times feel like an uphill battle, whereas everybody else was clamouring to be open. It sometimes did feel that I was the minister with the one sector that wasn't clamouring to re-open.

LW
It's said that education in Wales, devolution, gives us a greater freedom to fashion a different agenda of education in Wales. Thinking about that time in particular, you had two key gatekeepers in local authorities and trade unions. Trade unions in particular were very conservative about returning to work, your freedom from manoeuvre was very, very limited.

KW
Yes, absolutely. And everybody sometimes thinks that, as the education minister, you're in charge of schools. Actually, I don't employ a single teacher. Local government are the employers, and actually, the Welsh Government does not have a statutory responsibility to provide education, that too lies with the local authorities.

We try really hard as a Welsh Government, and I certainly subscribe to this - it's not a party difference - we should try and do things in partnership. We should try and do things with people, rather than to people. So I was reluctant to invoke quite draconian powers to force people to do things, and I don't think it would have worked anyway.

You can't force somebody to go back into work if they feel, for whatever reason, they don't feel it's appropriate for them to be there. So, yeah, it was really, really tricky.

There was a huge amount of time spent working with local authorities and with trade unions to try and understand their concerns and try and broker the conditions that would, you know, where they would agree to co-operate and work with you.

LW
And did you feel any time that the politics around that complicated it? Because I was talking to Tom Woodward [former SPAD], who was making the point about local government leaders, that you would often be the lightning rod - the acceptable bit they could have a kick at because, as a sole Liberal Democrat, you'd be subjected to these round-robin letters that they'd signed in protest. I don't know if that was a similar factor with the trade unions. Was the fact you weren't a Labour politician an additional obstacle?

KW
It certainly felt a bit like that at times, that it was easier to renege on agreements that you thought you'd negotiated with local authorities. It was probably easier for people to have a go because you were the sole Liberal Democrat and, you know, there aren't those relationships are there? And they weren't going to be those ongoing relationships. So, yeah, it felt brutal at times.

And the irony was, is that you'd have the unions in Wales saying you were the worst thing since sliced bread, and then the unions, their counterparts in London, would be demanding of the Conservative government in London exactly what we were promising or offering to do in Wales. It was a bit frustrating on occasions.

LW
Those were extreme circumstances, weren't they? Thinking more in terms of 'peace time' and what you experienced, and other ministers would have to experience, I don't think the influence of local government is well understood outside of the Welsh Government; what a significant player they are in the way government in Wales works.

KW
There is not a lot that happens in Welsh Government that does not impinge on the sphere of influence of local authorities. And, quite understandably, they constantly remind you of that; constantly remind you of that.

So they are very, very, very important players who are feeding into the process which the light is never shone on: that's never in a public forum, that's not witnessed by other people. But there is immense influence in local government on ministers' decisions, on how ministers can implement things or not implement things.

You know, so much of what Welsh Government is about, actually, is then handed over to local government to do. So they can make or break stuff - even if you get that far, you know - oftentimes that influence is really powerful before you've even got something that they've been asked to implement. So, yeah, really challenging.

LW
Do you think the education [regional] consortia is an example of an idea, of a policy they didn't want, resisted, grudgingly accepted and then quietly killed off?

KW
Yeah, I think that's a perfect example. In that you can create a structure, and you can say to people - a previous minister can say to people - 'We expect you to work and collaborate within this structure,' but if they don't want to do it, then they will not do it.

And that's where you've got some really difficult relationships. You know some were more harmonious than others, but some of them you felt like you wanted to knock heads together, you know - and what was so hard about co-operating.

But you know, understandably, if you put yourself into the shoes of a council leader, or an education portfolio holder, you're not going to win any votes because your local authority has supported another local authority's educational improvement journey. Your sole focus, quite rightly, and what you'll be held to account for by your voters, it's on what you've done in your own county.

That idea that people would share those resources and work together to lift everybody up, it was a lovely idea, but the reality is very, very different. And I think, if we're honest, the regional consortia was just a mitigation to a bigger policy that wasn't deemed able to be delivered, which is local government reorganisation. So 'I can't do local government reorganisation. Local education authorities are too small. What do I do about that? Well, I'll try and create this entity.' But, ultimately, in significant parts of Wales that was really strained.

LW
In terms of your dynamic of working with local government, there's an officer side who would primarily deal with your civil servants, and then there's the leader side, the political side, that you would interact with. Were those two bits of local government in tandem or were those slightly disparate forces?

KW
I think, disparate. So your officials would have relationships with directors of education, so you would think that there was like an agreement, or there was an understanding of how things would go. But then the portfolio holder or the leader would get hold of something, and you'd find yourself in a very different sphere.

For me that was one of the learning curves. I was very naive in that I thought, 'Well, you know, we're all interested in one thing here, aren't we, and that's improving the education of children in Wales? So surely we'll all just work together really harmoniously to work towards those ends.' It wasn't like that at all.

LW
Most of the 22 Leaders were men, only a handful were women. Was there a sort of gender element to those discussions?

KW
No, I don't think it's a gender element. I mean, obviously there are personalities, aren't there, are people's views of the world. I don't think there was a gender element to it.

LW
So it was just power-politics?

You know, no minister likes to be rolled over or challenged, but I think being frightened of really good scrutiny makes for better ministerial performance…

KW
Yeah, it's just power politics. It's just that, you know, they have a lot of power and Welsh Government have things that they want to do, and sometimes those things aren't necessarily what some of those individuals want to happen. So yeah, it's just politics.

LW
In terms of then scrutiny, which is part of the factors that can shape things? I was just reflecting with one the special advisers on 20 mile an hour policy, more scrutiny on that would actually have helped to get a better outcome, there was very little scrutiny. What's your reflection on the level of scrutiny from the Senedd, from the media, from civil society, and how much of a force that is in the work and the life of a successful minister?

KW
You know, no minister likes to be rolled over or challenged, but I think being frightened of really good scrutiny makes for better ministerial performance and decision making, and wider government, you know, civil servants.

LW
And were you?

KW
I'd sit there ahead of oral questions in the chamber, and I would have a list of things that I was really worried people would ask about. And very, very rarely were the things that I thought, 'Oh, I'm in difficulty if they ask about these things,' very rarely were they asked, very rarely.

I just think it's because in some ways the Senedd is small, and people are asked to do a lot of things. There's very little time to really develop expertise in a particular subject. And a lot of the scrutiny is very much local, rather than strategic and system scrutiny. It's about what's happening in this particular place, and I understand, gosh I was a backbencher for many more years than I was a minister. So I understand all of that. But I just think that scrutiny leads to better government, and I think scrutiny could be improved within the Senedd.

There was very little in-depth knowledge around the media in terms of education, the one person that would have really worried education ministers gone past [Gareth Evans], left the Western Mail and went into academia himself. So there was nobody really with that in-depth background within the media around education.

Then in civic society. You know, this is again the curse and the blessing of being a small nation. Many of the people that perhaps would speak out have a direct relationship with the government in some way, shape or form, and I think in some way, that stifles debate. And that's a real shame.

That is a real shame, because ministers who are kept on their toes; ministers who fear falling foul of that kind of scrutiny, work really hard to avoid those pitfalls and really, really challenge.

And when you're developing policy you do need those disparate voices, don't you? You do need to hear from lots and lots of perspectives and voices, so that as a minister, you know you've got the whole range in front of you.

We saw this subsequently with the COVID inquiry, didn't we? Too often you're just given one voice, there's one set of advice, or there's not that range of different views / options / opinions, you don't get to hear a lot of debate about that. As a minister, you get to hear one view of the world.

So I think if we had that wider scrutiny, and that wider political discourse, and policy discourse, across a wider section, then that would lead to better decision making.

LW
Did you get scrutiny and challenge within government, from your colleagues, from the First Minister? Where did that come from? Or was that a different dynamic?

KW
Well, I suppose it's a little bit of a different dynamic. And I think it was probably different for me as well. I think people were worried about rocking the boat with me in a way that they may have had more robust conversations with their own party colleagues.

LW
'Don't upset Kirsty we need her vote!' [Laughter]

KW
Yeah, exactly. So I sense that there was some of that going on, and I would much rather people have said to me, 'I don't agree with that,' but I have to say, I think some people sometimes pulled their punches with me.

But I found Cabinet quite weird

LW
Yes.

KW
So when I first joined the Cabinet, not many people said many things about what ministers would bring in. You would have what was called 'lines to take' that your civil servants would give you. So say, another minister was bringing forward a paper, and your lines to take it would say, 'This has no impact on your portfolio,' so the expectation was you wouldn't say anything because it didn't impact upon education and like, I think, when I first got there, I disrupted the dynamic a bit, because I thought, my God

LW
'I have views!'

KW
Yeah, I have views! I've got views on everything. And I haven't sat on the back benches for 16 years not to have a view now on health and transport and agriculture!

LW
Was Cabinet different under Carwyn Jones versus Mark Drakeford?

KW
Yeah, [hesitant] I think so. And I'd like to think that, you know, having one person who got a bit 'chopsy', other people joined in.

LW
I'd agree with that.

KW
So, I'd like to think that me doing that kind of signalled… and it was well received, nobody tried to stop me, and that kind gave a signal to other people that maybe they could chip in. But, yeah, I was, I was amazed when I saw that first bundle for that first Cabinet meeting.

LW
So let's try and put these things together. Do you think the weak media, the self-censoring within government and within parties to a degree? Do you think that's the sign of an immature, and slowly maturing political culture. Or do you think it's a sign of something else?

KW
I think it is a sign of a generation of politicians who worked really hard to establish this institution, and in the first 25 years of devolution, have tried their very best to make this place function, and to try and embed it into the accepted way in which we do things in Wales.

So there's a bit of that. I think some of us, we've not wanted to be too critical of ‘the project,’ because we don't want to feed the beast that was against the project in the first place. So sometimes, I think, we haven't been as frank with ourselves about what needs to happen.

But we are still young, 25 years in, you know, we shouldn't be too ‘hair-cloth’ about it. You know, it is amazing what has been achieved. There's clearly loads more that should have, could have, and will hopefully be done, in the future.

But I think developing that culture of scrutiny, that tradition; if you look to Westminster, you know that tradition of the committee chair, the power of the committees, and you know the very, very fine tradition of backbenchers who've been a thorn in their own government’s side, but have actually really, really contributed to the public discourse.

And having institutions, and I think many of our institutions are still finding their feet in understanding that things are different here; you know, we've seen a flourishing of organisations creating a Welsh office, but just because you've got a Welsh office doesn't necessarily mean you understand and ‘do Wales’ and get the opportunities.

John Howells

John Howells is a 40-year veteran of the Civil Service in Wales.

He worked in the Welsh Office prior to the creation of the Assembly and went on to serve in a variety of senior roles across the Welsh Government.

He retired in March 2024 as Director of Climate Change, Energy and Planning in the Welsh Government.

Interview 7th October 2024

LEE WATERS
John, just explain your history. Because did you start in the Welsh Office?

JOHN HOWELLS
I did. I was an employee of the Welsh Government, and the Welsh Office before that, between December 1984 and March 2024, so a pretty good innings. And one of the interesting experiences I had, because of when I started, was being part of government in Wales before devolution, then the devolution process itself, and then being part of government post-devolution.

I did find myself reflecting - as I was approaching retirement - on that different range of experiences and how fortunate I was to have them. But I was also just thinking a little bit about what lessons should people today draw from that earlier period when the position of Wales in government was quite different to what it is today.

LW
So you finished in government as Director of Climate Change. What did you start as, and what were your main mileposts along the way?

JH
I was something called an administration trainee to begin with, and I had experience of a range of different policy jobs, including economic policy and health. I was the Permanent Secretary's Private Secretary. I was the Welsh Language Policy Lead. I was Director of Schools Performance, responsible for Wales's first education White Paper. I spent four years outside government working for S4C as their Secretary and Director of Policy. I came back into government as Deputy Director of Higher Education policy at the time of tuition fees and had to manoeuvre that through the Assembly - it wasn't called the Senedd then. Then I became one of the education directors, and then I became Director of Culture, and then for 10 years I was Director of Housing and Regeneration, before becoming Director of Energy and Climate Change and Planning for the last four years of my career.

LW
I think one of the things people find most perplexing with the Civil Service is you wouldn't have known anything about any of those things before you went into those posts, and then they were in charge of that area.

JH
And it's important, I think, to explain why that isn't entirely crazy, in the sense that whilst it's important for the Welsh Government to bring expertise to bear across all of those subject areas, the role of civil servants is, I think, as much about identifying where that expertise lies as it is having it yourself.

I think there's a difficult balance to be struck between staying long enough in a role to truly understand what the pressures that drive change are all about and staying too long and running the risk that you might prevent necessary change. History shows there are traps that people can fall into, believing that they know everything and no longer need to listen to other outside voices. There's also an important balance to be struck between knowing enough about the topic, adding value to that topic, and drawing in the people who can really transform thinking.

LW
I guess one of the difficulties is you need a sufficient critical mass to be able to make that system work. I found myself [at some points] in the situation as Transport Minister knowing far more than the officials I was working with. Clearly, the system is not meant to work like that.

One of the things often said by civil servants now is the headcount freeze during the austerity years has led to a point where the Welsh Government just doesn't have enough bodies to do the job well.

JH
Well, you could argue that there were elements of that around prior to austerity, because there's been a significant growth in the functions of government in Wales over that 40 year period that I know something about. And the normal pattern has tended to be that if the Welsh Government did inherit new responsibilities, it didn't receive any additional staffing budget to go with those responsibilities.

> It's hard to underestimate the scale of the change, just the exposure to politicians in today's Senedd setup, compared to what it was like in the 1980s and the 1990s…

So there was always a bit of a squeeze involved in taking on new functions And it was hard to believe that a new group of politicians in a Senedd wasn't going to want to become involved in all of the things that people in Wales think are important.

So there's always been a bit of a stress, I think, between the understandable desire to get involved in a wide range of important issues - and the sensible allocation of resources to support that.

LW
Let's come back to that. I want to just take advantage of your long institutional memory. First talk a little bit about the difference between the Civil Service - the government in Wales - before devolution, when you were working to three ministers, to all of a sudden having a directly elected Assembly.

JH
It's hard to underestimate the scale of the change, just the exposure to politicians in today's Senedd setup, compared to what it was like in the 1980s and the 1990s where ministers spent most of their time in London, would appear in Cardiff for visits on a Friday, sometimes on a Monday.

Going to a minister's office involved going to London for the day, and there were only three politicians responsible for all of the functions of government in Wales.

So the culture shock for officials involved in having to deal with all those politicians who suddenly arrived post-1999 was quite profound. And there were a significant number of my colleagues pre-1999 who weren't looking forward to the change, and who didn't hang around for very long after the change, because they were from a different era and used to a different way of doing business. And the set of challenges that devolution - the arrival of the Assembly—generated, was just not something that they wanted to get involved in.

There were other colleagues, probably on the younger end of the age spectrum, who I suspect were quite frustrated by the requirements of the role prior to devolution. If you were somebody who had a decent understanding of what was happening to the public sector in Wales, and you could see examples of where the Welsh Office could make a difference you could become frustrated by the inability of the political process in those days to go beyond some narrow, relatively limited area of operation. You can see why some people might be frustrated and looking forward to a different set of challenges post-devolution.

LW
The caricature of the Welsh Office was that it didn't really have a policy innovation role, it was an administrative outpost, and simply put a Wales stamp on a Whitehall document. Now, I'm sure there was more to it than that…

JH
...but there's a lot in that simplistic version of how it was, because there were lots of areas where the reality, of the structure of government at that time, was that there wasn't much distinctive to be said. However, I think it's worth remembering that there were at least a couple of areas - probably more than that - where distinctive approaches were being energetically pursued.

There were some distinctive approaches towards the funding of social housing back in the early 80s. What was then called the 'all Wales mental handicap strategy,' which was about services for people with a learning disability, a groundbreaking piece of policy making for the whole of UK – the development of Community Services and closing the long stay institutions following a series of very critical reports about the care offered by long stay institutions in Wales.

I think I would add - because I was involved! - the Welsh Language Act 1993 which was certainly different and distinctive and which was a significant piece of legislation put through Westminster by a small team in Cardiff.

So there was capacity to be engaged in certain areas of business, and people were making a difference in certain specified areas. But the constitutional position was that unless you had a Secretary of State who was very anxious to make a noise in a particular area, you were very much operating in the shadow of the Whitehall machine.

So how you could influence that machine was quite a challenge. But actually, you could argue—I think I would argue - it still is today. The role of Wales vis -a-vis the rest of the UK and the sometimes difficult relationship between Welsh Government and the UK government over the last 10 years say, highlights that there are still plenty of important issues to be considered in terms of what is our relationship with the rest of the UK.

LW
In terms of your latter roles you have been operating at a very senior level within the Welsh Government, in areas that are both devolved and have significant non-devolved elements - along the 'jagged edges' that the Richard Commission talked about. Has the devolution of power in Wales yet percolated through to senior mandarins in Whitehall, or are there still significant blind spots, or do they simply think, 'You just get on with it we don't need to think about you?'

JH
I think I'm probably more in the second category. I think there's plenty of blind spots because people in Whitehall departments are busy. People are busy and are under pressure to deliver whatever it is that Westminster politicians expect of their administrations, and working out, 'What about Wales?' then turns out to be a non-trivial extra task in an awful lot of areas.

One of the important challenges facing Welsh Government civil servants is, therefore, an ability to establish effective working relationships - to remind Whitehall colleagues of why it might sometimes be important to think about implications for Wales; to establish sensible engagement arrangements, to enable things to be taken forward – whether in parallel or in partnership. Or just to recognize that something else is happening in Wales that's worth being vaguely aware of, and that occasionally they might learn from. So that bridging function - making sure Whitehall has some understanding of what's going on and engaging constructively - is ,and always has been, one of the important challenges for Welsh Government civil servants.

But it's also worth reminding people that in a number of areas, including some that I was involved in, there is a huge imbalance between the scale of resource being brought to bear on technical policy areas in Whitehall, compared to the resource available in Wales. Sometimes there's just no comparison.

So to give you one example, look at energy policy. Energy is largely a non-devolved area, but if you work for a government like I did that was very committed to tackling climate change, it turns out that energy policy is one of the areas you want to influence or be aware of. And so somehow my tiny team had to be aware of the energy policies being pursued by literally hundreds of very, very senior civil servants in London.

LW
When you say tiny team, how many people are you talking about?

JH
10 - plus or minus five – it's still an evolving area. When I became Director of Energy, Climate Change and Planning, there wasn't a separate energy team. One of the things we did was to set up a separate energy division because it seemed to be one of the areas that was becoming of more concern. The really important challenge for that team was - and remains - working out what are the areas of energy policy where you can add some value from a Welsh perspective, recognising that it would have been unwise and unfair on those

> Well, I think the new Welsh Government post-99 was fortunate in its inheritance, in the sense that what it inherited was a bunch of people who did understand the Whitehall machine…

colleagues to expect them to be spending all their time in London running around trying to influence the whole of the UK's energy policy, because it's just such an enormously complex, wide-ranging topic.

You have to accept there are areas where you can make a difference but that there are others we just need to let the UK government get on with things, and not pretend that adding 'and Wales' to a policy statements in non-devolved areas is the best area to focus.

So the kind of exercise that we engaged in with our new deputy energy minister for example - how many years ago was that? - was to establish a task and finish group, pulling people together to ask important questions about how Wales might best contribute to the renewables agenda?

LW
That was me!

JH
Posing and exploring the question, 'What are the policy issues worth getting involved in and seeking to influence?' can be a good place to start. The skill of the team is not trying to persuade a minister that they've got all the answers, the skill of the team is assembling a group of people who've got some understanding of the policy area and who can come up with some credible evidence based proposals for action.

LW
That's one of the things I'm interested in teasing out, is explaining what the Welsh Government is and isn't, and what it can and cannot do.

Because going back to your memories of pre-97 all of a sudden you had a Civil Service that was being asked to mimic pretty much every Whitehall area, and not only be across what was happening in Whitehall, but also to be able to come up with new policies for Wales as well - without really the staff of the seniority or the experience that they were being asked to shadow in Whitehall.

And suddenly we went from three ministers to twelve, and each had their own private office. So in terms of how the Welsh Government, with a small resource, fewer employees than Cardiff Council, went about that, some of that man-marking, and how rigorous that is in practice?

JH
Well, I think the new Welsh Government post-99 was fortunate in its inheritance, in the sense that what it inherited was a bunch of people who did understand the Whitehall machine, who did understand a little bit about what it was to be a civil servant in support of ministers, who did understand that there were limits to what you could achieve. But who were probably a little bit influenced by the ways things had been done in the past, which was of course a particular way of operating.

And so there would have been some political challenge to, 'Why can't we do more of that?' or 'Why can't we have something on…?' but I think that those starting conditions where you had people with abilities that could be tailored to the demands of the new group of politicians wasn't a bad place to start.

I think one of the things you mentioned earlier was the nature of the relationships with local government and the other organisations in Wales. It was always drummed into me when I was a very young civil

servant that in Wales relationships with local government were really important. And that's always seemed to me to be a crucial aspect of our work.

That doesn't mean that the relationships in Wales are necessarily always harmonious, but I think it is a key aspect of the challenge facing any political administration in Wales - which is not just what are the resources within Cathays Park responding directly to ministers, but what's the wider public sector resource - or the resource outside the public sector? What's the totality of the resource available to support the delivery of public services. Is the Civil Service able to tap into that wider set of organisations? Are there effective, constructive relationships with those organisations? And alongside the staffing pressures within government, are those bodies outside government adequately staffed to do what we expect of them?

We still devise policies and legislation with an assumption that local authorities will be our delivery partners, closer to the people and ready to take on any new responsibilities we might think of. But in many areas that does not take account of the harsh reality of the situation in which local authorities today find themselves after 15 years - at least 15 years - of having budgets very seriously squeezed and the manpower reductions that have accompanied that and which mean that the local authorities that are operating in Wales today are very different in nature to the ones that I grew up working alongside.

For example I remember when I became Director of Housing in the early 2010s, local authorities in Wales had a cadre of senior, experienced housing professionals who would come together occasionally, who had lots of experience in the topic, and plenty of things to say about to people like me about what the government should and should not be doing. That's no longer the case today.

Local authorities have been faced with tough choices and many have decided to merge housing into other portfolio area, and so whoever's doing my job does not have access to that level of expertise. Which means that whoever's involved in housing policy, to take that example, isn't able to draw on the same level of practical, operational experience - and capacity to deliver on the ground - that was available just 10 years ago.

LW
The push-pull between Welsh Government and local government is fascinating to me. It is as much art as science it strikes me. Ministers and officials who have a sense of what they want to do and know that they need to bring local government with them. But local government doesn't act with one mind, and they have their own mandates, and they have their own ideas of what they want to do, and they have a very good way of subtly undermining what they nod along with. So the educational consortia, I think, is a very good example of where they didn't want these things, and they have successfully scuppered them, and I think the CGCs [Corporate Joint Committees] may well go a similar way. We saw it with 20 mile an hour. There are multiple examples of where local authorities are quite understandably stubborn about their own power base, and yet at the central level, both ministers and civil servants seem to regard them as the delivery arm.

JH
I think they're right to do so, because I don't think you can run it all from Cardiff. When I look back to the 1980s you know, why were people drawing my attention to the important role of local authorities? Why were senior civil servants taking time to engage with senior local authority colleagues? It was because that was an important way of making change happen, and it was an important way of developing a better understanding of what Wales' needs were and which could then be fed into the enormous government machine. I think building those relationships was sensible then and continues to be so today.

I still think that there is a vital role for organisations outside Cathays Park, because you can't run things, you can't secure local delivery, if you're too far away from people on the ground. But does that mean I think we have perfect local delivery organisations with an excellent understanding of what their relationship is with central government? I don't think we do.

And at a time when there seems to be growing public impatience with the ability of politicians to deliver change, to make a difference to people's lives, how can we defend suboptimal delivery arrangements? How can we defend there not being a clear understanding between central government and local government as to who's going to do what, and what a sensible division of responsibilities looks like, no matter how difficult that might be.

I think the education consortia case study is an interesting one. My department was responsible for the delivery of strategic development plans. Please don't ask me how far we got with that delivery objective, because over the last four years, despite it being a legislative requirement, the political reality has been that given competing priorities that hasn't been top of the local authorities' list of things to do so progress has been much less than we hoped.

LW
And this is the bit that interests me really if you're trying to explain to somebody what a minister does, or what they are for - they will come into whatever policy area and want to pull some levers. Those levers aren't really connected to anything in some cases.

The things they are connected to, local government is one example, sponsored bodies, [areas that need] UK government co-operation.

In trying to explain to somebody why ministers achieve so little in some cases, is because there are factors beyond their control. And the Civil Service is another one where you know, they'll smile nicely at you and say, 'Yes, Minister,' but in some cases won't do very much, for various reasons.

JH
The best examples of ministers, civil servants, local government, local authority colleagues being able to get things done is where there's some kind of shared understanding of what everybody is for and a certain amount of mutual respect.
But actually delivering change, even if you have got excellent working relationships, is not a straightforward matter for a government at any level in the UK. Your reference to 'the levers' - if you're a politician who's concerned about standards in education for example, it's worth remembering that your ability to influence the fine detail about what happens in the classroom is, of necessity, limited, because of the nature of the relationship between teachers and pupils and schools and local authorities.

And one of the things that ministers and civil servants need to understand is that there are limits to your ability to influence change out there in the real world. And that, I suspect, is always going to be an important discussion and debate between politicians and civil servants. Some things might be nice to have, or might be wonderful. But what's actually practically achievable given the money and other resources at our disposal?

LW
Let's talk a bit about the Welsh Government Civil Service as a unit, because obviously it's lost quite a lot of people over the last 10/15, years. The good civil servants I speak to are almost all very frustrated and pretty fatigued, and will say things like, 'This is the most difficult organisation I've worked in to get things done.' 'It's risk averse.' There are a group of people around 'the centre' - and I have never fully understood what 'the centre' is - who make things more difficult, and that Welsh Government is viewed within Whitehall as a place where careers go to die - unpack some of that..

JH
So I don't think I agree with all of those observations. I certainly don't agree with the last one, because there are still very able individuals who were operating in Whitehall who have chosen to come and contribute to what we're doing down here…

LW
[Interrupts]
And a lot of them are very frustrated!

JH
…and I think over the last few years, what we've seen is that kind of frustration arising as a result of an understandable desire on the part of ministers to want things to be happening across the whole of the political agenda, which suggests that there'll be really serious activity in all areas of government business, at a time when, even though I don't think the pressures that we've had to face have been as bad as the pressures that local authorities have had to face in terms of the financial squeeze, there has been a squeeze. And therefore, by definition, there is a limit to what can be achieved. And that all becomes even more difficult if there isn't a clear understanding of what a reasonable level of activity might look like for politicians and civil servants in any particular given area.

LW
Frustration is chiefly a function of denuded resource and maintained expectation?

JH
No, growing expectations.

LW
Okay.

JH
I think because the natural evolution of government in Wales, which is still a pretty new beast in historic terms, it seems to me perfectly understandable that ministers - learning from the experience of their predecessors - have been anxious to engage even more deeply over time across all of the areas for which the Senedd and Welsh Government has responsibility.

LW
So how do you feel when you hear Mark Drakeford, and those close to him, saying, 'We don't need to increase the headcount, we need to be better at the way we use our existing resource?'

I interviewed Dan Butler [SPAD] who gave the example of when Julie James was newly appointed to a climate ministry, lots of political capital invested in that, and the first piece of legislation she was handed to approve two months in was a statutory instrument on edible dormice - which clearly people had been working on, and resources being put into. And then you'd have people around the First Minister turn around saying, 'Well, you see, this is what we mean, who decided this was an important use of resource, rather than our political priorities?'

So they're then unsympathetic to the claim of, 'We just don't have enough people.' They're saying, 'You're doing things. You're running your own agenda here. You're not doing things that we think are important.'

JH
I think there will always be a tension between the executive and politicians, because there will always be some historic inertia caused by the way things used to be done in the last administration - or three years ago or whenever - and somebody coming in with new expectations who might think it's completely crazy for edible dormice to be top of the league table. Even though it may be the case that the last minister actually thought edible dormice needed to be the department's number one priority.

So there's always going to be a sort of clunky handover causing some pressures of that sort. I think it's also only natural for there to be some tension between the executive branch around what's reasonable to achieve given any particular level of resources, because there isn't a 'perfect' answer.

In my experience, it's not possible to say, 'I absolutely have to have 27.5 members of staff in order to deliver that function.' You can say, 'I haven't got enough,' but there's always going to be a difficulty in pinning down precisely what the right answer is.

And my own view was that politicians like Mark Drakeford were also on a bit of a hiding to nothing on these sorts of issues. There aren't that many votes to be gained by saying, 'Oh, we must have more civil

So how do you feel when you hear Mark Drakeford, and those close to him, saying 'we don't need to increase the headcount, we need to be better at the way we use our existing resource'?

> I felt my job was to engage with ministers on what a reasonable list of 'to do' items might look like.

servants,' at the expense of something else. And Mark Drakeford was saying that at a time when local authorities had gone through an even greater squeeze than the Civil Service had gone through.

So it may be the case that more effective delivery could be achieved by centralising or regionalising or doing something else. But there's always a debate which needs to be had to justify those sorts of structural changes, particularly if you are going to denude one set of organisations in order that another part of the public sector can be supported.

LW
Your point earlier about the need for accepting we can only do a finite number of things well is a point the SPADs have reflected as well - the need for greater prioritisation.

You, as an official, would have been frustrated by ministers coming in wanting to do all sorts of things which realistically, the resource or capacity wasn't there to do.

JH
I felt my job was to engage with ministers on what a reasonable list of 'to do' items might look like.

LW
I never felt I had a conversation where there was pushback from officials saying, 'You've asked us to do X, Y and Z, we've only got the ability to do X.'

JH
No.

LW
'Prioritise.'

JH
No. Well, I think a little bit of that did happen, but I'm not sure that we were very good at having that, at facilitating that discussion.

LW
No. Well it's awkward for civil servants because it's in the DNA to say yes to ministers.

JH
Yes.

LW
But one of the frustrations from my side of the line, I suppose, is that, you know, the government can't get involved in Civil Service staffing, or internal organisation too much. There's an understandable Chinese wall there. But where is that internal drive coming from, that dynamism to get that nimbleness within the machine, to make it perform better?

JH
Well it's a very complicated machine, and even though scale of government in Wales is tiny compared to government in Whitehall, the idea that a person or a tiny group of people, can look across all of the functions for which the Welsh Government is responsible and work out what the correct allocation of officials between those tasks is using some magic metric…..well you know that's, that's always going to be a difficult thing to get right.

So somehow there has to be that discussion - which you don't think there's been enough of - between officials and ministers to at least come to some sort of an agreement where possible about what a sensible way forwards might look like.

LW
I suppose COVID did show us the machine can turn on a sixpence when it needs to. But let's take the Welsh Government's legislative program as an example of a system that seems very slow to move. I have sympathy with the argument that we turn to legislation too often as an answer to our problems. But also, you know, you can point to the legislative log-jam we now have where a lack of drafting lawyers means the Bus Bill is two years late coming out of the sausage machine. One of the frustrations, I think, of both civil servants and the ministers is that the way that we do legislation doesn't seem to be working optimally. What's was your perspective on that?

JH
It's a tricky area. I think my personal view is that the system has bitten off rather more that it can chew!

For a whole set of understandable reasons, we've got to a position where the amount of legislation that's being announced, thought about and promoted, is becoming greater than the capacity of the machine to deliver.

And I think that's an understandable thing to have happened, given perfectly reasonable political desires and ambitions. But what it means is that when you put that on top of policy functions that were just about managing to deliver something has to give. Legislation is just very hungry on people and time. And whilst, I think it's understandable that politicians come into government in Wales thinking, 'Well, this is one of the ways that we can achieve change.' It turns out to be quite a complicated way to achieve change, and if you're not well supplied with experienced policy makers in the area where you're trying to legislate, then the system starts to creak.

LW
A little bit about the political environment that you have been working within - because obviously, every government we've had since devolution has been a government without an overall majority, and various different arrangements have been found to provide stability.

Now, I think towards the end of your time in Welsh Government, you worked with the Co-operation Unit with Plaid Cymru [set up to oversee the Labour / Plaid Co-operation Agreement]. Do you have any reflections about how the different structures we've evolved to deal with other parties and how they can influence the government to deliver a budget has worked?

JH
I think over time I developed the view that it was part of the deal if you were a civil servant supporting the government in Wales. History shows that there haven't been that many periods of absolute majority for one party. Coalitions - or things that look a bit like coalitions - are therefore part and parcel of the way we do business. So it's a responsibility of the Civil Service to support the delivery of government across what can be tricky political divides.

I was Director of Culture and responsible for the Welsh language legislation brought forward during the Labour / Plaid 'One Wales' Government. So at that time a Plaid Culture Minister [Alan Fred Jones] was responsible for legislation in relation to the Welsh language within a government, which had a Labour First Minister and a Plaid Deputy First Minister both of whom had plenty to say on that topic.
From a Civil Service perspective, the important thing was that the government had established a way of working which enabled difficult bits of business to be cleared at a political level before being put into the government machine. On the whole that delivered clear political instructions which we could deal with.

I had to accept that one of my responsibilities was to manage the politics of whatever aspect of the legislation might be under consideration. But that didn't seem to me to be completely at odds with the way I was used to doing business – previously I was used to reporting to a minister that was in the same party as the First Minister - because there were well established rules for dealing with the politics.

I felt the same about the Co-operation Agreement reached with Plaid Cymru in 2021. It wasn't the responsibility of the Civil Service to decide that there should be a deal between Labour and Plaid, that was something that happened between the First Minister and Adam Price [Plaid Cymru leader].

When I got involved in that process, I found myself helping to write the rules that would govern the operation of the agreement and the role to be played by an administrative unit in support of the agreement. I was able to help develop those rules based on an understanding of what the constitutional role of civil servants was in support of the Welsh Government, however the politicians chose to determine the make up of that government at a particular moment in time.

So the fact there was a deal of that nature was just something we needed to deal with. It was different to deals that we'd seen before. It was slightly novel and not strictly speaking a coalition. But I just felt that it was part of our responsibility to respond to ministerial expectations, political expectations, about, 'Well, this is the way we're going to do business at the moment.'

LW
It strikes me that being in the Senedd and being in the government are very different, they are very different worlds. And one of the problems of one-party domination in government is that the other parties don't get to experience the realities of government.

JH
This is a slightly 'political' statement but I did find myself musing back in the noughties that it might be a good thing for Wales that Plaid Cymru were having experience of government, because it meant that a wider range of politicians were having first hand experience of quite how complicated it can be to change things for the better. I think I was hoping that it might result in more sensible manifesto commitments that we could easily turn into deliverable policies, rather than think, 'Oh, dear, what are we going do about that then?'

LW
And yet, the politicians who turned up to make the Co-operation Agreement work haven't really grappled with the realities and details of power. [laughter]

JH
Well I've been around too long! I was hoping that that experience in the noughties would have an impact on the culture. And it may have, but I found myself reflecting in 2021 that by then of course a whole new generation of politicians was involved - though Mark Drakeford was of course involved in both of those processes and is still involved!

LW
He's been involved in everything!

JH
Government in Wales is still a very young thing!

LW
The question I was going to ask was, in Whitehall there's a very strict sense that the opposition only get to speak to the Civil Service just before a general election. We started with the absurd reverse of that in this corporate body idea that the Assembly would be like a local government committee - the decision maker - and the Civil Service worked to the whole Assembly. Do you think we have reached the right balance between those, or do you think more needs to be done, to help opposition parties to understand how the Civil Service works and what decisions look like in reality?

JH
I guess the answer to that has to be yes, because I'm not sure that at the moment we're set up to deliver the best possible solutions for people in Wales.

So if I believe that current arrangements are suboptimal then you've got to find a way of doing something about that and shining a light on what is it that is suboptimal. What do we think about the role that local authorities play in support of policies in a given area? What's an appropriate response to the progress achieved so far on CJCs [Corporate Joint Committees]?

LW
Well, that's an interesting example, isn't it? Because clearly the donor organ recipient is rejecting the organ, but nor do they want surgery.

JH
Um. Yes, [pause] Minister.

LW
[Laughter]

That's ultimately a political problem, isn't it? That's not something the system can design better. That's local government with its own mandate, not wanting to cede power, and devolved government with its mandate, wanting to bang heads together. And there just is a standoff, that's not something can be smoothed over, really?

JH
No, not easily.

But, do we think it's important for the resources at our disposal in Wales to be utilised as effectively as possible in order to make a difference in a world where things are hard and complicated?

LW
But you can take the horse to water…

JH
You can, but certain horses are beginning to look pretty rickety. And do we ignore that?

LW
We seem to be.

JH
Or do we continue with that really important discussion? And do we think that the people, who ultimately need to vote for all of this, will be impressed if there's no answer?

LW
So drawing on your institutional memory, you've been there for the long haul up to the creation of democratic devolution. You've seen the first 25 years of that Welsh Government in operation. If you're doing an MOT health-check of how it's all working, what would you say on the report are the bits that need attention?

JH
I think that the Civil Service machine has done well to understand that its political masters are now a very different set of politicians, and that the structures are quite different, and the skills therefore required of the Civil Service are quite different than was the case all those years ago.

But the rubber is beginning to hit the road in relation to, 'Can the current number of civil servants deliver sensibly and effectively across the WHOLE of the political agenda for any given party?'

I think we can still point to plenty of examples where there are good things happening that are making a positive difference. But the noises you are picking up suggest that the system as a whole is beginning to creak because of the imbalance between the political expectations, not just of politicians who are in the Senedd, but the expectations that people on the street have of government more generally.

If you look around, I see electorates across Europe and across the world frustrated at what they're getting from their politicians; and perhaps a little bit too susceptible to people who are offering simplistic answers.

So this is a complicated equation, but we're not going to get very far if the political ambition of politicians in the Senedd is too far removed from the ability of the civil servants in the government to deliver.

LW
Thank you. I think I've covered the ground I wanted to cover. Are there other things that you wanted to reflect on?

JH
I mentioned that we have an expectation that local authorities are our delivery partner. I don't think that should mean that we, the Welsh Government, should invent more complicated tasks for our colleagues in local authorities to deliver, even if those complicated tasks are accompanied by little bits of cash to support their delivery.

What am I talking about? Well, I do think that the experience we had on climate change is interesting, where ministers had what I thought was an important objective of spreading the enthusiasm and the commitment around climate to the wider public sector, rather than being something which was the concern of a small number of people in Cathays Park. We could have taken that agenda forward by inventing some new duty to for example 'develop a scheme' where the role of the centre would have been to say, 'We still haven't had your scheme. How is your authority going to respond to the climate emergency? Where's your 54 page plan?' And I'm really pleased we didn't go down that route.

We do have some traditional expectations, including some really important work involving monitoring carbon emissions at local authority level and where we have put in place some new machinery. But beyond that our approach was about engaging with senior local authority leaders about what effective delivery on climate change at the Wales level should look like. How can we collectively take work forward across the 22 local authorities, rather than having 22 different agendas?

So recognising the importance of that local engagement, recognising the challenge of thinking about climate alongside everything else but not simply handing over some perfectly formed set of expectations, but working together to build an agenda - seemed to me to be in a very complicated area of business, a better way of operating than just saying, 'Go on then, now you do it and show us your homework,' every now and again.

LW
I guess that presupposes that all 22 want to do that?

JH
It does.

LW
And often they don't.

JH
They may not. But whether they do or they don't, I would argue that's a better way forward. There are an awful lot of statutory duties placed on local authorities by decades worth of legislation, which, in reality, local authorities are unable to discharge as originally envisaged.

My favourite example is the legal requirement to make a regular assessment of local housing pressures. Measuring housing need is a pretty sophisticated thing to do, and it's an important part of making the case to support building more homes so it remains a statutory requirement. But in reality, that's no longer the sort of technical issue which every one of the 22 local authorities in Wales has the capacity to deliver. It's still part of the great machine of government that continues to operate as if austerity never happened but it reflects the way things used to be but not the world that we live in today.

LW
So do we need to consolidate that? Or do we just accept it?

JH
[Interrupts] It's no less important than it used to be, but expecting it to be delivered 22 times without a system for scaling that up to see what the national picture looks like, you know, that's an example of where the process needs to be rethought. But, you can't rethink that without being clear about the responsibilities surrounding local delivery. That's a different debate, which we've not really gone into yet.

LW
Ok, thank you John

[Interview finished but conversation continues and recording resumes with a fresh thought from JH]

JH
I think it's worth reflecting that the political environment in which Senedd politicians operate is different to the environment in which Westminster politicians and Whitehall departments operate.

I did at one point wonder whether 20 mile an hour might be an area where politicians in Wales could pursue a distinctive, quite challenging policy agenda, and achieve wider buy-in?

But it's interesting that in those challenging areas, once that wider debate happens, once the wider coverage kicks in it turns out even politicians in Wales do get heavily scrutinised by the media and do receive attention. I think it's an interesting case study. Normally, stuff that the Welsh Government do does not get much national media attention. I think it's interesting that 20 miles an hour is one of those areas that - whatever you might think about it - did cut through.

I think it's interesting that 20 miles an hour is one of those areas that - whatever you might think about it - did cut through.

LW
Isn't that an example of an area where, you know, we just got the normal level of scrutiny the Westminster government gets for lots of its policies, and we're not used to it, and we are feeling very bruised by it? But actually, that's a healthy level of pushback and challenge. You know we're allowed to do our little experiments, because nobody much takes notice?

JH
Well, yes, but I also think that plastic carrier bags is another interesting example where I would argue it was easier for government in Wales to get into that space without there being huge fuss and bother which cut across policy aims.

LW
There was quite a bit of fuss and bother.

JH
There was fuss and bother, but it seemed to me to be an example of policy making that challenged our behaviours but which nevertheless managed to find a sweet-spot where there seemed to be a degree of buy-in from the public. And I think that's another area that's interesting to think about.

LW
I think there's a danger that with carrier bags we forget how contested that was when it came in. You know, there was significant retail pushback and a lot of newspaper and media attention to that. But a few years on, it's been accepted. And I guess we are too close to the 20 mile an hour to have that distance yet.

But you know, there are a number of things we've done with organ donation being another one, banning smoking in public places, which have been very controversial. Re-banding council tax was perhaps one of the most severe pushbacks?

JH
Yes.

LW
I think that's one of the things, in my reflection, is we have a very immature politics, society, civil society in Wales, because we are so new, and we don't have the scrutiny of the metropolis. And so, in a sense, Wales is slightly protected from the full force of public opinion because there is so little attention paid.

JH
But I think it's those examples – which I would describe as examples where the Welsh Government has managed to look at the evidence, come up with some interesting proposals even if they are challenging - that have made a difference.

LW
They haven't been reversed.

JH
And they've been built on.

LW
Yes, but they require a sort of political toughness to get through. And I guess part of the story of this is not just the evolution of the maturity of the Civil Service, but the evolution of the maturity of the political class as well.

What we're missing is the media.

JH
Yeah, well, that's another big question about the things that get noticed in Wales,

LW
Yeah, but these are small government, small country problems. You know, in a sense, I think we should run headlong into these, because we wouldn't go back to the Welsh Office days. These are good problems to have, but they're difficult problems.

JH
They are, and I think we are operating in a very different political environment to the Welsh Office days. But I still think that making sure that delivery is as effective as it can be is an important objective. That should be an important objective for all of us, because I think we shouldn't take it as a given that things are going to remain as they are.

LW
No, I guess the political reality is, you know your sort of bureaucrats response - I don't mean that as a pejorative. It was entirely rational what you said, that we should do fewer things better. But the political reality is that the voters want action on all things.

So yes, it would be more sensible to say we're going to do five things really well and concentrate our resources. But what do we leave off? And who's going to agree that? So we say museums and libraries aren't important? Well, there'd be hue and cry about that. We say, I don't know, allotments aren't important? Hue and Cry about that! And there'll be politicians who seize on that.

So that's that arbitrage service, where you decide what's important and what can be done is really tricky in a democratic environment, isn't it?

JH
And getting trickier all the time because of the cumulative impact of austerity. At local authority level, museums and galleries are already a long way from being their priorities.

LW
But I use the argument about degrowth as a parallel here. You are not going to get any politician embracing ‘degrowth.’ The reality is, it's happening anyway. So we just, you know, wring our hands and say, ‘Isn't this terrible?’

We don't leap ahead and think, ‘Okay, how do we shape the world to deal with this?’ We just let it happen to us. And it seems that's the limit of democracy, really. I think there are huge tensions between democracy and climate change, and capitalism; and democracy isn't mature enough to be able to grapple with that it, it just has to kind of go through the pain and let it happen, which is suboptimal.

But one of my reflections, John, you did a lot of thinking on climate change. We know how hard 20 miles an hour has been, and that's not entirely a climate change measure but it's been an element of it, but that's nothing compared to the scale and the pace of the changes we are going to be confronted with because of

global warming. And how does government and how does democracy deal with that scale and divisiveness of change? I worry about that.

JH
Well, by facing up to it. I share your concern that the scale of the challenges are so enormous and so complex that it is understandable that some people's response is to either stick their head in the sand or look the other way. But that would be to ignore the science and what we're increasingly observing. And, therefore, the challenge for all of us, including politicians and civil servants, is to find a way of grappling with those challenges and come out the other end of that process with some practical solutions.

LW
The glib answer you hear on social media is, 'You have to bring the public with you.' Do you have any reflections on how we can do better at that in designing policy?

JH
Other than agreeing that we need to bring the public with us? The big question is, how best to do that?

LW
I wonder if the recycling example…I'm not sure if you were involved in that sort of later in the day?

JH
Obliquely.

LW
Because that's an example of where, over 20 years, we've achieved significant behaviour change and system change. We have brought the public with us, partly because we've done it in increments. But there have been points of tension along the way where people have been no longer having weekly black binbag collections, lots of local political difficulties over that. But that's an example of success.

We've partly achieved the system change through fining local authorities, which is not something politicians seem keen to repeat. I wonder if you think there are success stories like that - where we have achieved change, we have done it in a way that hasn't brought the roof crashing in. And are there lessons for the system to draw on? I wonder if there's any others you've been involved in that are similarly instructive?

JH
I think that we achieved some benefits from highlighting for communities what is possible in the brave new world. It's on a relatively small scale, but some of the projects supported through the Welsh Government's Innovative Housing Programme have involved the delivery of low carbon social housing projects which are very cheap to heat - in fact, where you have to take steps to cool them down. In that programme we invested money that could have been spent on mainstream housing to deliver a very different type of housing product which has, I would like to think, generated a greater understanding in the communities surrounding those exemplar projects as to what you can achieve if you build in a different way.

So sometimes there's something about showing people what the future looks like in a way which is not particularly threatening.

Does that immediately lead to all the people in the neighbouring district rushing out and buying heat pumps, or cancelling their holidays and investing in decarbonizing their homes? Not immediately. But it might provoke a discussion and the more people understand the technology, the science behind all of this, I'd like to think, the better able we will be to drive change in future.

LW
Isn't that an example of one of the things I've been critical of devolution for? We're very good at pilot projects and we're much less good at scaling them. Why is that do you think?

JH
Well, in that case I think we are scaling…but sometimes it's about timing. I think you can argue that Jane Davidson was ahead of her time a little bit in generating the enthusiasm and the commitment she did in support of the climate change agenda when she was a minister in Wales back in the noughties That resulted in a number of pilot projects in support of that political enthusiasm that - looking back - I just wonder could have been a little bit ahead of their time. Because at that time the world wasn't quite ready -

commercial house builders weren't ready - to build homes in a radically different way. That early enthusiasm also resulted in some exemplar projects - there are for example two low carbon homes on the site of the Ebbw Vale steelworks sitting in splendid isolation, waiting for somebody to copy them. Arguably an excellent pilot - but not followed up in part through an accident of timing.

I think the political agenda has moved on. There is now a greater understanding that we need to do things in a different way. We certainly need to build homes in a different way. But pilot projects need to be at the right time if they're going to achieve the maximum impact.

LW
So that's for the pilot, then in terms of scaling them and spreading them, you know it's easier to innovate rather than diffuse the innovation.

JH
I think that seems to be the classic public sector dilemma in the UK, if not the whole world. How do you make sure that the best ideas get shared and copied? And as you say, that just seems to be something we're not very good at.

LW
Okay, I think we'll leave it at that.

JH
More than enough!

Sam Hadley

Sam Hadley was a Welsh Government Special Adviser focusing on transport between 2022 - 2024. He spanned three First Ministers and two transport ministers.

Interview 9th October 2024

SAM HADLEY
I started in October 2022 and I'm finishing pretty much two years later, well to the day, probably.

LEE WATERS
And you're on secondment from Network Rail where you worked in public affairs. You worked in the Senedd in the past as a researcher, so you're familiar with the landscape. Even though you were familiar with it, was there anything that surprised you when you got to the fifth floor [the level of Ty Hywel when ministers have their offices] and operated in that environment?

SH
Yeah, I think so. Because when you're outside of that fifth floor environment, for want of a better word, you naturally think you have an idea what goes on behind closed doors. And you know, if you're in the public affairs space like I had been, you might well have been to a couple of ministerial meetings, and you've kind of interacted in that format. But I think nothing can quite sort of prepare you for the sort of sheer relentlessness of the stuff that's coming at you, pretty much from the moment you start.

From the beginning of the day, till the end of the day when you choose to stop really, just in terms of sheer information flow, and also the kind of the regularity and the kind of volume of big stuff that's coming your way. So, you know, you really are seeing for the first time what it is that ministers and their advisers and senior officials are dealing with and I don't think there's anything that can really prepare you for that.

LW
Do you get any sense whether that's different in Whitehall or elsewhere?

SH
I don't, because I don't have a direct kind of comparison. But I think probably one of the differences from having conversations with SPADs [special advisers] in Whitehall, and kind of just from seeing it from the outside, is that they get more support. So, for example, the SPADs in the Department for Transport have a private secretary who solely supports them, in a kind of administrative and supportive role, and we don't have that.

LW
How many SPADs are there in the DfT?

SH
It's four special advisers in the Department for Transport. And obviously I was doing that role just on my own. And I think that was novel, actually, for Welsh Government to have somebody solely covering transport.

LW
Yes.
Just give an example of the big things coming your way, give some examples of the things that you were dealing with.

SH
So, on a sort of average day, or certainly a week, you might have a major funding call to make on a big project. We've had several of those over the last couple of years where we're delivering really major transformation on the Core Valley Lines [South Wales Metro Project]

But I think nothing can quite sort of prepare you for the sort of sheer relentlessness of the stuff that's coming at you, pretty much from the moment you start.

> The Civil Service would test things out on you first before taking it to ministers.

and big rail, and indeed bus and road projects across Wales. So, it's that kind of thing, and then it's anything from that to things that might seem quite small if you looked at them kind of rationally, but actually have really big political implications. So, there might be a particular local government leader who will be very upset by a decision that you're having to make, or a backbencher for that matter, or something that kind of has an added political resonance.

LW
So that's handling the politics. You're also sort of in the thick of the administration, a sort of mini-minister in effect.

SH
Yeah, so you will have kind of…and especially if there's been a gap and there's been no special adviser and you're coming in as special adviser, there will almost be a kind of raft of things that officials are kind of queuing up for the minister to see that they want some kind of political steer on.

And actually, when you're coming in fresh and you don't really know A from B, that's quite difficult. And also, you have to kind of avoid that trap of, 'I've shown this to the special adviser,' and almost you've given it a stamp of approval. So, you kind of have to manage that.

LW
The Civil Service would test things out on you first before taking it to ministers.

SH
Yes. And that can range from, you know, 'Can you have a quick look at this cabinet paper?' or, 'Can you have a quick look at this briefing note that I'm sending up to the minister?' you know, from something like that all the way through to, 'These are the options that we're going to present on this really big funding decision on a project that we're going to ask the minister to make.' So, it can be from something quite small to something really big. And that's quite daunting actually, when you are new in role.

LW
And you were playing the departmental SPAD role, but also because of the way the Welsh Government is structured, you're also primarily one of the First Minister's SPADs?

SH
Yeah.

LW
So, you were playing a cross-government role as well?

SH
Yeah. This can be quite a sort of interesting relationship, or dynamic, for the minister that you're there to serve because, if you're like me, you're used to serving 'one master,' for want of a better word, and your loyalties immediately kind of go to them; but actually, and this is an important part of the job, you've got to kind of maintain that cross-government view as much as you can and also provide a source of information to the First Minister who is the person who is your employer.

So, I think that could be quite tricky to navigate and I think people do that in different ways. I think probably I aired on the side of, 'I'm working day to day with you as the Transport Minister,' and, you

know, that's where my primary focus is and that's where my kind of loyalty lies in a way. But, at the same time, there's a wider loyalty. But I think actually the individual Cabinet ministers are wrestling with that same thing to a certain extent. So, it sort of mirrors that in a way and I think different special advisers approach that differently.

LW
I think in terms of the 'crosswinds' that you deal with in any one week, the Senedd side is visible to people: there's questions, there's debates, there's the public role that ministers play. But then the other stuff they don't see. Some of the crosswinds I've been describing are our relationship with local government, trying to get the legislation through, the Civil Service bandwidth and capacity. Can you talk a little bit about the things that the ministerial SPAD team have to deal with that you will not necessarily get from a textbook?

SH
So, I guess as a kind of starting point, there might be a legislative programme which, particularly in Wales I think, you as a Special Adviser have a kind of additional responsibility to try and help deliver.

There's also the Programme for Government which is a kind of public document but probably only the nerds and the political experts will really understand that. But that, certainly under Mark [Drakeford], was always a big focus. And kind of keeping that view, and an eye on that, and making sure that those priorities were being delivered against - and if they weren't being delivered against, why weren't they? And actually, how did you push back, sometimes, against some of those priorities?

Yeah, there's a whole gamut of stuff that you do, which is really local government liaison and I think that's probably quite unique to Wales in terms of the role that SPADs play. That's certainly something that I prioritised. So, you know, being able to have telephone conversations with senior local government leaders on a pretty regular basis, and be credible in that environment, I think, is quite important. And you don't get any training for that, by the way, you just kind of get thrust into it.

LW
Nobody gets trained for any of it.
[Laughter]

SH
I felt kind of comfortable with that, but I can imagine that could be quite daunting for people who haven't done that sort of stuff before.

And then there's a kind of wider stakeholder environment as well which is quite important. So, when the minister was in their constituency on a Friday, I would always see that was a day that I set my own agenda.

So, when I was newly in post, that included going out and doing my own visits, doing my own kind of learning and engagement with the bus industry, for example, where I definitely had a bit of a knowledge gap. But also more widely than that - who are the people that we need to kind of keep in touch with, have an honest and open dialogue with that is kind of trusted? - and obviously you're not telling them everything, but they kind of have an avenue through you to understand what's really happening behind the scenes. And I think that's really hard to articulate, but it's quite an important role.

And then there's the kind of engagement with backbenchers as well, which, you know, to be fair to you, you were always on my case about and I think is really important. Just kind of doing your best to make sure that they feel involved, engaged, have the information that they need. And that can be quite tricky at times because you're balancing what can seem like really big stuff, you know, the stuff you're sitting in the meetings with the minister talking about, you know, 'Do we fund this or not? How do we kind of get through the budget?' all that stuff. And then suddenly down on the micro level and dealing with, you know…

LW
...level crossings

SH
Yeah, exactly, yeah.

LW
In terms of the civil servants you're working with, because a lot of the Civil Service, the very good ones I worked with, often say that the Welsh Government is under-capacity. A small number of people were doing disproportionately a lot of heavy lifting, and that the system itself, 'the centre,' as they called it, was a very cautious and restrictive force in making their job even harder. What are your reflections on how those teams are set up to succeed by the system?

SH
So, on the size point, I think the anecdote I would share is Peter McDonald, who's the Director of Transport, started basically the same week as me, and very excitedly, one day, came up and said, 'I think I've just had a chat with my opposite number at the Department for Transport,' and I showed him the organogram of the DFT, which had about 50 of his 'opposite numbers.' And that was pretty telling.

So definitely there is a kind of size issue, and the breadth of issues that the department are dealing with are kind of broadly similar to the breadth of issues that the Department for Transport and Whitehall are dealing with, but the numbers are just infinitesimally smaller.

And in some ways I don't think that's a bad thing, because there's probably lots of people in Whitehall, you know, 'double-hatting,' doing jobs that could be done by fewer people and the kind of silos are not as great. And we're efficient and lean, and all the advantages that you do have from being small, so there will be advantages too. But I think sometimes we really do struggle just in terms of that kind of manpower to do the job.

On the centre of government and the way we're set up, I don't feel like I'm an expert on that and I don't feel like I've ever really cracked it, but the centre of Welsh Government is very, very small, as we know, it's a handful of people - and just kind of the basics of doing Cabinet properly, and recording decision-making, and making sure that that Programme for Government is being delivered; and all of those things take up quite a lot of bandwidth, so I think that doesn't leave much room for much else.

So, I defer to others in terms of what reform would help in that space but I think I certainly agree that something needs to be done.

LW
In terms of the capacity point, to what extent do you think it effects outcomes? Does it mean you just do fewer things or make slower progress. Or what?

SH
I think it's probably a bit of both. I think sometimes we can respond really well to something because, actually, you put a small number of people on it who are your best people and they will do a really good job. But I think that when you're trying to operate across the whole bandwidth and, you only have a certain number of people, inevitably things sometimes will move too slowly and that's frustrating for ministers, especially.

And, you know, ministers get rightly frustrated when an issue that they've raised two years ago still seems to have not moved on very much. And it's not always because of the size. I don't think sometimes there are wider issues at play, but I think sometimes it is purely down to that.

LW
Just take a case study—the Bus Bill which should have been passed in the previous Senedd then was stopped because of COVID, and there just wasn't enough time, and has been reincarnated in this Senedd term but changed, and is, I think, running about two years late from when it was intended to be introduced to the Senedd and is now due to come to the Senedd in March. What's behind that saga? Is there a wider tale to tell there, or are those unique circumstances?

SH
Well, I think part of it you've alluded to in your question. You know, the Bus Bill that is being developed and is nearly before us today, is very different from the one in the last Senedd, and than actually that kind of time to think again about what exactly we want to achieve with the Bus Bill, and what outcomes we want it to serve, will lead to a better bill in the end, and a better policy for busses in Wales.

So, I think some ways the delay hasn't been a bad thing, and obviously COVID and other factors have played into that delay. But I think there is a kind of basic point. And you know, Ministers have reflected to

me that, you know UK Government are in for five minutes, and they've got a Bus Bill and in Wales we've been waiting for us for five years, and it's still delayed. So, I think that there is a real point there.

If you sit in the meetings where we discuss the reasons for those delays, you'll hear a range of different views, and sometimes it's that policy officials have not instructed the legal drafters and the legal services well enough. And then from the other side, you know, unsurprisingly, in the way these things work, there'll be frustrations around the length of time it takes to do stuff.

So, I never really, and this is a bit of a frustration of mine, actually, I would have loved to have really dug in and got to the bottom of what the problem was, whether it is just numbers. I suspect that's partly it. But is there something more fundamental that we're not doing right here? I suspect so, but I don't really know what it is.

LW
Don't you think there's a bit of a theme here, from the minister and special adviser point of view, that you often have a sense things aren't going the way they should be, but you don't entirely know why or can't fully influence it.

SH
Yeah, definitely. And particularly when it's something as technical as the drafting of a Bill. I think that's really hard to kind of get under the skin of, you know, maybe there's something in there about the level or quality of advice that you get on why things are taking longer than you think. But, yeah, absolutely. I think legislation in particular - and it wasn't just the Bus Bill - we had to delay a really good Taxi Bill, as well, which had got to a really good place by the time we were ready to press go on it. So that's definitely frustration, and one that, yeah, it's symptomatic of something.

LW
Then, just to continue the theme of case studies, the 20 mph policy. When did you come in in relation to implementation?

SH
So, I came in as we were in the middle and getting towards the end of the pilots. Probably a year away from implementation?

LW
Okay, and now that you look back, and the benefit of a year of perspective, and things not having gone as well as everybody would have liked to a degree: do you think there was stuff going on under the surface that we were not alert to? Or what's your explanation to yourself of why things didn't go to plan?

SH
I think there were kind of alarm bells ringing that we could have tuned into more and we could have acted upon more. And I think there was a kind of a moment of realisation, probably about six - maybe it's more like three months - before actual implementation date, where we realised suddenly it was definitely going to get caught up amongst the culture wars. And actually, this was going to be really more difficult because of that than perhaps we'd even anticipated. Although we very much went into it with our eyes open.

I think, yes, there are things that we could have done differently and, perhaps, should have done differently to improve the implementation and to make it go better in terms of public perception, and the

If you sit in the meetings where we discuss the reasons for those delays, you'll hear a range of different views, and sometimes it's that policy officials have not instructed the legal drafters…

… there was no Senedd challenge sessions in committees of how things were going. No consultation amongst local authorities, of, ‘Are there warning signs?’ which the government could then have been challenged about and confronted to rectify.

practicalities of the rollout, and getting the signage right from day one. But there's also a little part of me that thinks, ‘Well, you know, we could have done all that and we might have ended up timing out of this Senedd, or you might have no longer been the minister, and we might have had second thoughts.’ So, there's a little, large, part of me really that thinks, ‘Well, we went for it and it was harder than we thought, and less popular than we thought, but actually, you know, we've reduced collisions by 20% so the fundamentals were right.’

LW
32%
[Laughter]

Sure, and I agree with all of that. The thing I've been thinking is, was it just a failure to pick up on the signs, the warning signs, when there were areas that turned out to be problematic like the local authority exceptions, for example? Or were those warnings hidden from view?

SH
I think it might actually link back to your earlier question around level of numbers of people and resource and all of those things. So, if we'd had a larger team working on it, I think we would have had a more granular picture of exactly where each local authority was up to in terms of its consultation. How were they looking in terms of what would happen on day one in terms of signage? Had they done the exceptions process properly? And, yes, we kind of had all that feedback, but it was probably three or four officials at most who were kind of ‘fingers on the button’ in terms of that. And if we'd had a larger team, and this probably goes for the comms push as well that that accompanied it, if we'd had a bigger team working on it, I think we might have been in a more organised position.

And I think there was a slight element of, I don't want to use the word ‘chaos,’ because that isn't right, but the slight element of ‘flying by the seat of our pants,’ just because we had to,

LW
Frenetic. Yeah.

I also think of it as an example of poor scrutiny, because, you know, thinking about it, there was no Senedd challenge sessions in committees of how things were going. No consultation amongst local authorities, of ‘Are there warning signs?’ which the government could then have been challenged about and confronted to rectify. I think, back to the Organ Donation Bill, where there was a big public information campaign - well that came from a Senedd amendment to insist on it. And there was no similar pre-implementation intervention of that kind. And there was actually very little Cabinet oversight, or First Ministerial oversight of it, really.

It was in a sense a small team: ministers, SPADs, officials who, just as a cell, got on with it. But thinking, one of the themes of these seminars is the quality of scrutiny in Wales. This is one area where some scrutiny would have been a help.

SH
Yeah, and actually if you think back to the Organ Donation Bill, there was, from my memory anyway, much more committee level scrutiny of the exact ins and outs of how that would...

LW
...because that was a Bill, this was Regulations.

SH
Yeah, so maybe that's a key lesson. And, also, if you decide as a government that you are going to do something as big as that then you have to all get behind it, because otherwise you're almost setting the little cell up, or the minister in your case, up to fail. Because actually, you can't have something as big as that purely associated with one person because that wasn't fair on a kind of workload basis, but it also wasn't really realistic on a practical basis either.

LW
Yeah, that reminds more of the line in Blackadder the Fourth when they're about to go 'over the top' and they said, 'Don't worry we're behind you…. about 35 miles behind you!'
[Laughter]

In terms of the other themes we're looking at, looking at them through the prism of the 20mph experience is quite interesting, actually, because there's definitely the Civil Service capacity, there's a relationship with local government, there's the scrutiny one, and, then, there's intra-party management which you've touched upon and the time you spent dealing with back benchers and local government leaders, and, to a much lesser degree, MPs I suppose.

SH
Yeah.

LW
In terms of the local government relationship in relation to 20 mph and whether that has wider read-across. I think a lot of the relationship local government was done through [Cllr] Andrew Morgan, as a leader of the WLGA, and he handled a lot.

SH
Yeah.

LW
There were some direct engagements. But do you think, again looking back for lessons learned, how much of a factor do you think that whole centre / local government relationship was in the outcomes we saw?

SH
I think it probably was. So, if you think back to that time, there was engagement on various different levels, but generally the engagement with local government leaders would have been a Teams call, or a meeting with all of them present. And actually, looking back, was that really the right way to tease out what their individual challenges were?

Because, actually, you know, they're each kind of presenting a face of their own local authority to their peers in that room. So perhaps we should have had more individual, one-to-one conversations in a really supportive way that were much more about, 'Well, you know, we can see that you haven't done many exceptions. Is there any? Is there anything more that we could do now at this stage?' six months out.

LW
Yes.

SH
Maybe it wouldn't have worked in some areas. I think that wasn't the only factor at play, but I think probably not relying as much on a kind of collective view through the WLGA, but also not relying on those kind of set-piece 'let's get everyone on a Teams call' type meetings where people kind of grandstand a bit and, you know, they can be quite testy, or they can just be, 'Oh, yeah, we all think it's fine.'

It's actually really understanding on a detailed level and some of that should probably happen through officials. But again I think, interestingly, we've done more of that Post than we did Pre. So actually, the kind of the sort of reset and reflection that we've done on 20 mile an hour, a lot of that has been much more individual conversations, both at a kind of officer level, but also a political level, where we know there are issues to try and work through those problems in in a partnership type way.

LW
Good.

And what's interesting as well is that it was piloted. So in terms of designing a good policy implementation process, there were 9 pilots and they did show the problems - I think it was Caldicot showed the problem with the exemptions process, as well as the Flintshire one, which also showed the problem with a lack of upfront consultation, but those weren't taken on board by the local authorities, possibly because they came quite late in the day and they didn't report simultaneously. Do you have any thoughts on that?

SH
Well one reflection on that, it's quite interesting that one of the areas where we don't expect there to be many reversions back to 30 mile an hour is Monmouthshire. And I think they had two pilot areas in Monmouthshire, and although in one of them there were challenges, which you referenced there in terms of Caldicot, I think it was actually there's a part of me that thinks because two quite large settlements within that county area were part of the pilot process they almost kind of got used to it more quickly than some of those other areas.

I think you made a point once, which has struck me ever since, which is that, 'Pilots are supposed to be pilots. So, you know, things are supposed to go wrong and go well, and we shouldn't be surprised if a pilot doesn't go well, because otherwise, what's the point in doing the pilot?'

LW
No, but we should learn from it.

SH
Yeah absolutely.

LW
And I'm questioning the extent we learned from them.

SH
I think again, if you think about when the pilots…they were coming to an end, I think pretty much when I started, which was a year away from implementation. And there was so much to do with so few people in that period, you know—we're talking literally a handful of officials at best—whether there was really the capacity to learn from those pilots and implement changes to the policy as a result, perhaps even somebody should have raised the red flag and said, 'We need another six months.' I don't know, but…in a way, we were rushing at it so quickly that perhaps we didn't have enough space and time to really reflect on what lessons the pilot told us.

LW
Yeah, okay, just to go on to internal party relationships. You mentioned a bit of a group we haven't talked about, the relationship with Westminster, and to the extent which that is 'a crosswind' that affects the way decisions are made within the Welsh Government. What was your experience?

SH
Definitely is. And I think it kind of almost matters at what point you're in the electoral cycle. So, we always have this kind of shadow of a general election coming up, was very much in our minds when we were doing stuff like the Roads Review, when we were doing stuff like 20mph an hour. And I'm sure that in reverse, now, with the Senedd election being the priority, Welsh MPs will feel it perhaps to a slightly lesser extent, just because of the way the relationship tends to work.

But I think there's work to be done in terms of the relationship with MPs, if I'm honest with you, from a sort of Welsh Labour Party management perspective. And I think one of the things that really hit home when we were having the struggles with 20 mile an hour in particular, but also the Roads Review to an extent as well, was how kind of precarious, really, that relationship is between the Senedd and its members, and the Welsh Government and the MPs in Westminster.

I don't know if that's just an inevitable product of them getting on a train every week and going to Westminster and, you know, doing really important work down there and kind of being focused on that.

LW
Yes, it's the focus. Because when we would make efforts to meet with them, or make ourselves available, then hardly anyone would turn up because they had other things to be thinking about.

SH
And, of course, as you'll recall, we had some difficult meetings post-implementation with individual MPs who were upset and worried about the impact it might have on their re-election and all of those things.

LW
Do you mean 20mph or the Roads Review?

SH
So, both actually, yeah, particularly Roads Review was one that seemed to hit home with the MPs, but I think by 20 mile an hour, they'd almost given up on talking to us. [Laughter]

LW
You mentioned the Roads Review there, we don't talk about that much anymore because interestingly, my impression, and tell me if you think I'm kidding myself, is that the blowback on that was not as significant as we expected, but the blowback on 20mph was greater than we anticipated?

So in terms of the Roads Review, which was a significant shift in transport policy, the cancelling of lots of roads, which as you said was very unpopular with those MPs and the MSs who represented the constituencies most affected, look back at that and say something about how all played out.

SH
I think actually, in terms of the process of getting it through the Welsh Government machine, and I include Cabinet in that, as you as you know the Roads Review was much more challenging, actually, in terms of the discussion amongst ministers; and then, as you say, after we did it, the kind of blowback from MPs and Members of the Senedd as well, back bench Members of the Senedd.

So, that was the more difficult one politically on the surface. But I think in terms of the public impact, well, it just goes back to that really basic point that people don't really care that much about having something taken away from them that they don't already have. It's a bit like benefits, isn't it? If you keep giving people the benefits that they've always had, but actually taper it off so that new people don't get those benefits, generally it's not noticed. And I think it's a similar kind of dynamic to that. It was remarkable, really. I think it is as simple as that. I think it was just a matter of we were disrupting people's daily lives with 20mph in a way that we simply weren't with the Roads Review.

LW
The one bit we haven't talked about as a potential 'crosswind' is the role of pressure groups, interest groups, stakeholders, lobbyists, whatever you want to call them. That doesn't seem to be a significant feature of what you've talked about the pressures that were faced.

SH
So, quite interesting, isn't it? In the run up to both the Roads Review and 20 mile an hour, there were a number of NGOs who were kind of in the mix and broadly wanted to be supportive. I think they struggled,

… we had some difficult meetings post-implementation with individual MPs who were upset and worried about the impact it might have on their re-election and all of those things.

> So, there was engagement, but largely, we were doing stuff that most of the, certainly the environmental lobby, for want of a better word, were pleased with.

in a way, once they were actually getting what they wanted they didn't really know what to do in that space, because they were so used to kind of hitting their head against a brick wall. That that was a bit of a new dynamic for them. So, there was engagement, but largely, we were doing stuff that most of the, certainly the environmental lobby, for want of a better word, were pleased with.

I think that kind of the level of engagement that we had with groups who were opposed to what we did, I think generally the conversations were quite constructive. And maybe that's a fault of the Welsh system. I know that you've expressed frustration in the past that you know representative bodies and lobbying groups don't push Welsh Government hard enough, and I think probably that's true, we didn't see much kickback, I don't think from the other side, although that might partly be because you'd already laid the groundwork and done a lot of that kind of hard-yards with them before I started.

LW
My feeling was the supportive pressure groups were of no use in trying to help sell it to the public.

SH
Yes, I'd agree with that. Yeah, I just don't think they knew what they could do to help, really, and were frightened by the reaction and didn't want to put their heads above the parapet.

Although that, I think, changed a little bit when the media slightly misconstrued Ken [Skates] signalling on Roads Review, and there was a famous moment where Ken was about to say, 'and in built up areas,' and then got interrupted by Andrew RT Davies, and everyone said that we were reversing 20 mile an hour, which wasn't true. But that then, interestingly, led to quite a lot of kickback from some of those organisations that had been a bit quiet up until that point.

So suddenly, you know, you'd see the likes of Sustrans and others be more vocal in terms of their support for 20 mile an hour. But, yeah, definitely people went quiet when it was really difficult.

LW
The final element, I guess, is the role of Transport for Wales, where you're going off now to work in. That is a massive body, a head count of 2000 people?

SH
More than that. I think it's more like three or four, yeah,

LW
…which is, about two thirds the size of the whole Welsh Government. And it is a direct organ of the Welsh Government. It has its own separate terms and conditions, if you like, but it is entirely taxpayer funded and answerable to the Welsh Government. But it's not really seen as part of the Welsh Government either, which is quite odd.

They're set up as an arm's length body, talk a little bit how that works in practice - how much autonomy, operational autonomy, do they really have and how are decisions made in relation to the role Ministers have?

SH
So firstly, just to go back to the point on size and scale - Network Rail employs, I think, 39,000 people, which is a lot more than the Welsh Government. So actually, when I came to Welsh Government, it was surprising how small it felt, really, compared to the organisation I'd left.

And obviously TfW are a large organisation but not quite to that scale. Peter MacDonald [WG Director of Transport] has rightly, I think, characterised it as a 'policy partnership'. As TfW have grown, the equivalent team dealing with transport at Welsh Government has shrunk, which therefore, naturally means that all sorts of decision-making, and not just in the operational space, is now with TfW.

In practice, I think the relationship is incredibly close. That might partly be because of James Price, who's obviously a former Senior Civil Servant and now leading TfW, and really understands kind of how Welsh Government works. And I think his natural instincts are to make sure that he's really delivering for ministers and keeping government close, in the way that a senior civil servant would. And I think that that is the right approach actually. I think the only slight question mark over that is, you know, who else but James Price could make that work? And that's a positive statement about James, not a negative one.

So, it's quite striking, really, because I think it goes in two ways. On the one hand, most of the big decisions are made with a kind of small group of people, which will probably involve the Minister, the Director of Transport, the Special Adviser, and James Price, and maybe a couple of others, depending on what the issue is. But there's a whole raft of other stuff, which I think TfW spend far too much time talking about internally, talking about how we'll present this to Welsh Government: Has it been through their own internal checks and balances and executive meetings? And then suddenly Welsh Government will get presented with something which might feel a bit like a fait accompli, and actually get officials backs up because it's like, 'You've been working on this in private for ages, and it isn't really what we've wanted you to do.'

So I think it's kind of getting that balance right between all those governance things that they need to do as a large body that employs a lot of people, but also kind of making sure that we don't lose that kind of close working relationship with ministers and their closest advisers and the Director of Transport that really, I think, has kind of helped over the past few years, particularly when we've been going through some really difficult times.

So, the decisions that you made through COVID in terms of, you know, just keeping the TfW show on the road, and certainly around the Core Valley Lines, and making sure that we finished the job there. So, I think that's worked well. But I think there's a balance to be struck between those two of ways of making decisions.

LW
It's curious, isn't it? Because it's one of those organisations that's 'too big to fail.' And you know, the question of how much, in reality, do they have the ability to make decisions of their own? And who should get the blame when things go wrong? Because, you know, there's been a very painful time on the railways, from a passenger point of view, for a good few years, inevitably, as the new railway line and carriages have been delayed and then come on stream. But who do you think got the blame for that politically and publicly?

SH
Well, it's interesting isn't it, because as soon as you stop being minister, performance suddenly started to improve [Laughter].

LW
Inevitably.

SH
But I think we might hold slightly different views on this one. So you were, as a minister, always very much in the space of, 'I don't particularly want to do that whole thing of saying, I'm getting James Price in, and I'm going to jump up and down at him about how bad rail performance is,' which I actually think was certainly right at that time, and it's certainly right for the kind of early period of TfW's existence when it is kind of evolving and getting a kind of tone of voice and a nature of its own.

But I do wonder whether at some points, actually, it would be healthy to have a bit of a degree of distance between ministers and TfW that enables ministers the space to genuinely hold TfW to account in a sort of slightly more public way without throwing them under the bus?

… I'm really glad that I did the job as someone at this stage of my career, rather than when I probably really coveted the job…

And that's tricky, because UK government ministers have that luxury. You know we've seen with Louise Haigh [SoS Transport] has been able to say to Avanti West Coast, she wants to see a dramatic improvement in performance. Well, actually, they're under a management contract now so that's not a completely dissimilar relationship to the TfW and Welsh Government relationship in terms of the practicalities of setting their remit and all those things.

LW
So, it is another example of, from a 'crosswinds' point of view, of things that will happen to you, as a minister and SPAD, that you don't have control of?

SH
Yeah, absolutely. And I think the bit that we didn't have control of when you were the minister was just, it was a really tough time for the railway in terms of performance. And the bit I'm always cautionary with Ken to say is, 'Look, things are going well now, but we could have a really bad autumn, or we could have a terrible day where, you know, we lose 10 units,' or whatever it is. But I think then for the minister to make that judgement.

So you know, in your case, you were content, politically, to have your period defined by 'It's a bit crap at the moment, but things will get better.' And I think equally, Ken is willing to stick his neck out on performance because he thinks that's the right thing to do for us now. But equally, understands that, you know, that might come back to bite him if you have a bad day's performance, and you are only as good as the last journey that a politician went on from north Wales to south Wales very often.

LW
Yeah. I think there is an issue there of TfW, from a ministerial point of view, of not having real accountability mechanisms with any bite.

SH
Yes. And part of that is just they are still so young as an organisation. The fact that Wales is running its own train service is such a novel thing.

LW
And we are asking them to do so much between bus reform and broadband, various things.

SH
Yes, but you are right because, you know, for example, a large period of your time in office Network Rail, for example, was under an Office of Rail and Road Regulation sort of escalator type thing. And I'm not sure that fixes it either, but at least it provides a framework for them being on the naughty step in a way that we haven't quite got with TfW, if we had a similar situation arise here. Maybe we don't need to, but we need to have some kind of mechanism, I think, just to kind of formally have them in that holding pattern of being held to account.

LW
So, to finish then, back to the first question - you were coming in to the fifth floor for the first time, thinking you knew quite a bit about the way government works, and quickly discovering there was more to it than you saw. Now, as you prepare to leave, what would you say your overall reflections are about the way Welsh Government and politics in Wales works?

SH

So not answering your question, but I'll come to it. So my biggest personal reflection, I think, is I'm really glad that I did the job as someone at this stage of my career, rather than when I probably really coveted the job, which was when I was in my kind of late 20s, you know, working downstairs for a backbench member, and thinking, ‘Bloody hell, I'd really love to be a special adviser. And when will I get the chance?’

Actually, it was lovely that it came later on in my career, because I felt like it wasn't something I coveted or expected, but I was really able to bring to bear a different set of skills. And so that's one thing I'm really glad about from a personal perspective.

In terms of my big reflections on Welsh Government, so, I actually think that above all my biggest reflections is that it is operated by a whole group of people who are really passionate, work really hard, really want to do the right thing and make Wales a better place. And I know that sounds really cheesy, but that's kind of what drives me and my career. And I think that motivation is manifest across the whole of the Civil Service. So, I don't subscribe to the view that civil servants are rubbish at all, and I actually think that we should build from that, and we should empower them and make sure that they have the resources they need.

And I think we shouldn't be afraid to say actually we need a slightly bigger Civil Service to deliver on the goals that we want to achieve. Because every other organisation I've worked in, you know, they grow according to the things that they take on, and people will make business cases internally, because, ‘I need a person to do this new thing that you've asked me to do.’

So, I think we can't go on stretching the same number of people to do an ever-increasing number of things, because that's just not realistic. So, I think it would be, ‘Let's size up according to the kind of things that we're asking government to do,’ or ask it to do less things. And maybe, you know, that's another option.

Mick Antoniw

Mick Antoniw has served in the cabinets of three First Ministers. He was Counsel General for Wales from 2021 to 2024, having previously served in the position from 2016 to 2017.

He previously served as Minister for the Constitution from 2021 to 2024. He has been the MS for Pontypridd since 2011 and has chaired a number of Senedd committees.

Interview 16th October 2024

LEE WATERS
You've been Counsel General twice?

MICK ANTONIW
Three times, but for different periods of lengths of time under three First Ministers.

LW
Okay, so you were first of all with Carwyn Jones, but he changed his mind.
[laughter]

MA
Yes, he changed his mind after 18 months. Then with Mark Drakeford for about three and a bit years, and then with Vaughan Gething for four months.

LW
But you didn't just do the traditional job of the Counsel General, whatever that is. You also did policy reform: you led Senedd reform.

MA
Yeah, the nature of the Counsel General role has changed, and had to change, as we've developed the framework for the devolution of justice; but the fact that we control parts of the justice system - that is the tribunals which are under reform, that we're involved increasingly in those areas where we have created criminal laws for prosecution of breaches of those laws, and also the whole policy development that is the relationship of justice with devolved functions, particularly youth justice, and probation as examples. So, the constitutional policy side to it has become an increasing part of that function.

Prior to 2010 / 2011 we really didn't have any real legislative framework of our own that we were working within. But of course, over that period of time, we now have 72 quite substantial pieces of primary legislation, several thousand pieces of secondary legislation, and are now intrinsically engaged with UK government in terms of their legislative program, to the extent that it overlaps, interferes or engages with devolved functions. So, it has actually transformed as a function and as a responsibility really over the past decade.

LW
Well, there's a lot to come back on there. But first of all, the role itself is a curious one, because you are a member of the government, but you're not a minister. Is that right?

MA
That's right.

LW
So, are there tensions because of that?

MA
There are - not necessarily tensions, but it is a strange one, because as a position it's actually a Crown appointment based on recommendation from the First Minister to the Senedd, who has to vote a majority in support, and then it's an appointment by the Crown.

There has been some controversy as to why that is the case because, for example, the main law officer in the UK, the Attorney General is appointed by government and removed by government.

But in many ways, it's not a bad position, because what it does is create a certain level of independence, because the law officer has to firstly engage in certain legal actions and so on. It has to be able to do that on the basis of the law and not from any form of political interference.

It also has to be able to advise on areas of competence and has an independent role and capacity in terms of referral of matters to the Supreme Court, whether the government agrees with it or doesn't agree with it.

So the issue of the parliamentary integrity of the Senedd and its legislative functions is one that gives a certain independence for the Counsel General - obviously one where the Counsel General engages closely with government, but does, if it were to be necessary, have the capacity to operate independently.

> … there were a number of occasions where I was absolutely clear that decisions would be taken that had to defend the integrity of the position, and its independence.

Perhaps the clearest example has recently been on some of the competence issues around, for example, the issue of gender balance within the Senedd, and legislation around that; where not only did the Presiding Officer have to express an opinion, but, equally so, there was clear advice from the Counsel General in terms of whether we could or could not do it, so whether the government wanted to proceed or not. Well, of course, it could have taken the decision to proceed, but the role of the Counsel General is to give advice independently.

And of course, once legislation is passed, there is an independent function again for the Counsel General to decide independently of government and with independent advice, to refer the matter to the Supreme Court, and the government cannot interfere within that particular process.

So, it's a role that has been changing as the parliamentary structure of the Senedd has changed very, very dramatically over the period of slightly over a decade.

LW
Is there a divergence between theory and practice there? Because in practice, you are an appointee of the First Minister and you were a political appointee, and you work as a Member of the Cabinet in a political environment. So, these aren't entirely independent judgements. They are sort of 'at distance' judgments, but they are formed by you as a politician.

MA
Yeah. I mean how those responsibilities are exercised are actually really important. And, certainly, there were a number of occasions where I was absolutely clear that decisions would be taken that had to defend the integrity of the position and its independence.

But of course, you know, ultimately, as all these positions are ultimately within the gift in one way or another of the First Minister - there is that possibility, and there is that particular risk.

So clearly the function as an adviser to government is one that is co-operative, that has to work collaboratively, recognizing the nature of politics, the nature of majorities in the Senedd, the ability to carry through legislation and so on.

But, equally so, there is a particular responsibility on the Counsel General's function to always actually protect and defend that particular integrity - it exists there within the Government of Wales Act; there is that sort of independent protection.

That is, if a First Minister was not happy with what a Counsel General was doing, for whatever reason, the First Minister cannot remove the Counsel General, other than by going back to the Senedd and asking for a vote and obtaining a majority of the Senedd. So, in many ways, the Senedd itself has a mechanism where it is the protector of that independence.

LW
Okay, in terms of the wider role as a Member of the Government and the capacity of the officials you're working with; many ministers feel that they are overloaded. The tasks they have are too much compared to the number of people doing similar tasks in Westminster. What are your observations?

MA
Well, it's absolutely clear to me that the Senedd has expanded its parliamentary functions. It is essentially a legislature: that is its primary function, of course, and many other aspects around that in terms of the raising of funds, the redistribution of funds, and policy direction, particularly determined by that legislation. But it has increased massively - way beyond, I think, what was even conceived when the National Assembly of Wales was set up in 1999 with 60 members.

It is also the case, I think, that not only was the Senedd too small, but the government, equally, was too small, and what it meant was that you had a disproportionate number of Senedd members having to come into the government. So that had an impact in terms of the political balance and the political operation of the Senedd itself, but it also meant that you had ministers who probably had too many functions, too many responsibilities, too many portfolios, too little time to develop the necessary expertise in those particular areas individually.

That meant that you became heavily dependent on the relatively small Civil Service in terms of advice and decision making, and in terms of continuity, I think, over the grasp of the administration of functions and carrying through policies and programs and so on.

LW
You know, perhaps as Counsel General, it was a slightly unique position. It was very niche within the legal sector. But it also meant that you had probably the second greatest oversight of what was happening across the entire board, because you looked at all the legislation, you looked at all the programs, you were able to sort of stick your nose in and interfere and dig in to a whole variety of things that were way out sometimes in terms of areas where the policy area might not well have been understood, but it was necessary to get to grip through what the legal implications of certain things that were happening.

But certainly, my experience is that it got to a stage where it had become unhealthy—unhealthy in terms of lifestyle of ministers; unhealthy in terms of the impact on the politics of the centre. That's why the issue of reform is more than just about creating more politicians. It's about the ability of the quality of it to actually deliver the governance of scrutiny and the functions of a parliament that members of the public actually expect and want. And you do, of course, have the contradiction. You know, no one will say they want more politicians, but everybody wants better governance, a better government, and better participation and functioning of government.

MA
My personal experience in terms of the demands of the role, and it's probably easier for me in some ways, insofar as you know, I'm 70 now, my wife passed away a few years ago so, you know, live independently in that sense and I don't have quite the same number of sort of children and family responsibilities as many younger members will have which are enormous; but it does take over almost the entirety of your life. So, I suppose my experience is basically having to get up at six to be in the Senedd by six thirty or seven, being home by eight or nine, reading further papers, and then a cycle that continues basically at least six out of seven days a week.

Essentially, barely a day would go by when you were not having to engage. Everything was planned around the reading of papers - that is if you want to do the job properly, of course. The other option is that you don't do the job properly. You rubber stamp a lot more decision making or recommendations, etc, without fully drilling down into what those decisions are.

I spent a lot of time actually doing my own research and background work in terms of understanding what was happening on legislation to ensure that when advice came in, at least I had some individual, specific knowledge about things were happening. But the point is not so much the issue of that personal experience, but of course, the impact it has and I think it's unsustainable. You can do it for a number of years, but eventually it does grind you down. It does affect your physical health, it does affect your mental health and is not the way government should operate or the way in which parliaments should operate. So Senedd reform is one mechanism for that, but the issue of properly resourcing government is probably also another one.

LW
Mark Drakeford took the view that government shouldn't grow, particularly the time of austerity, and that we just have to be more efficient with using the resources we have. John Howells, who I spoke to, the former Civil Service Director, was of the view the Welsh Government has ‘bitten off more than it can chew,’ and, as a result, should do fewer things better. Where do you stand on that?

Well, I think you have to say, firstly, what are the functions of Welsh Government? What are the priorities of that? And then you have to look at the resources that you need in order to carry those out.

MA
Well, I think you have to say, firstly, what are the functions of Welsh Government? What are the priorities of that? And then you have to look at the resources that you need in order to carry those out.

Now, if there are certain areas that you de-prioritise, then you just focus your resources in a particular area. And, of course, in an environment of austerity where you have effectively a cap on budgets, probably the only option that government has is to say, 'What are the most important things that we're doing to make sure that we do them at the quality in the way in which we can'? But that means that there will be areas of government responsibilities that are not being properly serviced.

I actually think you have to put the resources in. I actually think it becomes self-defeating, in the end, not to properly resource government. Because if you don't put the resources in, you don't make the correct decisions, you don't make the best decisions, you don't necessarily maximize the use of the resources that you have, or ensure that policies that you are funding are properly carried out and effective, and this effectively works out in terms of, I think, waste. I think there are probably a number of examples around where that has happened.

So better quality government, better resourced government, probably gives you better value for the money that you actually have.

I think if you look at government as effectively a business, Welsh Government is a 21-22 billion pound business. What company running that business would say, 'Well, we're not going to fund the management that we actually need to ensure that business is operated and developed properly?'

It is a balance - you don't want an open pit of money continually pouring in for more and more civil servants. And that is an easy road to go down. So, decisions have to be…I think you have to ensure that decisions you take and the resources you put in will actually deliver for the people of Wales.

The argument I've taken on with Senedd reform, of course, is one I think that's supported by the, you know, financial advisers and the Ombudsman and so on, is that if we are able to, even by a small amount, improve the value of the benefit of the use of the money that we have, then Senedd reform will more than pay for itself.

It will never be able to show that in a sort of budget in any way, but you will be able to reflect back and say that decision making has been better, and we have used money better, and it has effectively been a decision that was worth taking because we are getting more 'bang for our buck,' to use that horrible phrase.

LW
Now the role itself has been done by both politicians and non-politicians. Do you think it's inherently a political role? It should be done by a Senedd member?

MA
It can be done by just a lawyer, but I actually don't think it can be done within the environment that we are in now.

In a much larger parliament, take the UK Parliament as an example, you can separate justice and the administration of justice from the law officer roles. I don't think we can do that because I think the very nature of devolution, and the way in which our justice elements are so integrated with devolved functions, that invariably there is a political function there. And I think it is far better that the role of Counsel General is performed by someone who firstly has that Attorney General type role, you know with an independence and so on, but that the other functions around, perhaps some of the justice functions that attach to it, are inevitably political.

It was very interesting to see that the new Labour Attorney General, Richard Hermer, has at the bottom of his card, which I got at a recent conference, it says, 'Bringing the law and politics together within the constitution of the UK.' And I think that is a very astute recognition that you cannot extract the law from politics.

I've always said that the law is actually pure politics. You know, you used to have these things when you did sort of maths, you had O level maths, A level maths, then you had pure maths. Well, in many ways, I think law is actually 'pure' politics because it's what determines the legislative framework and the exercise of powers which is essentially what politics is about; but it is necessary to preserve that independence within that function. So, it is a very interesting balancing role that obviously engages the individual personalities of the people who take those roles.

LW
And you mentioned you had the ability to rove quite widely through government, to 'put your nose in a number of things.' And reflecting what you just said there about the division of politics and law being a porous one, to what extent do you use the role to sort of take views politically? It was certainly my experience as a minister on the Bus Bill that officials in legal services were continuously opining on policies, rather than just giving a view on the law - to the great frustration of the policy officials in transport.

MA
Yeah, there's also a history to the way in which policy has developed, and, there's also a problem, I think, in the way in which policies have developed over long periods of time with certain aspirations politically, some of them ideological and so on, and there's nothing wrong with that. But then the view comes that 'Well, what we need now is to legislate in this area,' and the thinking of what legislation actually should do - what you want it to do. How will it do it? What will it actually change? - is sometimes a thought that is too far down the road.

Sustainability was very much one of those things everyone would say, 'Well, you know, we need legislation to ensure, you know, to incorporate into our law.' Until you actually say, 'Well, what do you actually mean by sustainability? What is it you want to do?'

We have a little bit of that with issues around incorporation of certain conventions into Welsh law. The first question is, 'Why do you want to do it? What does it add beyond what you already have by way of legal obligation? Is it purely about perception and focus? If so, is that the right way to actually legislate, to do that when effectively you are not adding any additional legislative functions or responsibilities that you don't already have. Are you trying to legislate really to make up for the failure of government to actually properly focus on the responsibilities it already has legally?'

For example, you know, rather controversial legislation in terms of care, whether it should be within the private sector. Should it continue in the private sector? Should we remove profit from it, etc? And there are all sorts of political reasons around that. And, of course, the implementation of it means that it puts civil servants in quite a powerful position in terms of the sorts of advice they get; the evidential basis of that advice.

My input into things like that would actually be, 'We know what the policy objective is. To what extent will the law actually introduce that? But, also, what is the evidential base? Because we are bound by the Human Rights Act and the European Convention on Human Rights, so we have to ensure that legislation we pass that impacts on certain human rights - as most legislation does in one way or another - that it can be justified. But also, that there is an evidential base for doing that.'

So having the desire to do something for what may be good political reasons doesn't mean that you've actually got a well thought out evidential base for doing that. So, part of my function would be to evaluate that, you know, if I chose to do so.

> … my concern was that we were going down in the direction and had not actually established the evidential base to do some of the things that we wanted to do in the way we were doing it.

LW
But I think of the example in your first stint as Counsel General on the M4 where you sort of clashed with the First Minister on policy grounds - you didn't agree with it and he did. And you were perceived certainly to be using your office to try and challenge the policy - was that fair?

MA
Yeah. I mean, my concern on the M4 was that when I started exploring the basis of - I mean there was obviously an inquiry that was underway looking at that whole issue. What was the evidential base for that? What was the possibility of it being judicially reviewed? Was there merit to judicial review in it.

And, of course, judicial review is about whether powers are exercised within a proper rule of law framework and within the powers that government actually has. And I have to say, my concern was that we were going down in the direction and had not actually established the evidential base to do some of the things that we wanted to do in the way we were doing it.

It wasn't about the actual challenge of the objective - I mean, of my own personal views in terms of it, and what the financial implications and what the environmental implications were for it - but looking at it purely legally, I had real concerns as to whether, if there was a challenge, it could actually be sustained.

LW
But from the First Minister's point of view that was unwelcome counsel?

MS
Well, I think it was yes. It was different counsel to what had existed. I don't think it had been explored in that particular way, or, in that probably robust way of putting those particular questions. So, it was certainly not very favourable from the officers' side. I think certainly there was sort of kickback on it.

Certainly, when you started putting, 'Well, how do you justify this? How do you justify that recommendation? What is the evidential base for this?' And I think some of that is also a product of the fact that we're looking at doing something that was very, very major, and again, within a framework where the capacity and the resource to be able to properly scrutinise what we wanted to do was not as strong as it should have been.

LW
Going a little wider, not exclusively thinking about your role as Counsellor General, but as a Member of the Government. The role of scrutiny from government point of view, both from the Senedd - and you were obviously a chair of a committee before becoming a minister - from civil society and from the media. Do you think the quality of scrutiny is an issue, and does it affect outcomes in the way you think it should?

MA
I think the scrutiny of much legislation has taken place within the Senedd, bearing in mind we don't have a second chamber, so the issue of scrutiny without a revising chamber becomes even more important in a devolved Parliament such as the Senedd.

I think the quality of scrutiny has actually been very, very good. I mean, I was involved in a number of pieces of legislation at UK

Parliament, and the real questions there were of the quality of scrutiny - the extent to which things are driven politically, rather than based on evidence and the quality of scrutiny that might take place, etc, - it was very good.

What I think is the weakness is the ability of Senedd members to develop real professional expertise into an area over a long period of time. I think one of the strengths of the Westminster parliamentary system is you have people there who have almost devoted a lifetime developing the skill, the expertise, the contact, the knowledge in particular specialist areas, you know, Foreign Affairs might be one, the other one might be housing, etc.

But what I find is that you had Senedd members who are on too many committees. And when I first came on to the Senedd, I think I was actually on three committees. I also had the Committee of the Regions, which would take me out - and I don't think we ever played to our strength in Europe - but that was another matter. It was not really possible to actually put the time and develop the expertise into what are complex areas.

The fact that we're looking at environmental issues, or we might be looking at agricultural issues within Wales, is as much demanding as if you were doing that in the UK, for a country with a population that is 10 times or 20 times greater. So, the burden on a small number of people to do, with only a fraction of the resource and time, on a similar task that Westminster would have, I think, was very, very notable, and I think people worked incredibly hard. And I think there was a real danger in terms of burnout within the committees.

What I noticed was that for the first year or two, people would be spending every hour they could to understand, to go and visit places, to do things. The next year, you do a little bit less, the next year... because people are beginning to get tired. They're beginning to become overwhelmed. You begin to become more dependent on, for example, the questions that are written, you know.

Senedd members in committee should not be there to read out questions. The questions are there to give you a guide to ensure areas are covered. But you can only really do that properly if you actually understand fully what it is that you're scrutinising, or what you're trying to seek out by way of an evidence scrutiny session.

My experience is that, you know, you get worn down, you get ground down. And that, again, is because, you know, I think it probably worked reasonably well for the first 7/8/9 years of the Assembly, but the moment it became a proper Parliament, the moment it took over proper legislative functions, the moment it had substantial expansion of economic, environmental resources, the moment all the issues arising from Brexit arose and so on, I think, it has become overwhelming.

And the real question is, as a 20 billion pound business, do we want government to be able to operate effectively? And, if it can't operate effectively, it eventually loses its own credibility and that has impacts for the democratic system.

LW
Again, there's a wider ecosystem, the media and civil society in Wales, and generally regarded to be weak. What was your experience as a minister in terms of feeling under the cosh from either of those?

> … the issue of scrutiny without a revising chamber becomes even more important in a devolved Parliament such as the Senedd.

MA
Well, I mean, there is a weakness in the sense that if you don't have the resource, if you don't have the expertise, the ability to develop those skills, I think that is a genuine weakness - and that's again another justification for reform.

But I think it is also a difficulty of an environment within the devolution structure and our media structure, that, of course, no matter what you're doing, how you're focusing on things, you only have a fraction of the media attention - which is why it's been so difficult after all these years to make people aware that, in actual fact, we have policy responsibility for the NHS and for education. And it's complicated by UK governments, for example, who have a Secretary of State for Education. But in actual fact, the Secretary of State for Education at the UK government is actually the Education Minister for England.

So, there is a sort of constitutional noise out there in terms of what is actually happening. And there is always a presentation as somehow the devolved parliaments are a sort of secondary parliament to the UK Parliament which has sovereignty. And that's partly because UK government has never been able to sort out the modernisation of what its functions are in a modern world where significant issues have been devolved.

There clearly are functions for UK government which are extremely important and link into devolution. But in a non-federal environment where we don't have a proper constitution, we don't have a proper federalised structure; there are many areas that are contradictory and that are blurred, that are yet to be resolved to create clarity and effective government for the future.

LW
Can I just finish on the issue of pressures within parties and between parties? Obviously, you've been heavily involved in justice policy which is one of those 'jagged edge' policies the Richard Commission talked about, and the internal politics of the Labour Party has been a very significant factor in the extent of which we've been able to advance as far as we as we'd like to on that.

I'm not sure how much of a role you had in terms of the Plaid Cymru Co-operation Agreement, working across party lines there, or with Dafydd Elis Thomas or Kirsty Williams when they were ministers, but can you talk a little bit about how that impacts the ability of a minister to do what they want to do with those different forces in play?

MA
I mean the Senedd is unique compared with Westminster in that it can only operate on the basis of agreement and partnership. Now, what the level of that is, obviously depends on what the balance of members actually is. But on the basis that no party has ever had a majority, and it's unlikely in the foreseeable future, even with a new system, that any party will have it.

It means your starting point is always going to be, 'Who are you going to work with?' And of course, the Co-operation Agreement was a recognition that, if you don't have a more formalised structure for working with another political party, you will have governmental chaos.

So, in order to be able to do good governance you've got to be able to engage and pull people together. I mean, it isn't actually a lot different in terms of businesses that have to work together, that have often very different cultures or objectives. It's the quality of governance and leadership - of how you actually bring those together - and I think Mark Drakeford was very good at doing that for a period of time.

And the way in which you do it is, firstly, you recognise that there are an enormous number of common areas that you want to see. You know that commonly you need to get a budget through. And in order for that budget, there has to be a certain amount of barter in terms of the aspirations of the people that you are engaging with or forming a partnership with.

So that means that, you know, the nature of politics has a high degree of compromise in it and a high degree of pragmatism in it.

That creates pressures at an individual level, that the things that an individual might want to do or might want to see - or might resent happening somewhere else, that you think something else is more important - but that's the nature of politics.

The one thing I notice that gets a round of applause in every public meeting or event is that when someone says, ‘And we've managed to do this because, despite our political differences, we've been able to work together.’ People very much like that. And I don't think it compromises people's individual views, or maybe aspirations in terms of how they see themselves and so on.

But the reality is there are many areas where there's very little disagreement, and really the biggest challenge and stresses are priorities; but also, the priorities parties have to present publicly in order to win elections. And that's probably where the biggest contention comes, and why things always begin to break down the closer you get to an election.

But the reality is, there are many areas where there's very little disagreement, and really the biggest challenge and stresses are priorities…

LW
In terms of internal party relationships - the Labour group here in the Senedd and within MPs in Westminster.

MA
I've been a member of the Labour Party for 52 years, and there has always been a high degree of, you know - if you have a broad church, you have a broad range of opinions and a broad range of conflicts, and the question is, ‘How do you manage them?’

And, of course, we have a political system, an electoral system, which I think increasingly aggravates. It contains widely differing views and aspirations within an electoral system that in my view is certainly outdated at Westminster level.

But of course, you have the historic issue with the Labour Party, which of course was a very centralist party within a single parliamentary structure within the United Kingdom and emerged out of an imperial environment as well. And there is a lack of understanding across the Labour Party in terms of really a full understanding of what devolution is, what it actually means.

It is beginning to improve. There's a beginning to recognise the issue of decentralisation of power, mayors and so on. But, of course, when you have such a large number of new people coming into Westminster who clearly have an aspiration, they just want to do things, and they see anything that might stop them being able to do that as being a hurdle, as being a sort of barrier; that then begins to create tensions in terms of the delineation of responsibilities because decentralisation of power is in conflict with a body that still is built on the concept of overwhelming sovereignty under the Royal Prerogative in a constitutional environment where there is no proper, delineated framework.

So those are tensions that will, I imagine, grow. How they get resolved will depend on the quality of leaderships, and the ability to work together and recognise mutually that, there's no doubt that, we have a constitutional structure that is very, very flawed, that needs to be better delineated,

LW
Isn't it ultimately about power-politics? Because take the issue of justice, you can have all the well-argued papers, Thomas Commission and so on. You can have consensus on your side, but, ultimately, in the case of the live example we have, we have the Deputy Leader of the Welsh party simply saying, ‘Well, we're not going to...,’ without giving reasons for it.

… ‘England and Wales’ is a historic event that occurred many, many years ago. It wasn't done in any democratic form. It was done as an exercise of power and control, etc.

MA
Well, it is about power. It's about individual position. It's about how you individually perceive your role, vis a vis other roles, and the extent to which you actually embrace the concept of decentralisation and power, and what that actually means for your position.

So, I actually think it's one of the sorts of dysfunctions that exists within the Labour Party. We have a Labour Party that is in fact organised on an incredibly centralised, non devolved functions, really, if we're totally honest about it.

So, you know the argument that the political structure should actually reflect that…of course, is the same in terms of trade unions, who have varying degrees of centralised control. It has taken some trade unions quite a long period of time in order to realise that they should be putting motions for policy change to the Welsh conference, rather than, continually, things that are only relevant to Westminster.

LW
My experience with the rail trade unions was that they were very happy to get concessions from us on driverless trains, for example, on the Valleys lines - very happy to use devolution to their advantage- but when you said to them, ‘How about some flexibility the other way?’ The answer always was, ‘Well there’s an England and Wales railway.’

MA
I addressed one rail union conference some years ago, just after I sort of left Thompsons, [law firm where he was a Partner before being elected] having acted for them as a legal adviser, and then suddenly found myself in a different position. And I basically talked about devolution, and I talked about the fact that transport was being devolved, and the union should basically start engaging more with devolved government. And the response from the floor, from a couple of people was, ‘Oh, we don't have anything to do with that.’ And I said, ‘Well, that's fine if you don't want to engage. And when we are determining conditions, when we're talking about driverless trains, ticketing and so on. Don't bother coming to us then, if that's the case, if you're not interested in representing your members within Wales.’ And that's a problem.

Look, most people in England, why should they really have a great knowledge of devolution? Because they haven't really got devolution themselves. Now, the Gordon Brown report, I think, is very, very significant, but significant to the extent that it is embraced by the current leadership of the Labour Party with a deliberate intention to implement it; because it sets out a recognition of the historic dysfunction where we are now, the things that need to change for the future, and the question is whether people can bring themselves to actually embrace that.

So when Gordon Brown's report says there's no reason why all the powers that exist in Scotland shouldn't be in Wales, or that all decision making should be as local as possible, other than those that are common, well, that is a move towards a sort of federalised structure, and is a significant change, not only in terms of Wales, Scotland, Northern Ireland, but also in terms of England - the devolved government in England.

LW
But the Brown report has not been embraced.

MA
It has certainly not been embraced. It is still there. It is still there as a base for the arguments and debates that need to continue to take place for constitutional reform.

Part of the problem is when you actually have government itself saying, 'The Constitution isn't really that important.' That really undermines the whole concept of democratic reform, empowerment of people, empowerment of communities and so on. And we've seen a lot of that.

I think it's early days. You've got a government that has clearly come in with an enormous economic mess, things that it clearly wants to do as an absolute priority. The danger is that other things that are important, that are not so visible, such as the constitution, such as justice and so on, become relegated to where they've always been for the last few decades, and reform that needs to take place doesn't take place.

That's why devolution of youth justice, and probation as a starting point, is fundamentally important because you can't really improve justice, justice as we see it in the modern sense, unless it actually engages with all those services that impact on justice that are devolved. And if all we do is rely on a sort of historic mantra, which is, well, England and Wales have done as well over the years.

Look, 'England and Wales' is a historic event that occurred many, many years ago. It wasn't done in any democratic form. It was done as an exercise of power and control, etc.

But we surely have moved well beyond that, that that no longer is the sort of basis on which we start thinking about things - instead of thinking about things that you know, why should we give this to them, etc? Is, 'How are things best actually delivered, and how are they best accountable and empowered?' And that should be the basis.

And of course, Gordon Brown's report very much focuses on that, and that's the bit that really has to be embraced. But I don't think politically has been embraced or understood yet within the Labour Party, or with all political parties as well.

LW
In terms of these inherent tensions, you mentioned our constitutional structure makes co-operation an inevitability, a necessity. You also mentioned the Labour Party hasn't fully yet come to terms with devolution. I guess the test, the big test, will be on one of the scenarios after the next election is that Labour is not the majority party. But the system does require co-operation, and where does that decision about whether the Labour Party co-operates with other parties get made? Is that decision made in the Labour group in the Senedd? Will there have to be a special conference, as there was with the Plaid [One Wales] agreement? What roles do the MPs and the party leadership have in that decision?

MA
Well, in terms of co-operation, I think it ultimately always comes down to the MPs, those who are on the ground who are doing this and delivering it; what the parties do is set a framework within which that can happen and if the tensions become so great that you can't operate within that framework, then effectively, the ability to have partnership government collapses. And, as you see with certain countries around the world, you end up going into further elections each time to try and get new mandates. Sometimes that resolves it for a period of time, sometimes it doesn't.

So I think it is actually more about the maturity of the politics, and I think that ultimately has to happen from those… you know, one of the difficulties politically and constitutionally, is that within the Senedd, within our functions, we actually have a mandate from the people of Wales. We have an electoral mandate.

Sometimes that mandate is not exactly the same as the mandate, or how the mandate is perceived, at UK level. And I think it's that respect and recognition that what we are doing is not a result purely of manifestos or party policies or whatever, but it is also accountability to a mandate on which we have been elected, which we have to fulfil - even if that might differ from the mandate, or how the mandate is perceived, at an election at UK level. One doesn't submit to the other.

But it does mean that there has to be engagement and co-operation and mutual respect - that was in very, very short supply inter-governmental with the last Conservative government. I mean, it was very clear that inter-governmental relations had fallen to a virtually dysfunctional level. And I chaired some of the middle-ranking inter-ministerial standing committee with Michael Gove - we had a rotating chair and so on.

But it was basically - predominantly, not totally - but largely a waste of time because there was no real recognition or intention to have that sort of relationship. It didn't exist politically.

LW
The ones I was involved in, because of that, tended to focus on the lowest common denominator issues. It was fine so far as it went, it just didn't go very far.

MA
Yeah, and that's partly because there was no framework within which powers were delineated, or where you could go beyond it. Now the new ministerial inter-governmental agreement actually provided for an independent Secretariat. It also provided for a disputes process, of course it's a disputes process that has barely been touched because the real question is how a disputes process would actually operate, and particularly in an environment where you don't actually have a constitutional framework to fall back on.

You don't say, 'We've been unable to ultimately reach agreement on this, we're now going to refer it to the Supreme Court to determine where, etc,' you know, and you have to have that. And if you don't have that form of delineation and that form of structured appeals function, it doesn't mean that it's because you want to spend all your time in the Supreme Court, but it means that you're more likely to reach agreements on a proper constitutional basis because you know that there is a mechanism that may determinate it for you if you don't.

And that is one of the current weaknesses, which is why I think things like Sewel need to ultimately be judiciable - need to be legislated. Because you can't have a framework which is, you know, 'Come on we'll get through this,' when you have electoral mandates. I think you are entitled to know what the framework of your ability to exercise that mandate is, and that means you need to have a constitutional structure, and that's why the constitution is so important.

Lesley Griffiths

Lesley Griffiths has been the Member of the Senedd for the Wrexham constituency since 2007 and a Minister in the Welsh Government from 2009 until 2024.

Interview 5th November 2024

LESLEY GRIFFITHS
I was first brought into government in December 2009 where I was the Deputy Minister for Science, Innovation and Skills. And I was in that post for about 17 months and, if I look back on that time, I really had to learn how government functioned because I had no idea. The first time I'd ever been to Cathays Park was the day I was asked to go into the government. I'd never been on the fifth floor, maybe twice for social reasons. I'd never really understood how ministerial offices work.

So, suddenly, I remember, I went into the post and was told I needed to do an interview, and the press officer said, 'I'll come with you.' And I said, 'Oh no, it's fine. I'll go on my own. I know where I'm going.' 'No, no I will come with you.' And suddenly you realise that there's this big machine around Welsh Government which I was completely unaware of. So, that was my first position.

And then I went into Cabinet in May 2011 when I was the Minister for Health and Social Services. I did that - you will have heard me say several times - for 22 months, three weeks and four days - it was a very tough job. Very, very tough job. Somebody's got to do it, but probably the toughest job in government because you can't win and it's really stressful.

I then became the Minister for Local Government and I was, what we called at the time, Government Business Minister - Trefnydd. I then went into Communities and Tackling Poverty. And then I went into Rural Affairs in 2016. And I was in Rural Affairs until February of this year, 2024, in different guises. So, sometimes I had the environment, I had planning for a little time at one point. I was Trefnydd for another period of time and then, for the last four months I was in government, before I resigned, I was the Minister of Social Justice and Culture and Sport. So, massive variety of posts right across government.

The longest period for me was Rural Affairs which I went into in May 2016 just ahead of the referendum. So, you can imagine in Rural Affairs everything was bathed in European funding, European legislation, European regulations. So, [Brexit] it was actually very exciting from a constitutional point of view. Neither you nor me wanted to leave the European Union, of course not, but from a constitutional point of view I think it was a really exciting time to be in government and, in particular, in that portfolio because it was an opportunity to do things in Wales we had never been able to do before. So, hugely different portfolios, and a massive breadth.

LEE WATERS
In Westminster, you have a far larger number of bodies covering the same ground. On the plus side, it makes us nimble and we can cut across areas and make those connections in a way they can't in Whitehall. On the other side, now you've had a chance to reflect, do you think these jobs are do-able?

LG
I think you invariably have to concentrate on certain parts. So, if you think of Rural Affairs - you had agriculture, you had fisheries, animal health and welfare, and food and drink. So, if I'm brutally honest, probably fisheries got the least of my attention, except for when we had December [European] Council where that was obviously a very, very important part.

But I always felt that I didn't give fisheries my full attention in a way that I did with agriculture, mainly because I had to. Obviously, agriculture was such a huge part of Wales. Food and drink tended to chug along—I was very interested in food and drink and it was a very exciting time and, purely down to the hard work of our fantastic food and drink producers, we made great strides in Wales.

Animal health and welfare always took up a huge amount of time because of the very nature of it. You always have to be not just proactive, but reactive as well. So, there were always diseases. So, you know, if my phone rang on a Saturday night and the chief vet's name came up on my phone, your heart sank because you don't want the chief vet ringing you on a Saturday night. You are always conscious that, you know, there could be an outbreak of an animal disease - that kind of kept you on your toes quite a lot.

But if I look back, I would say that I didn't probably do enough for fisheries that I perhaps should have done. For instance, I was desperate to get more women involved in fisheries. With agriculture, it was very easy, you know, because women were there. And even though sometimes officials would say, 'Oh, we can't find women to go on.' I remember I had one board that had eleven men and one woman on and I said, 'No, this is unacceptable.' We did find them, and found them quite easily, but fisheries was much tougher to try and get women involved with boards. And then we did—we had a group of women in fisheries but that took a huge amount of effort on lots of people's part, and certainly on the sector's part. But, you know, I wish I'd done that sooner.

> The sustainable farming scheme was something very dear to my heart. We put it together after consultation and for me it was a classic example of good co-production with the sector…

LW
That bleeds into the role of the Civil Service. It was my impression that the Civil Service is on autopilot and you have to have a very clear idea of what you want to do to pull them away from autopilot. If they've got confidence in you, they will follow you.

LG
Yes

LW
But as you say, you can't do that on every single issue.

LG
No.

LW
So, can you just talk a little bit about what it's like to come into a policy area you may know very little about and get up to speed and then try to shape an agenda which may be different from where the officials are trying to steer you?

LG
I will use Rural Affairs as an example. I'm from an urban constituency [Wrexham]. I think I've got half a dozen farms in my constituency. I've obviously got no coast. So, on agriculture and fisheries I came in really cold; whereas when I was Health Minister, I'd worked in the health service so you've got some knowledge - of course, not the length and breadth of knowledge that you will need.

So, you, of course, rely on your officials. Many of them are experts in the field. In fisheries, you go into meetings with officials and invariably they were 'Dr so and so', you know, they'd done their PhD in an aspect of marine environmental biology or something. So, of course, you rely on your officials. Now some of them, and I would say this is the minority, they are very set in their ways and if they've had a change of minister…

Of course, you get to know your minister and how they work, just like you get to know your officials. So, you eventually learn when you have a ministerial advice [MA] folder to read, if you look at who's cleared it, look who's put it together. Obviously, as a minister, you gain trust in them, just as you say they gain trust in you and come with you.

When you do come into something cold - I remember the first week I was Agriculture Minister, I went along to a conference to speak and my speech would have been put together by officials. By the time I left for Rural Affairs, which was nearly eight years later, I didn't need that level of information because obviously you retain a huge amount and you know which way you want to go.

The Sustainable Farming Scheme was something very dear to my heart. We put it together after consultation and for me it was a classic example of good co-production with the sector - the farming community might not think that was the case, but there was a huge amount of co-production. And we really listened to people. If you look at the first consultation, you'll see how far we'd moved by the third consultation.

Of course, as a minister, you've got to take officials with you as well because they're out there talking to the stakeholders. The Civil Service is a world that I knew nothing about, but as a minister it was

very important to listen to them, to respect them. You're not always going to agree, they're not always going to agree with you. I had a significant issue before I left agriculture that, you know, I disagreed fervently with officials and, obviously, it went with me. The current minister has just reversed that decision. So, you can see it really is dependent on the minister.

Officials can give you all the advice in the world, but it is up to the minister to make that decision. And that's absolutely right. You know, you're the elected representative so I think respect is really important. Listen to them. They are invariably the experts but, of course, the buck is with us. We're the ones that has got to go into the chamber.

That's another thing with the Civil Service, not enough of them understand the role of a minister. Now that might sound really odd but if you think back to your time, Lee, you tend to meet senior officials - and I think one of the good things about COVID you suddenly were asked if it was ok if junior officials could join a meeting: **'**Absolutely it is.'

Every official should be sitting in that public gallery at least once a year and watch their minister doing OQs [Oral Questions], for instance. Knowing that the information in that folder is vitally important because if you say something that's incorrect, you're pulled up on it and then have to correct it. So, I think that disconnect between Cathays Park and Ty Hywel is really important.

I remember one of my very first visits to Cathays Park and asking an official for something and they said, 'Oh, we'll do it on Tuesday afternoon.' And I said, 'Oh, Plenary is on Tuesday afternoon. I won't be able to do it.' And they said, 'Oh, is plenary on a Tuesday afternoon?' Not a television in sight! Nobody watched Plenary. Now that's 15 years ago, nearly, so, I think things have changed but I think that disconnect is really important, and I don't think you get it in Whitehall the same as we do in Cardiff.

LW
On the example of the Sustainable Farming Scheme - one of the themes I'm looking at is the impact of relationships with other parties. Obviously not having a majority in the Senedd and a Co-operation Agreement with Plaid Cymru that was a really contested area of policy

LG
Yes.

LW
Talk a little bit about how policy in that area was negotiated and how that influenced the outcome.

LG
It was really tough, the Co-operation Agreement particularly. Obviously you've heard in the chamber this afternoon, Plaid Cymru have very different views about agriculture at times than we do. But I was very fortunate to work with a Plaid Cymru member who I got on with very well [Cefin Campbell, Plaid Designated Member], who I think was very straightforward and had a huge amount of expertise in the area.

You're not going to get everything you want in a minority government. For me, the important things were that we're in a climate emergency, and our farmers are absolutely there to help us with that. And everything I tried to do in relation to the Sustainable Farming Scheme was to make sure of that. I know people didn't like that phrase, 'public goods for public money,' but that's absolutely right.

I always used to say that if you asked somebody in my constituency, a very urban constituency, 'Did you know that farmers in Wales get £333 million of public money every year?' And there was no scrutiny there. It just used to land from Europe into the UK government budget. Landed in Welsh Government budget, straight over, no scrutiny. I never got scrutinised on it. You just signed it off every year. I think they'd be really shocked that that level of funding was just being given out, if you like - that was how it would be viewed - to businesses.

Now we all know why that was. We all know we need to eat, but I think for me, the Sustainable Farming Scheme had to be about making sure we could 'buy' - in inverted commas - what we needed from our farmers. Now that's not just food, and food is not a public good, in my view, that was not the case.
We needed to make sure we could deliver tree planting. You probably can't plant 100 trees in your garden. I can't. Our farmers could. So, it was always about getting that balance.

… I remember the first time I went to do a farm visit and the official said to me, 'Well that's an NFU farm, so you must go to an FUW farm tomorrow or the next day or next week.'

Now, of course there were issues. And I think when the sector pushed back, invariably, Plaid Cymru would also push back with us. Sometimes, I think that we got better policy for that. But sometimes that was very challenging.

LW
But you said you co-produced with the sectors, yes? So, how did that play?

LG
Well, the co-production with the sector was around the consultation. The first consultation, which was called 'Brexit and our land' - it wasn't intentional but it caused a huge furore at the time - there were five things that we said we would pay for and food wasn't top. I think it was alphabetical. There was no slight intended on anything.

And again, it was some farmers. I remember one farmer saying to me, 'I'm a food producer. Please don't call me a farmer.' And when I said that to one of the officials from FUW [Farmers Union of Wales] was horrified, you know, it was, 'Don't call me a food producer. I'm a farmer.' So again, within the sector, you've got challenges.

The unions are member led, they're there for their members. Again, I always found them wanting to get the best, but, of course, they had skin in the game and they wanted to ensure that the budget was ring-fenced, for instance. Things that I couldn't promise because we didn't know what our budget was. But I think it was really important to listen to what they said.

So, for instance, they said 10% of tree planting wasn't workable. Now I left the portfolio as we were working through that but certainly all the facts and figures I saw, all the information officials gave me, I thought it was. So, I was pushing back on that because, in order to meet our climate targets, we needed that. Obviously it's still in another iteration now.

LW
The farming unions are very well plugged into the internal workings of the Welsh Government.

LG
Yes.

LW
They have good relationships. Some officials are the sons of farmers, there's a sympathy with what they're trying to do.

LG
Yes.

LW
As you said, they're activist-led and they represent a minority of farmers. As a minister who clashed with them - you give an example of trees - did you feel you were constrained, not being able to go above their heads to the majority of farmers? That you didn't really have those relationships…

LG
I was quite shocked how few farmers were actually members of either of the big unions, and then you got the CLA [Country Landowners

Association] as well, you know, as you say, a significant number. So, it was, how did you reach them? I was always very keen to be able to reach them.

So, for instance, the summer [agricultural] shows are a great place, so I would proactively try and find farmers. Because I was in the post so long you get to know people. You get to know people who aren't in farming unions.

I always made sure I did farm visits because I remember the first time I went to do a farm visit and the official said to me, 'Well that's an NFU farm, so you must go to an FUW farm tomorrow or the next day or next week.' So, then I would actively try and go to a farm that had no union to listen to them and make sure you were taking their views on board because who was representing them? Nobody was representing them to me. I think it was important, particularly around Brexit, to ensure that you got that flavour of all sizes of farms.

I went out to New Zealand in 2018 because they had got rid of their equivalent of the Basic Payment Scheme in 1984 - just a cliff edge - to see. It was horrific in some parts of New Zealand; they'd had a lot of suicides, they had lost that kind of community feel. And, of course, we had the language as well that we needed to preserve. So, you've got these tiny farms that then became massive farms. The local rugby club got lost because of that lost sense of community. So, I was very keen to avoid that.

And I found it was non-union farmers who gave me lots of information about that community; a feel about that culture of small family farms which, of course, are the majority of farms in Wales.

LW
In terms of the other dynamics - just trying to paint a picture - you're the minister, you've got all these different forces that you're trying to navigate. You've got these gatekeepers in the farming unions who are not representative of the majority of farmers, but they are very well plugged into the opposition parties. You're a minister in a government without a majority, so that must give them added power.

LG
Yes.

LW
So, how much of that had a bearing on what the outcomes were?

LG
I think the agricultural pollution regulations is probably a better example than SFS, [Sustainable Farming Scheme] actually, where we needed everybody's vote to get that through and something I felt passionately about.

I hadn't seen any reduction in agriculture pollution and knew our water quality needed to be improved. And I did find that really challenging because we needed Plaid Cymru as part of the Co-operation Agreement. I think it was the last thing that was added to the Co-operation Agreement and I think it was probably one of the most challenging - I think agriculture probably was the most challenging aspect. I think I only had the two things in the Co-operation Agreement but they both caused a lot of consternation, a lot of discussions.

Invariably, you would try and do it yourself as minister with the Co-operation Agreement member. But, unfortunately, it used to have to go up to the First Minister and the leader of Plaid Cymru quite often because we would come to a 'conclusion' - it wouldn't be a decision, it would be a conclusion which we wouldn't agree on - so you would have to go and have further discussions.

I always found those discussions to be healthy. I was always happy to listen to other sides. What I wasn't prepared to do was see agricultural pollution not reduce. We got there eventually but it was really challenging. Obviously, SFS is still going through so we haven't got to any conclusion there. The Co-operation Agreement finished but it will be interesting to see the outcome.

LW
To think of the other forces then you have to contend with, the issue of scrutiny, or the absence of scrutiny. A number of people have said to me, they didn't find Senedd scrutiny to be very rigorous or influential in the decisions they made. The media didn't really provide any proper, rigorous scrutiny, either. Civil society, to what extent did they? We talked about the farming unions, but broader movements?

> You can't get away with it in committee because they can keep coming back at you - they can ask you ten questions!

So, just reflecting on those different forms of scrutiny, and thinking that the Welsh ecosystem is not well blessed with many of those compared to, say, Westminster, where there is far more intense scrutiny. Reflecting your time in different departments, what role did scrutiny have in the decisions you made?

LG

So, I always found committee scrutiny the most challenging. I think mainly because you had some members who - you know, you submit a paper as the minister and they stick to that. But you can go off and you can ask. I always used to think, 'Why aren't you asking me this or this or this?'

But some members are very, very good at committee scrutiny; they will keep coming back at you. So, you know, in the chamber, you ask your tabled question, you ask one supplementary, and that's it. The minister chooses not to answer the question, or doesn't know the answer, then you can get away with it. You can't get away with it in committee because they can keep coming back at you - they can ask you ten questions! And so I always found committee scrutiny done properly could be challenging.

It really could be challenging. And I learned very quickly that you have to be careful what you say in committee. When I was Health Minister, I managed to make the front page of the Western Mail because I said something that probably I hadn't said before and it caused quite a lot of consternation. So, I was always very conscious that you need to know your brief, you need to know your facts and you need to be sure. As a minister, I always tried to answer, I think that's the first thing to say. I always try to be succinct. But now and again - particularly if you don't know the answer - you can perhaps say more than you intend.

I think questions in the chamber, because you know the tabled question, you tend to know where it's going. Statements and debate, I think again, you can really say what you want as a minister in the chamber.

I used to go to the summer shows, where the NFU would do a panel for me, that to me was good scrutiny. Farmers there didn't care you were the minister. That was their opportunity to give you a hard time, or find out what you know - whether the NFU were telling them the truth. And so I used to find that level of scrutiny very helpful.

I remember the Royal Welsh a couple of years ago on the trees, for instance. The whole show was completely dominated by trees. But, for me, that was healthy. I knew what the NFU's view was, but I didn't know what farmers' views was, so that was really helpful. So, we held a couple of sessions where they could come along and meet with me and talk about it.

But, more importantly, officials were just there the whole time at the Welsh Government stand and, you know, people could come in and give their views. And I think that is really good and really healthy. Officials take on the brunt of that work - meeting farmers; they go to the county meetings - you know things you just don't have time to do as a minister.

And farmers would come up and say, 'You need to come to my farm, and I will show you.' And I'd say, 'Right, that's fine, you know, give me your details and I will try and come.' And I hope I did that every time I

was asked to do that. They look quite shocked sometimes, particularly farmers who have never had anything to do with politics or never had anything to do with the farming union, they didn't expect you to say, 'Okay, I'll come.'

Officials like to sit you in a room, round a desk, PowerPoint, lots of information. For me, my learning was done out on the farm, in the hospital, you know, talking to GPs, talking to fisheries, talking to the food producers. That's where you learn about the portfolio. I mean don't get me wrong, officials, as I just said, are often the experts. But for me, that's where I did my learning.

LW
Did the media bother you much?

LG
No. I think they were fair, they gave you a hard time, as I say, I remember being on the front of the Western Mail because I said something about stopping new primary care buildings, or hospitals, or something. And I didn't mean that. What I meant was, I'm just having a little pause before I know what my budget is, but I didn't say it as articulately and eloquently as I should have done.

LW
So, you must have had a much more intense time as Health Minister?

LG
A much more intense time. It was horrible. It really was a miserable time. As I say, somebody's got to do it. But it was miserable, you know, you got death threats. I remember having a mug sent to me with a death threat on.

And I always felt - you mentioned Westminster - the Health Minister there just wouldn't get that level of scrutiny that we got here, because you look out the window, our stakeholders are there.

We're a very small country and you were held responsible for things. I remember, unfortunately, a baby dying in a certain hospital in Wales, and somebody wrote to me and said, 'That's your fault.' As a mother you take that really, really personally.

LW
It took his toll on you personally?

LG
Oh, yeah. I remember when the then First Minister offered it me. I was very, very unsure. He was very good. He gave me 24 hours to think about it. And I did it because I loved health, you know, I'd worked in the health service. I really enjoyed health, but it put me off I'm afraid.

LW
Do you wish you hadn't taken it?

LG
Do I wish I hadn't taken it? It's interesting, if you ask me, I don't know if you're going to ask me this question, but if you ask me my two greatest achievements, they'll both be in health...

LW
Okay.

LG
…which is interesting considering. So no, I don't.

LW
It was hard, but worthwhile?

LG
Yeah. Hard, but worthwhile. I mean you can't go back and so, no, I don't think I would not do it.

LW
I remember you saying to me once that you've lost weight?

I feel very passionately if my name is at the bottom of that letter, I need to sign off.

LG
I lost a stone and a half in 18 months. Yeah, it's a great diet. I say that to everybody.

LW
From stress?

LG
Yes, and the fact that you have no life. So, you ask my family, they say I was miserable, and I never did anything apart from I had two weeks holiday the two years I was doing it.

Sundays were literally signing letters that I had from other elected representatives. Now, some Health Ministers let other people do that. I feel very passionately if my name is at the bottom of that letter, I need to sign off. So, you would have to read the letter that was sent to you, you'd have to read the advice, and then you'd have to read the letter that you were sending back. So, I could have 80 letters on a Sunday, and I knew if I didn't do them on a Sunday, I wouldn't get time to do them the rest of the week.

And the thing about health as well was, you'd go on a visit, say to a hospital for an hour, you'd come out, and your private secretary would say, 'You need to clear six press releases…Oh, and this has happened.'

I remember I went into local government straight after health, and going on a visit and coming out, and there was just nothing. And I remember thinking, 'Wow, this is completely different.'

I personally couldn't have done it for much longer, and that was the kind of agreement I had with the First Minister, that I didn't really want to do it for a huge amount of time. Some Health Ministers have done it for a lot longer than I did, but I personally found it really, really, really tough.

LW
To move on a different subject, one the issues the current government's been struggling with is the legislative log-jam. Lots of Bills held up, not going to plan. Did you have any experience of the legislative programme?

LG
Absolutely. For me, it's very obvious why we have issues with the legislative programme. It was an official, who pointed it out to me first, who'd come from Westminster.

In Westminster, you have a Bill Team - that's everybody, your lawyers, your counsel, your policy officials, absolutely everybody working together. Here we don't do that, the lawyers come in far too late. So, by the time you think you've cracked it all, and, 'This is how it's going to be,' the lawyers say, 'No, you can't do that.' It's too late.

I've spoken to at least three Permanent Secretaries about this. I don't think our legal capacity is big enough. I think Brexit took a lot away from us, and I think the UK government just hoovered up legislative lawyers, which, you know, don't grow on trees. You know, it's a long training.

And I remember seeing Shan Morgan [Welsh Government Permanent Secretary 2017 - 2021], So, you can see how long ago it was to say,

you know, 'We cannot carry on like this.' We got, I think, it was 17.5 new legislation lawyers in and it was like a drop in the ocean because we needed so many. So, I think, for me the big issue, and I don't think it's been addressed yet, is that we need teams working on Bills, way, way before that Bill is drawn up.

LW
And do you think we legislate too much?

LG
I think we perhaps did. I think there were things that we could have let the UK government do on our behalf for instance. I think we did it sometime perhaps because we could.

Sometimes, you know it might not be what we would do in an ideal world, but we're not in an ideal world.

If you think around Brexit, you know the number of SIs [Statutory Instruments], it was just endless. I remember one day just saying, 'I just can't come into work tomorrow. I just need to…' I had 11 SIs to do and you've got to give it your full attention. You can't just skim over it, otherwise you're letting officials run the country, aren't you? You know, it's really important that you do that.

With Brexit, I'd like to know, and I don't suppose I ever will, you know, how many pieces of legislation, secondary legislation, I waded through in nearly eight years.

LW
Another aspect of the pressure you face - the cross-winds - is relationship within your own party.

LG
Yeah.

LW
Both of in the group here - because obviously we are a minority government - and also with MPs in Westminster and the party beyond. What is your reflection on how significant a factor that is?

LG
I don't personally think it was hugely significant. I mean, we had lots of challenges.

I only worked with a Labour government - I went into government in December 2009 so until June 2010— that was Gordon Brown government. Seven months and that was it. The rest of the time I worked with the Tories, apart from two weeks this year. So, our Labour MPs were in opposition. So, I think it's fair to say a lot of them were anti-devolution. They might not agree to that, or admit to that, but I think, you know, scratch the surface and a lot of them were - a lot of them were very supportive. You know there may have been mutterings. I don't think really any of them ever challenged me over decisions. But, you know, I knew there was unhappiness at times.

I think within my own group, I've been very fortunate to have a huge amount of support. So, you know, when I've had very tough times and I go back to health, there were a couple of issues - I had a vote of no confidence for instance: I was only ever met with support from my own group. And I think again this year we had the farmers' protests and I found my own group to be incredibly supportive.

I think it will be different now for the current government, having a Labour government in London, I think that throws up lots more challenges. It is very easy to be in opposition, I would imagine - I've been very fortunate, because I never have been - so I think if you look at the MPs when I was a Minister that were in opposition, it's easy to say, 'Well, we would do this.' But when you're in government, you know yourself, it's just difficult, difficult decisions.

And COVID, you know, that was probably the most challenging time, when we were talking earlier about a decision we took ahead of Christmas [to lockdown in 2020], and that was just - I mean, I did not sleep that night. That kept me awake.

You know, we were but we were making decisions. I remember the Good Friday after we'd gone into lockdown - so probably two weeks, three weeks - and I think we had like 10 meetings that day. It was just constant. It was very, very hot day, and I remember going to sit in the garden because I just found it so overwhelming that I was making decisions that were actually a matter of life and death. It was just so quiet. And I live about two miles as the crow flies from the [Wrexham] Maelor hospital, and I remember thinking

> … I never wanted to go in that chamber and not be able to answer a question. My family had a little motto, we always used to say, 'Fail to prepare. Prepare to fail.' And that used to be always in my head.

that the decisions I was taking as part of a collective group of people, and in the Maelor it was probably like a war zone. And those decisions I was fretting over, we're going to be having a huge impact on people's lives. And as I say, life or death, and I remember that Good Friday being just completely, completely overwhelming.

LW
In terms of internal party relationships, you say a lot of MPs are certainly hostile to further devolution, but you don't think that relationship has much day-to-day impact on the decisions the Welsh ministers make?

LG
From a personal point of view, I would say no. I mean, if they wrote to me about something, or if they spoke to me about something at conference, obviously I listened, but ultimately, the decisions were ours. I think COVID was an area where we were very different in Wales for all the right reasons. And I think that really came to the fore. On a personal level, I certainly don't feel that I was influenced in that way.

LW
Just to bring things to a conclusion. In terms of your overall reflections, what do you think people don't understand about what it's like to be a Minister? What are the things that are least well understood?

LG
I think the sheer volume of decisions. I mean, sometimes I go home and I used to think I can't decide what to have for tea because I've made 300 decisions today that were all really, really important - I'm exaggerating, but, you know, just that sheer volume of work, and that constant pressure. Your phone never stops, the emails never stop. You never could switch your phone off. Even when you're on holiday.

I've been blessed with fantastic private offices that have really done their best to say, 'Right, we won't disturb you.' But invariably something happens. I never had to come back off holiday for instance; I know there are colleagues who've had to come back off holiday, and that's absolutely right if something happens you need to be there leading the way. I was very fortunate that never happened to me. But it's just that lack of ability to switch off.

I think having now been out of government for coming up for four months, and you do reflect, don't you. When you're on that treadmill, you just keep going on that treadmill, and you just keep going, and you keep going, and you get to a recess, and hopefully in that recess you'll have at least a few days off, or a week off, or if it's the summer, you get two weeks off, and that recharges you. And then you just get back on that treadmill and you do it again.

Mark Drakeford as First Minister left you in post. So, that long-term making of decisions was really good, because you couldn't think 'Oh, well, I probably won't be around to see the outcome of this.'

I'm going to see the outcome of this. I want to see the outcome of this. I want to see how this will impact on the sector. You know, I would loved to take the Sustainable Farming Scheme through, and I really thought I would in the period of time, but, you know, it's still ongoing now.

So, I think that constant trend, ‘politicians are lazy.’ We get that all the time, don't we? I don't think people recognise this is the hardest job I've ever done.

I was a backbencher for two and a half years. I'm now a backbencher again. It's busy, but it's not like being a minister. It is just constant. And it's Saturday and Sunday, and you wake up in the morning and you know, I would think about work, about what was coming down the track.

The preparation is incredible, because I never wanted to go in that chamber and not be able to answer a question. My family had a little motto, we always used to say, ‘Fail to prepare. Prepare to fail.’ And that used to be always in my head.

And don't get me wrong, sometimes I would go in the chamber and I knew I hadn't done the prep that I needed to do, and I wouldn't like that. I would always feel very apprehensive going into a statement, so I perhaps over-prepared sometimes because I used to hate having to say, ‘I'll write to the Member on that.’ So, sometimes I think I did over-prepare.

I think it's the constant treadmill of decisions. It's being bombarded with information. I'm very lucky, I think I can multitask, but sometimes it was just information overload. So, you really wanted to concentrate on fisheries, but this was going on in agriculture, and this was going on in animal health and welfare, so that would distract you. Also, you've got committee tomorrow, or you had a Brexit meeting with DEFRA that you needed to prepare for. I think living in north Wales was quite beneficial at times because I could prepare on my three hours on the train.

My Sunday evenings were always Cabinet. I would always read my Cabinet papers on a Sunday evening because I didn't want to rock up on a Monday morning - we have Cabinet on a Monday afternoon - and you knew you wouldn't have time to do that.

So, I don't think people recognise the lack of free time. But it's a huge privilege. To have done it for nearly 15 years was incredible, but looking back now, you think, how did I do that? My 50s passed in a blur, you know, but what a privilege.

LW
In terms of the current and the next Welsh Government and the pressures it's going to face. As we said, the Civil Service numbers have been restrained. There are significant political pressures. There are a range of scenarios the next election, but a number of them look very difficult for the Labour Party. And we're likely to get a number of Reform members under the new system next time.

LG
Yes.

LW
Do you think devolution is heading for choppy waters?

LG
Oh, absolutely. Absolutely I do, and that's a great shame because you know it was easy to sell devolution at one point. I first stood in 2003 and I lost. In 2007 when I won most people on the doors you knocked, you had to sell them devolution really and it wasn't easy. But by the time I stood in 2016, people understood devolution. They understood the benefits. And then I think COVID added another layer. You know, the press conferences - suddenly we were in people's homes in a way that Welsh Government hadn't been. So, I think for a certain time it was very easy to sell devolution. People could see the benefits because we were very different so, I think that's the first thing.

I think we've had a couple of setbacks in relation to devolution. Maybe COVID, you know, I'm selling it as ‘We did things differently.’ But not everybody agrees with us. So, I represent a border constituency in Wrexham. So, I would have people saying, ‘I can go to Chester, and I don't need to wear a mask. I have to wear a mask in Wrexham.’ That was for me an irritant, you know, you don't need government to tell you to wear a mask. You do what you think is right for you.

You are right about the Civil Service. So, reflecting on my days in Rural Affairs - DEFRA I think took on 1500 new officials, new civil servants, to cope with Brexit, whereas I think I had five. I think in the end, I had about 90 over the period of time I was in Rural Affairs. But, as you say, the number was capped. We do not have the capacity.

There's a couple of things, isn't there coming down the track? Senedd reform will have a massive impact on the Welsh Government. Are they prepared for it? Probably not.

You're going to have an increase in the number of Members of the Senedd, and you're therefore going to have an increase in the number of ministers - not significant, I think it's up to 19 from 14 - but that's another five departments.

If we get the devolution of youth justice, you need expertise in that area. Have we got the expertise within the current Civil Service? I'm guessing probably not. Have the Civil Service thought about the impact of additional ministers on Welsh Government? Because I know, and you know, as a Minister if you want something you want it straight away.

So, once the new Senedd is returned in May 2026, those new ministers that come in, if they've got a new portfolio or if the portfolios have been split in a way that I think would be more compatible, have we got the expertise in the Civil Service?

Have we got the capacity to have five more private offices? Because you rely hugely on your senior private secretary and your private office. I don't think that preparation has been done in a way that really is needed. And I think we know we need to be a bit more transparent on that.

LW
And politically as a project, there's some evidence to show that people are starting to become more critical of the performance of the Welsh Government, so that's reflecting their view of devolution. The Conservative Party are now actively talking about taking a hostile position to devolution. Do you think we're entering a new era where, for a generation, there's been a consensus around it that's coming to an end?

LG
I think we need to be very careful. I hope it doesn't come to an end. If you talk to young people, they've only ever known devolution, haven't they? My daughters are in their early 30s, but they've really only ever known devolution, and they're very proud of it and what it's achieved. But I think we do have to be careful.

We all know the Tories were against it in the beginning. You know, are they just playing to the public? If actually sit down and talk to people - you know, Wrexham is a long way from Cardiff and often constituents will say they feel as far away from Cardiff as they do from Westminster. And people say, 'Well, what's it done?' So, you have to point out what we've done. It's about bringing it back, I think, to that local level.

That's our responsibility. I've always taken my responsibility as an elected representative with young people very seriously. I've always gone round all my schools, time after time. We have school visits here. I've always gone to meet them. It's really important that they understand that devolution was very hard fought for and the benefits it brings them because I do believe it brings them benefits.

I go back to what I was saying about stakeholders that are just outside that glass. It just wouldn't happen in Westminster: you know you talk to a farmer or you visit a farm - the chances of a minister meeting a farmer in England is pretty remote. Whereas our farmers, a lot of them are still friends. I'm still on first name terms with them. It just would not happen in London. And I think that is a huge advantage for devolution that perhaps we don't sell.

Owain Lloyd

Owain Lloyd joined the Civil Service on the cusp of devolution in 1999 and rose through the ranks to become Director of Education and the Welsh Language.

He left in October 2024 to become Director of Education & Children's Services at Carmarthenshire Council.

Interview 7th November 2024

OWAIN LLOYD
I joined the Civil Service back in April 1999 - probably two weeks before the first ever plenary session. So, I was one of the new intake coming into government - into the National Assembly for Wales at the time. So that was a really exciting and interesting period.

LEE WATERS
And what was your role then?

OL
I joined on the parliamentary side. I worked for the Record of Proceedings for a year and tried to make sense out of that! At the time it was one corporate body, and being bilingual I had skills and so was a sub-editor for The Record. And then took the opportunity and went for a job in Cabinet Secretariat in a private office, which I didn't get, but I was given another role. I did about 18 months as Cabinet meeting secretary, where I was responsible for the minutes and the agendas and the papers.

That was a real insight into the early days of devolution, and a new body and a new Cabinet taking on responsibilities, and a decision making process that was more than just around a Secretary of State.

Rhodri [Morgan] was the First Minister then, and you know some big issues at the time -, back in 2001 there was Foot and Mouth, a bit of a national emergency. So that was a real insight into the early days of an institution really kind of finding its feet.

And then I was a Private Secretary for four years. So, I was Private Secretary to Edwina Hart, who most people will remember for various reasons. She was Minister of Finance, Local Government, and then Minister for Social Justice. So, I spent around six or seven years in the Bay itself. So not I suppose in traditional Civil Service policy roles.

Then promotion wise, I moved on and worked for a year for the Permanent Secretary and did some fairly corporate jobs around finance and operations and so on. Before, probably in 2014, I worked on local government reform for 18 months, which was both interesting and extremely frustrating in the end, because this was post-Williams Commission [Commission on Public Service Governance and Delivery led by Sir Paul Williams]. You know, a very big report, which recommended, amongst other things, that we had too many local authorities - shock, horror! - and that probably eight or nine was a reasonable number. And for a variety of reasons, it ended up going nowhere in the end.

And then I took on the role for four years of heading up Childcare, Early Years and Play. The 'Childcare Offer for Wales' for three and four year olds was one of the big kind of policy things which we took forward and implemented, and a range of other things in the early years space.

And that's when I then took two years out and went to work for S4C as the [Board] Secretary, which was a complete change from working in a very large, complex organisation, to an organisation of 100 people, where decision-making and everything else is a far less bureaucratic process and just that agility to be able to move quickly.

Then I returned in June 2021, as Director of Education and Welsh Language. So those are the kind of roles I've done during my time in Welsh Government. Obviously, I've worked closely with a host of ministers since the early 2000s and had exposure to quite a lot in terms of the process and the decision making. It's really been an interesting 25 years before obviously leaving to come to this role about a month ago.

LW
Obviously you've only worked in the Welsh Government so you have no direct experience of working in a Whitehall department, but based on the interactions you had working with Whitehall counterparts, what would you say the differences are between the Civil Service in Wales and the broader whole?

OL
I do think the Civil Service, in the Welsh context, has changed quite considerably over the past 25 years. Because I remember when I started in '99 we were still in a very much traditional kind of Welsh Office way of doing things, which was very hierarchical actually. During those early days you had to be a certain level, for instance, to have access to ministers. So, it was quite traditional and hierarchical. And I do think that has shifted over time.

> When you think that overall the Welsh Government is just over 5000 civil servants, which within a Whitehall context that would be just one Department of State.

I think civil servants at all levels get a lot more access now to ministers, and understand the decision making process, which I think is a good thing. And I think something that ministers over time have wanted more of - that direct contact with the people who actually know the level of detail that's required when it comes to a particular policy, rather than at a Director level where it is far more general at times.

I also think there's something, just because of the nature and the size of the organisation, as civil servants we have far more access to ministers than you might have in a Whitehall context. There is far more of a daily interaction, at times almost on a kind of hourly basis if there's some kind of crisis, to ministers. We have that availability and access, which may be in the Whitehall context you don't because some of their departments are far more complex and bigger beasts.

When you think that overall the Welsh Government is just over 5000 civil servants, which within a Whitehall context that would be just one Department of State. So, I do think from a size and complexity point of view, it's probably easier in that regard from a Welsh Government point of view.

LW
The upside is a more porous system, the downside is that you've got a smaller number of people covering very large areas of responsibilities, which makes it hard then to develop that granular expertise that you might have with more subject specialists. What are the trade-offs there?

OL
I think that is a massive challenge. In my previous role as Director of Education and Welsh Language, as you've just alluded to, I was spanning everything that was to do with compulsory schooling, from the curriculum to ALN [Additional Learning Needs], to free school meals to the funding of schools, a myriad of other things.

Whereas I had no counterpart in either a Scottish or an English context. There, at Director level, you would have somebody who was focused on a far more discreet area. So, in that regard, I was often looking quite jealous at others because the pressure and the workload that comes with that is quite considerable.

Because obviously, not only am I expected from a ministerial point of view to be on top of things, and to be able to answer questions on a myriad of stuff, but my focus also has to be on the leadership and the management of the department, and there's that kind of external stakeholder relationship.

So, in that sense, it's quite a pressurised job and maybe, too often than not, you're pulled kind of in every direction and a feeling at times maybe that you're not doing justice to the job in its entirety.

I think the plus side is you have got that more general overview of the system. And I think when it then comes to external stakeholder management, particularly with local authorities and others, they know that they are speaking to one point of contact from Welsh Government point of view that has that access to ministers. So, there is a plus side to it as well.

But I think the time management challenges and the kind of ministerial leadership management, extra external, stakeholder management, I think at times that's probably part of the biggest challenge.

LW
There are different views on this. One of the special advisers put it to me that in the Welsh system you do have far less duplication and waste than you might have in the Whitehall system. But listening to what you are describing there, and speaking to others, the human impact of that - the stress and the workload pressure—does make that hard to sustain for a length of time.

OL
Yes. My reasons for leaving Welsh Government were many, but I'd done over three years as the Director of Education and Welsh Language, and I did come to a point where I had to ask myself how sustainable that was for much longer.

It does take its toll in terms of the hours you work. So, from a practical point of view, I would work most evenings. During those three years there wasn't much downtime. You take work home with you. And I do think at some point you think, from a human point of view, 'How sustainable is this?'
And I do think COVID and the pandemic has, in one sense, made things more challenging.

What happened during the pandemic is officials and ministers were on call 24/7. And so I think you would expect to be available on [Microsoft] Teams at all hours of the day. And I do hear many of my colleagues say that, in one sense, from a Civil Service point of view I'm not sure whether we've ever fully come out of that way working.

So, there would be an expectation, 'Oh, well, Owain is showing green [availability on Microsoft Teams]. It's half past seven on a Wednesday night so, it's okay to email in Teams and expect an answer by nine o'clock, or by first thing in the morning.' And I don't think longer term, from a sustainability point of view, or from a work/life balance point of view, whatever level in the system you're at, I don't think that's probably a healthy place to be to be honest with you,

LW
No. And I reached a similar stage myself I must say.

I've just shared a slide with you, I've been doing some digging because the data is not easy to get hold of, and though not surprising on one level it is quite startling. The headcount of Welsh Government education department, compared to England and Scotland and the difference looks quite bonkers. And I've checked the data, and it is right. What are your reflections looking at that slide?

OL
Yes, so that was part of the enormous challenge that I had to deal with, and my predecessors had to deal with, because effectively the increases are minute over time. But when you think about the agenda, particularly since 2017/2018 - a new curriculum, a new ALN system, then the pandemic…

I came back at a time where you had a change in not just Director, but a change in minister. So, Jeremy Miles had taken over from Kirsty [Williams], with a Programme for Government that then included a myriad of new stuff. So for instance, universal free school meals in primary. 'Let's roll that out. Let's drive forward with the community schools agenda. Let's drive forward with the national music service.'

On top of implementing a curriculum and ALN, on top of dealing with the effects of the pandemic, and with a staffing structure which shows a tiny increase in capacity and capability. And it's just an impossible task.

Because in effect, what I had to do for example, once the Co-operation Agreement was signed, was all of a sudden, 'We're rolling out free school meals to every primary.' Now to do that, I have to build capacity internally, and effectively have to move a team of staff to do that, which takes away from some of the core work we needed to do, for instance, around the curriculum in ALN.

So, there were really difficult choices around that. And if you look at, internally, where morale and where stress levels are, I think it's a kind of an obvious thing that we didn't see the equivalent increase in staffing capacity and capability to deal with that expanding agenda.

LW
The counter-view that's been put to me is that there's a lot of activity within the Welsh Government system which is not a priority - the example in climate change where the first piece of legislation sent to Julie James when she became Climate Minister was an Order on edible dormice, which is not something ministers would want prioritising. The Civil Service is often doing its own thing. So, it was right to say you don't need more numbers, especially at a time when local authorities are suffering headcount freezes, so you just need to work in a different way. I presume you are not terribly sympathetic to that view?

OL
So, there's an element of truth in that, by which I mean I think people naturally over time, when they work in a particular area, become very protective, don't they? They become very protective of what they're doing. And maybe at times they don't question, 'What's the outcome here? Is it having an impact? Is it making a difference? Do we need to scale back? Do we stop?' So, I think from a ministerial point of view, that's a fair challenge.

I can't speak for other parts of Welsh Government in terms of whether that was more the case. What I can say is that, during my three years in education, I'm not sure that there was much that we were doing that wasn't a ministerial or government priority, to be quite honest with you.

So I have a little bit of sympathy with it, but I also think at times it's just become the easy answer for ministers too because I do think there's a reluctance from the Civil Service to give things up - but there is also a reluctance from ministers, at times, when provided with a range of options, to stop doing things.

I'll give you a historic example, but I think it's quite an important one - Communities First. I lose track of the amount of conversations internally within Welsh Government and with ministers over time, around, 'We need to bring the programme to an end.' And even when the decision was taken - eventually - there was still an element from a ministerial point of view, 'Well, we can't pull out straight away. There has to be a transition.' And I just think, as an organisation on the whole, both civil servants and ministers historically have found it difficult once you introduce something to bring it to an end.

LW
I had this conversation with John Howells who was of the view that the Welsh Government has bitten off more than it can chew and should do fewer things better. However, as a democratically responsive body, people expect the Welsh Government to be active in all areas, so there is an almost impossible dilemma there.

OL
There is. Although my own view, which I shared with my colleagues, is that a lot has changed, hasn't it since 1999? The landscape then is very different now. And I do think over time we've taken on additional responsibilities. We took Quangos in back in 2006. There are new legislative responsibilities. The organisation is very, very different, as you rightly say, people want us to be doing more and more. And I do have to ask the question, in 2024 do we right now as a government know what our overarching objective is - what we're there for?

I think there are parts of the business where we're just in the operational weeds. The historic view of - you're there to legislate, you're there to set the policy direction, you're there to fund. I'm not sure 25 years in whether we've asked that fundamental question. And it's a Civil Service question as well as a ministerial question, because I think as the financial context gets more challenging, I just don't think we've got the capacity or the capability to be maybe doing everything to the extent that we have done to date, moving forward.

LW
But then how do you drop things?

OL
Well in my experience people will say, 'There's lots of things that we could stop doing or do differently.' But it's never in one's own area. It's pointing the finger elsewhere. And, likewise, from a ministerial point of view, isn't it?

I've often wondered, I don't think the financial structure, you will know from your time as a minister, the MEG [Main Expenditure Groups] structure we call it, where departments and areas of business have their own MEG. I don't think that helps either because when it comes to bidding for finance it leads to an

inevitable protecting your own area kind of thing, without looking at maybe a different, wider, cross-cutting way of doing things.

So, I think at times, some of the structures around money and staff, hampers us from being more agile and more creative.

LW
Can you help shed some light on the way the Welsh Government works Civil Service wise - its structure and culture? From the conversations I've had with people who have come into the Welsh Government from other government departments or Whitehall and many of them say the Welsh Government is the most frustrating place they've ever worked - it is risk averse, it is slow, there is a corporate 'centre' that makes things very hard to do.

OL
Yes.

LW
Of those small band of people who are really good and high performing, a real sense of disillusionment that they are not really being set up to succeed. Is that a picture you recognise?

OL
Yes, it is a picture I recognise. It's a picture I recognise, which senior colleagues of mine would often discuss, and it's one that I personally recognise. I'm being over simplistic, maybe in what I'm going to say here, but I increasingly had the feeling over a number of years that this corporate centre you've alluded to was there to find 99 reasons why you couldn't do something, instead of finding the one reason, or the one way of taking something forward.

So whether that was procurement or whether that was legal - and in legal in particular - there is a huge risk aversion to being creative and to sometimes taking a risk, without understanding, ultimately, it is our job as civil servants to say to ministers, 'These are the range of options before you, there are risks associated with it,' but then leaving, ultimately the decision - guided by us - that ministers, if they want to take the risk, would.

I do think we have a corporate centre that doesn't potentially understand the business needs, and at times, the need and the pace the ministers want to shift that. So, I do recognise that to be to be fair.

And I think despite efforts over the years to try and simplify and to make things more straightforward, and for the centre to be 'enabling', rather than, you know, holding things back, I don't think things have improved over time.

LW
And do you think that is different to Whitehall?

OL
I don't know. I've never worked in the Whitehall system, but maybe there is a sense that UK government at times is able to move in a far more agile, quicker way than maybe we are. And if people coming in from Whitehall are saying it then undoubtedly something has to be in it.

I mean what struck me when I returned is that we'd had an influx of around 20 people who had come into Welsh Government externally, at Deputy Director level, who I think were all absolutely astonished by the level of process and bureaucracy, and the hoops that they had to get through to get anything done.

And I think what's quite telling three or four years since that cohort came in, is how many of those actually are no longer with Welsh Government because they just became frustrated and disillusioned.

I think for those of us who've been in system for a long time, you almost get to the point where you just think, 'Well, that's how it is. You know, it is a battle to get anything done, but that comes with the territory. Things are not going to change.' But I do think it's quite interesting when people come from external organisations or from Whitehall, how struck they are by how difficult it is at times to get things done.

> Now, my view is it should have been the call of the Permanent Secretary, the board, the DGs and the Civil Service to say, 'Okay, what kind of system of hybrid working do we want?'

LW
I'm interested to understand where the momentum to change that could come from. Ministers are frustrated, but always told that staffing, and the internal organisation of the Welsh Government, are not a matter for ministers. There is this mysterious body, the Welsh Government Board, where the Whitehall equivalent is led by a minister and has the SPAD on it, in our system it is the Civil Service only and some external non-executives. The First Minister and the Permanent Secretary have a direct relationship where some of this challenge can take place, but it feels like a very diffuse system. It is hard for me to understand who is responsible for leading and changing this?

OL
In my view, from an organisational point of view, it is the Permanent Secretary, and his team around him in terms of the DGs [Directors General]. So, that's what should be driving the change.

There is that clear separation between ministerial responsibilities and then the organisation itself being led by the Permanent Secretary. It's not always clear cut. So, I'll give an example where, in my view, I think maybe political views had maybe not a positive impact in terms of the organisation, but coming out to COVID, the whole question of hybrid working.

Now, my view is it should have been the call of the Permanent Secretary, the Board, the DGs and the Civil Service to say, 'Okay, what kind of system of hybrid working do we want?' What should be the expectation of staff as to how much time they should actually spend in an office? But I think there was a very, very clear steer politically that we shouldn't be going too far down the line of being prescriptive.

So, there are times where there are grey areas. But for me, fundamentally, from an organisational change point of view, it has to be driven from the top. And it has to be the responsibility, not just the Permanent Secretary and DGs, but Directors and others to make sure that that kind of organisational change happens.

LW
Of course, with that hybrid working example the same is true in Westminster, albeit from a reverse ideological point of view where ministers were interfering to try and get people back into the office.

OL
Yeah, you had the Jacob Rees-Mogg example of leaving notes on desks. So, it's always a careful balance, isn't it? But I do think organisational change has to be driven from within the organisation itself, and often maybe we tried to do it top down too much, rather than bottom up. But yeah, it's not without its challenges.

I think the bigger the organisation is the more challenging it is. Because I think within Welsh Government there are definitely different cultures within different parts of the organisation. You know that that's something you hear quite often as well, which I think makes it, you know, even more of an interesting challenge as to how do you drive forward an organisation of 5000 people?

LW
In term of headcount there is an awful lot of emphasis on Senedd capacity but no debate around Welsh Government capacity.

OL
No.

LW
And the simple answer would be that we need to hire more people and that needs to be paid for out of operational spending. There is obviously a consequence to that - it means less money for other things. That is something politically certainly Mark Drakeford was very strong - and remains strong - in his view that would not be the appropriate priority.

OL
Yes.

LW
What is your view of how much of a zero sum game that would be in terms of running a department? How much of a negative effect would that have on your budget to do substantive things? Or do you think that is just something we should do to make sure the system works properly?

OL
I think most of my colleagues would say that Senedd expansion is going to have an absolute impact in terms of workload, and the work it kind of generates for government with no recognition of that.

I think inevitably more members, more scrutiny, more committee reports more oral questions, written questions, and so on and so forth, will have an impact in terms of how the government responds to that.

I completely get the argument which says, given the wider financial context, that we can't be saying, 'We need more civil servants to be able to deal with that.' Going back to something we were talking about earlier; I do think there's a need for the Welsh Government internally to look at how it does things smarter. So, for example, are we really serious at the moment around harnessing the power of AI when it comes to generating briefings or answers to questions and so on - which might then reduce workload, might take 80% of the heavy lifting out to some of the stuff we do, which frees up staff to focus on other things. So, I do think there is a need for the Civil Service to look at its processes and we could be making more use of digital technology.

But I do worry - and we don't know at the moment do we - but I think inevitably it will, in the short term, maybe lead to a spike in workload - just in the amount of stuff that's coming up and lands on your desk in terms of, you know this, 'Here's a committee report with 32 recommendations.'

Alongside it's not just the scrutiny around the Senedd element, but we've created Commissioners and other people who often report with recommendations, which again then feed into workload in how we respond to things - I don't think that can be forgotten about either.

LW
Finally on the Civil Service, and making best use of existing capacity, one of points I used to make when I was on the Public Accounts Committee is that there doesn't seem to be a management performance culture within the Welsh Government. There is no real way of dealing with mediocre performance. And I know that's probably a public sector-wide challenge, but is that something which constrains the ability to get the most out of the resource we have?

I think inevitably more members, more scrutiny, more committee reports more oral questions, written questions, and so on and so forth, will have an impact in terms of how the government responds to that.

OL
I wouldn't overplay it. There's definitely some truth in what you say around managing performance. And I think one of the difficulties is in cases where people are genuinely trying to manage poor performance - again it's back to the systems and processes - it's almost impossible. It takes so much effort and so much time to have to manage that - often people just think, 'You know what it's not worth the hassle, so I will just let it slide,' because the process involved in getting to the point where there's a written warning, or whatever else, it's a really, really difficult one.

I think managers, line-managers in particular, feel at times unsupported by our HR processes around that. So, whether rightly or wrongly, I think people just think, 'I'll let that slide. That might be a poor performing individual, but I've got so much pressure and workload on in other areas, I'm just not going to go there.' If that makes sense?

LW
Yeah, I want to move on to the area of local government, and I don't think again this is something widely understood outside of people working in the depths of the system just how dependent the Welsh Government is on local government for delivering.

OL
Yeah.

LW
And yet it's a relationship where for a long time I've heard civil servants refer to local government as the 'delivery arm' of the Welsh Government - which is not really a description many in local government find terribly flattering or appealing. There's a tension there, and I'd be interested in your perspective. The example I often turn to is the educational consortia - and you mentioned the Williams Commission report on local government reform - where in effect local government just suffocates things if it doesn't agree with it. And so can just kill an agenda, and there's a risk that the same happens to the Corporate Joint Committees.

Can we explore a little bit the dynamics of the relationship between central and local government - and I know you are only a month in working in local government. In education where Welsh Government doesn't employ any teachers, it is all through local government - what are your reflections on the nature of that relationship?

OL
So, for me something I purposefully invested a lot of my time and effort in was the relationship with what we call ADEW, the Association of Directors of Education of the 22 local authorities, because recognising that actually it isn't us as a Welsh Government who deliver. And in a sense education is different maybe to health, where there's a far more direct kind of relationship between delivery and government. But you know, in a sense, local authorities don't deliver either. Education is delivered in the classroom, and it's led by the headteacher and the Board of Governors. So, it is a complex kind of tiered system in Wales.

But that relationship is key to ensure that we are able to say to ministers that local authorities understand the importance - and that with funding and given the policy direction and everything else - to enable them to drive forward that agenda.

I had very, very positive, constructive relationships with the 22 local authorities because, if I didn't then, there were consequences to that. But that doesn't mean that there weren't frustrations at times. And I think both parts of the system at times are frustrated with one another.

So, you know I'm sat in a very different chair now a month in and I can see, from a local authority point of view, at times how maybe the communications could be better. Or the insecurity when it comes to kind of long-term funding, particularly grant funding, is a barrier to be able to proactively plan longer term. So, I can see it in a sense with both hats on.

But it's a really important relationship. Because unless you went to a fundamentally different system - and in England there is more of a direct funding relationship between DfE [Department for Education] and schools, and there are different models; there are different models in in Europe where government takes far more of a central role in ownership - it might employ the whole workforce directly.

But this government believes in the importance of local government, believes in local democracy, doesn't seem to have any appetite for reducing from 22 to eight or nine; then, we have to make the best of what we've got.

You raise regional consortia. It's interesting. My own view on that, historically - I wasn't around at the time - but I do get a sense of, you know, 'The Williams Commission wasn't going to happen. We weren't going to reduce to eight or nine. So how do we ensure that we make this work in a better way that kind of we as a government have to deal with fewer people when it comes to school improvement?'

And so we set up five regional consortia, and lo and behold, that then adds an additional level of complexity into things. So, some might argue the same is true at the moment of CJCs.

Is CJC, in a way, just another response to the fact that there is no appetite to reduce local authorities to eight or nine, so, we have to find a different way of doing it via the back door when it comes to planning and so on and so forth?

I think it's a really interesting debate. But I think what's interesting, from my point of view is, since the Williams Commission, and that's not going anywhere, it doesn't seem to be on anybody's agenda or manifesto that we're going to do anything about the kind of 22 that we have.

LW
Thinking about your experience in child care and your relationship there with local government, were there similar themes?

OL
The childcare offer, for example, was all driven through the relationship with local government. And it's not this dissimilar to the universal free school meals example. So those are two examples of clear government policy, but the only way to deliver effectively - and this is the approach we took on both the childcare offer and universal free school meals - was one that says, 'Okay, this is the policy. How are we going to deliver and operationalise it?'

And my own view has always been that you have to sit down with local government. You have to co-construct. You have to work through how it's going to work on the ground, get the right funding mechanism in place, and then work with them in terms of the implementation of the policy. And in both those examples, I think we've been really successful in doing that, but you have to put the time and effort into the relationship, and it can pay dividends.

But I know it's not the case in all policy areas. There are always challenges, not just from a Welsh Government point of view, but from a capacity and capability point of view at local government level too.

You know some of the local authorities in Wales, you could fit their population into the Millennium Stadium, and then it would still be 15,000 space seats! So, from a Director of Education, or Director of Social Services, point of view, that is extremely challenging; from a capacity / staffing point of view, to deliver a myriad of Welsh Government priorities over a period of time.

LW
I want to touch on the issue of scrutiny, and the external sources of challenge to the Government and to ministers. There is a view that Senedd scrutiny, a lot of it is going through the motions and there aren't many examples of where policy shifts because of scrutiny. There are examples of arithmetic and political pressure, but not because of performance challenge. We have a weak media, we have a weak civil society. Thinking of the external points of tension and scrutiny that came at you when you were in the Welsh Government, what are your thoughts on the strength of scrutiny influencing performance and choices?

OL
I think you're probably right overall in your analysis. That's not to say that at times that, particularly through the committee structure, that there are definitely times where recommendations would come forward which I think would improve policy and make us tweak policy and delivery. I think that's fundamentally important. And I'd like to see Senedd committees have more time and space to maybe delve into things and work through particularly difficult kind of delivery challenges and so on. That's different to the hoo-ha of oral questions in the Senedd and so on.

I often felt that the greatest scrutiny and challenge was from our partners and stakeholders, actually. So would be from local government, or in the education space you'd have your Estyns or Qualifications Wales. That's where a lot of - not scrutiny - but I suppose a lot of the challenging conversations would happen around delivery.

And then I suppose, there were those such as the Children's Commissioner and the Welsh Language Commissioner, rightly in terms of their role, feeding through concerns coming through their sector. But that's probably as far as we go, I think in the Welsh context from a scrutiny and challenge point of view.

LW
And do you think that's a problem?

OL
I mean, with my ex-Civil Service hat on, not necessarily.

[Laughter]

LW
Well, quite.

OL
Is it a problem? I think where there is a gap in the Welsh context, I suppose, is around that fresh policy thinking. So, not so much scrutiny, but where are the ideas coming from, around doing things differently and so on?

I suppose in the English context you have organisations such as IPPR and others that would come forward with interesting ideas, who would do the research, would do the legwork, would talk about kind of service delivery in a different way. There are times where I think that is definitely missing from the Welsh context.

You know, we do have the Wales Centre for Public Policy and there's the Bevan Foundation and others, but I don't get a sense at times that there's a myriad of new policy thinking - challenging old ways of doing things - coming through.

And I think feeding through to the civil servants and ministers around discussions about, 'Look, there's a knotty issue and problem here. Have you thought about doing it in this way?' I do think there's a bit of a gap there, to be honest.

LW
Just to finish off, the purpose of these conversations is to shine a light on the way the Welsh Government works and the challenges ministers face in bringing about change. What do you think is the least understood about the way the Welsh Government works? What are the bits amongst the people you are now working with that don't understand about the world that you have come from?

OL
I think there are certain things that people don't understand. In one sense, why would they? I reflect on my time in S4C, once you're out of the Welsh Government bubble in reality you get on with your day-to-day life, you know.

I do think there's an element of when you're in the Welsh Government, you know, you worry about how you might answer this committee report and so on, and when you're out of it I think you are far removed.

I don't think people fully understand how a manifesto turns into a Programme for Government, and then a myriad of things which, as civil servants, you just have to get on and advise and deliver.
So, I think there's a gap there. I think there's often a gap between the formulation of a manifesto and how that then becomes policy. I think from a Civil Service point of view, you are not brought into the process at all, but often the first you know about a policy is then somebody saying, 'Let's go ahead and deliver this.' And part of you thinks, 'Well actually had that been a conversation earlier we could have gone through some of the challenges.'

I also think the whole funding model and how that works, and the annual draft budget cycle, is invisible to most. And local government and others get frustrated around that process, where they have very clear timescales and timetables and expectations around setting a budget, but are hugely reliant on the Welsh Government process.

Last year, for instance, it was extremely late, not through Welsh Government's fault but because of the UK context. But I think that is complex and difficult at times, and maybe isn't kind of fully understood outside of that Welsh Government bubble. And maybe Welsh Government doesn't do enough to explain that, and to take people through the challenges and so on.

I'm just reflecting on recently the budget announcement in England, obviously by UK government - lots of additional money - and a global figure of an additional £1.7 billion for Wales. And people see in the education landscape in England, for example, how much will be going towards school buildings, and SEN [Special Educational Needs], and there's an automatic assumption, that money will feed through to us without fully understanding there is a separate process from a Welsh Government point of view where ministers might decide that the focus is going to be elsewhere. So that's one very specific example, but I think it does lead to, at times, an element of frustration.

Dr Ian Taylor

Dr Ian Taylor was Specialist Adviser to the Welsh Government Minister for Transport from 2021 to 2022.

He was a Founding Director of the sustainable transport consultancy Transport for Quality of Life. He served as Policy Adviser to the UK Labour Shadow Transport Secretary from 2017 to 2020.

Interview 27th November 2024

LEE WATERS
Just remind me, Ian, when I'm trying to remember, I think when we started to work together, it was, I think summer 2021, is that right?

IAN TAYLOR
It was the summer. It was certainly the end of summer. So, it was the beginning of the Senedd term.

LW
Do you remember where the development of the bus policy was at that time? Because there been a commitment in the previous Senedd term to a Bus Bill which had run aground because of COVID, and we effectively started again. In terms of the policy thinking you were significant in doing the intellectual heavy lifting in devising the policy of this supervisory board model of franchising. Do you have a clear recollection of what you came into?

IT
Yes. So what we had was a situation where, as you said, there'd been a failure of a previous bill, and there was supposedly the beginnings of a new one, and my suspicion was that the new one was going to make the same error as the old one, which was to presume that the Welsh Government could just have a few enabling clauses and then leave the heavy lifting to the local authorities, which had been shown in England to be a policy that achieved very little indeed. Even the huge authorities like Manchester and Liverpool were struggling, and there'd been the failure in the north east of Newcastle and Tyne area to bring in any franchising.

So to me it was clear that the Welsh Government, with the limited resources available to local authorities in Wales, needed to be prepared to do the heavy lifting from the outset, and I was suspicious that this would be beyond the comfort zone of the officials that were working for you at that point, and my initial discussions seemed to show that that was exactly the case.

And so what happened was that in the very first week, I wanted to see a draft of where this Bill was at, and I got the message that it either wasn't available or I wasn't being shown. Which interpretation was correct didn't really matter, as far as I was concerned.

LW
So, it was essentially back to square one. Then within 18 months, just checking the dates, we had a white paper at the end of March 2022 - ‘One network, one timetable, one ticket’, which was your concept. Then a further two years before a more detailed document about how that would be operationalised. And all along the promise of a slot for a Bill to be introduced, which kept getting knocked back. But going back to that 18 month period between you starting and the white paper appearing, talk a little bit about the way the Welsh Government works from policy development to legislation.

IT
So, the reaction of the officials to my clarity about what was required was, in part, ‘Oh, that's not how we make policy.’

And so, what I had actually produced was a note of the key points which you and your colleague, Julie James, as the senior Climate Change Minister, had looked at and said, ‘Yes, this is what we require.’ So actually, within one week, we had complete unity and clarity in terms of what key points you as the Transport Minister and the Climate Change Minister Julie James wanted to be implemented, and that couldn't have been done much more quickly.

So, you said to me, ‘Oh, you've had a good first week,’ and I said, ‘Yes, but I don't think I've made myself popular.’ And you said, ‘It's not your job to be popular.’

(Laughter)

> The thing that I came away with as an abiding impression or feeling, was dismay that there's so many good people who are, in fact, wanting to do the right thing

But the point was that this was an uncomfortable rapidity of progress for the officials concerned, and it became apparent, in fact, that some of the officials were not sufficiently on-side to move things forwards, at which point the Head of Department decided it was necessary to actually have a bit of a change of personnel.

So here you have an issue which reflects, more generally, something which was said to me about other parts of the system - talking about local authorities - 'Oh, they're not much good at doing anything, but they're good at stopping things happening.' Well, actually, the same thing applies to Welsh Government itself, much more difficult to do things than to stop things. And so, if you have certain parts of the system that feel uncomfortable with quite a radical agenda, or doing a big step, then it's quite easy to put spanners in the works.

LW
And do you think that's just a cultural default, or do you think there's something else at play?

IT
There's multiple things at play. The thing that I came away with as an abiding impression or feeling, was dismay that there's so many good people who are, in fact, wanting to do the right thing - because that applied in spades to a lot of the officials, as well as to the ministers. There were able people - still are. They were hard working people. But it interests me, and it's saddening really, to see that the system serves no one well.

It doesn't serve the public well. It doesn't serve the officials themselves well, and it doesn't serve the politicians well. So, then you have to say, 'Well, how do we end up in that situation where you've got something which actually serves nobody?' Well, that sounds very negative, but it's important to think, 'How could it be better?' One very good official said he'd never worked in any organisation that was so badly managed, and then he left.

LW
You don't think that applies Whitehall-wide? You think it is a specifically Welsh Government thing?

IT
The official I just quoted had worked in other parts of government. Now, I think some of the same phenomena clearly appear elsewhere. It is a time-honoured principle that officials who might supposedly be neutral, if they actually don't like the agenda, have a lot of ways that they can make progress grindingly slow.

There's always an issue of interdepartmental conflicts, if you like, and that can be to do with how much the more radical minds are backed by those that are in those powerful positions. One would have to look, of course, as ever to those that hold the purse strings, which comes down to the financial ministers and departments beneath them, and indeed the First Minister in the case of Wales, or it might be the Prime Minister in Westminster.

Now you and Julie James were some of the most radical, most principled of the ministers that were in place. You had done all of your political work and got the backing of Cabinet for everything that was required. However, when it came to actually fighting it through the system, it was not within your command to deploy the lawyers who are responsible to write the Bill.

And goodness me, didn't they take it upon themselves to decide that they knew better than anybody else, even if they weren't specialists at all in transport matters? And they preferred to think that public transport was not important and didn't need changing. And so, whilst giving lip service to support, they put every possible obstacle that they could in the way. And that happened as a result of certain individuals, but it also I think was something which stemmed from the top. We could see that it wasn't just the lawyers, but actually those that were in the financial key roles, also decided that they prefer not to spend money on public transport. And that spread across to a phenomenon where the idea of a Bill that would improve public transport was something which they would only give lukewarm backing if it might involve requiring to spend some money.

LW
The counter-argument I've heard to that, I've spoken with Mick Antoniw, who as Counsel General was in charge of the lawyers is that, 'Well, it's the role of the lawyers often to test out the policy because often the policy thinking is not sufficiently thorough.' And, therefore, Legal Services found themselves getting involved in policy questions just because the rigour wasn't there.

And then Lesley Griffiths, who had similar experience in the Rural Department, making her observation after taking a number of Bills through, is that the problem of Welsh system is there isn't a Bill team in the way that you get in Whitehall, where everyone is together in one room and can then get through these issues together, rather than pushing one pillar to post, and then very late in the day one lot say, 'You can't do that,' because that would have been resolved as the process went.

IT
That's very interesting. I was certainly never invited to be part of the Bill team.

LW
There wasn't one.

IT
I think there might have been something that regarded itself as some kind of Bill group, but it didn't have a shared vision that I could see, and of course, kicking the tyres or whatever the phrase was, or testing the quality of the thinking, is something which at a certain level becomes hard to distinguish that from downright obduracy and putting obstacles in the way.

In my view, the issues that needed to be sorted out that were being questioned and questioned and questioned and questioned again by the same people - well, some different people, because there was an attempt to get people who were less obstructive onto the group- it was something that could have been sorted out within one meeting.

My first meeting with the lawyers, I left, actually, in shock. I didn't have an awful lot of input, because the officials from your department were taking the lead. But the lawyers spent the entirety of the meeting complaining about how things had not worked with the previous Bill, which was nothing to do with anything. So that was 40 minutes of time completely wasted. And then, of course, there has to be some other meeting scheduled for some future point. So that's the sort of dismal delaying that there was.

We also had the interesting problem of dealing with the fact that the Welsh Government insisted that its in-house lawyers should deal with this, despite not having any expertise in the area in question. Now what we had actually got, much to the irritation of the in-house lawyers, was excellent specialist legal advice covering all of the knotty issues from the UK expert on bus law and how to do franchising: very, very helpful.

But despite that, within 18 months, we'd managed to get a very clear white paper which had a quite a radical and certainly very different policy proposal, which had full Cabinet support.

And the in-house lawyers said that this was not a permissible approach, and one had to go back to square one with them, and deal only with them - anything that was external legal advice, they took essentially a sort of red rag to a bull and just tried to pick it to pieces. And clearly, there is an issue there.

There's several issues. One is that the only specialisms that seem to be recognised in the Civil Service are those of certain traditional roles, like being a lawyer or being an economist. And those are broad roles that bring a certain amount of power, but then it is taken by those that have those roles that they therefore have that sort of overarching specialism, and then can exert their will where they want.

Whereas to have civil servants who actually know their subject, who are working on, let's say, agriculture or environment, or indeed, on transport. Well, that's not part of the tradition. The tradition is that you, let's be blunt about it, you go off and study politics and classics or something, and then you go into the Civil Service, and you can do anything. You can go and work one week on potatoes, and before you know it, next week, you'll be on education, and then after that, you might work on transport.

So that puts those people - who may be very, very bright - at this huge disadvantage really. I was in a better position because I came with a specialist background in transport. But you know, those that want to be obstructive and say, 'Well, this is the rule of the law, or this is, this is our economic knowledge you're going to mess up the economy,' have immense power and exert it across a range of places. But there's certain sort of empires within Welsh Government, and the economists and the lawyers clearly are two of those, and they don't work for the benefit of the system. They work for the benefit of their own empires.

LW
But despite that, within 18 months, we'd managed to get a very clear white paper which had a quite a radical and certainly very different policy proposal, which had full Cabinet support. So, despite that, there was progress made,

IT
Indeed, and that that is largely due to the determination that you showed in making it clear that this was a priority, but also you succeeded in making that a Cabinet priority, and one which had the full support of the Cabinet. And that was not always an easy task for you and for Julie James, but that, in fact, was something where the sense of the policy was seen by the whole of the Cabinet. And you'd think that once you'd reached that point, then this ought to fly through the system.

LW
My observation of the whole process is that the Welsh Government places a lot of emphasis on legislation as a way of bringing about change. But legislation is only one part of a jigsaw, and in many ways, the parts around it were perhaps more important. Obviously, we rely on the legislation to create enabling framework, but all sorts of other things about the way the bus system is run and organised, and the role of Transport for Wales in this space, was just as important.

Do you have any reflections on how those two things came together and how that policy was developed in parallel, and the relative importance of law-making versus the system change needed around it?

IT

The good thing about the situation was that the Welsh Government had the power to legislate to create a system that was going to work a lot better than the system that had been shown to fail catastrophically in England. So, in this case, there's no doubt that devolution had the potential, and still has the potential, to deliver something which made sense and brought back together a bus system that worked as a whole, rather than just working in bits and pieces for the benefit of individual private bus operators. And that made it work with trains, and made it work in areas that weren't hugely profitable, but actually shared the money from the really rich pickings across to getting services out to areas where it might cost you money to run the buses. So, it's good that the Welsh Government had the legislative power to do that.

The Welsh Government had the power to legislate to create a system that was going to work a lot better than the system that had been shown to fail catastrophically in England.

There were, as you were alluding, other Bills that were also seen as a priority. And one of the criteria for which ones got taken forwards was how ready they appeared. And at that point, the process seemed enormously extended.

You'd think that any organisation that wanted to do something - in another environment than Welsh Government - whether it be a business or any other sort of organisation - will surely be able to get its act together to do that; but for Welsh Government there was grindingly slow progress through various consultation processes and all rest of it, which absolutely precluded you being able to get things to move faster as ministers, even though it was your highest priority,

And looking back, one could attribute that immense delay to various processes that were seen as things that couldn't be shorter than a certain period. You know, the lawyers insisted they have X weeks to work on it. The consultation with various external bodies had to last so long, and then after that you had to do some other sort of rewrite, and all the rest of it. And, you know, you had been very, very clear that this was something that you wanted. Bus reform was something which was embedded in the political mandate of the Welsh Government, in fact. So, to my mind, a lot of time was essentially wasted on exercises that didn't need to take place, or that should have been able to happen a lot faster.

And a lot of the officials would claim, 'We've got limited resources.' The phrase that would come up again and again, again. Well, I've cited already instances where the people that were claiming the most paucity of resources, like the lawyers, seem to be wasting their time rather than actually producing the goods. I think, you know, you could have had one or two meetings, sorted out all of the issues, got something drafted within a week or two.

LW

So why didn't that happen?

IT
The reason that didn't happen is that those people are in powerful positions, and could drag their feet and get away with it, actually.

There's two different things. There's obstructive empires and obstructive individuals. And then there is the question of whether you have certain processes which are seen as sacrosanct, which in fact are very inappropriate and just get in the way.

And Welsh Government does have processes, and some of the requirements for how you consult - it's an unpopular thing to say that you can over consult, you can. You can just get into a position where you're always asking, you're never actually leading. You as ministers have given the lead, the officials were not prepared to follow that with alacrity. Now, whether they felt they could have done, whether there were various procedures is another matter, but these were not officials that were within your command. This is one of the important things - your officials were doing the work; elsewhere obstacle after obstacle was thrown in the way.

Those that were in charge of putting the legislative program together were very keen to hear everything that was an obstacle and make the most of it and say, 'Well, you'll just have to knock this down the pecking order, won't you?'

And this was beyond places that I could influence. Of course, you would have had to go right up to the First Minister - and you did to try to speed things along, but this is where it becomes very difficult for ministers to exert their will because you only have so much knowledge of what's going on. The First Minister only has so much knowledge. They have to take guidance from their officials, and if the officials are deciding to say, 'Oh, you can't do this, you've got to consult on this, otherwise you might get legal challenges,' this sort of thing. Well, actually, the right answer to those would have been, 'No, we're going to do this differently.'

But to do things so differently, you would have had to do a job of taking down some imperial pyramids and rebuilding them, which is difficult to do when you're also trying to make the government function on a day-to-day basis. But actually, there were empires in the way. There were procedures in the way that needed to be redone, and to do that, you needed change backed right from the top. And I don't think that's something which, at the time anyway, Mark Drakeford was wanting to invest his personal authority in. He might have felt more inclined if it had been an obstacle to one of his most dearly loved areas around education and young people and equity, possibly, if there'd been the same obstructions to some of the things that we know he most cares about. It's not that he didn't do good things on transport, he was brave in doing exactly what needs to be done with the M4 - but to do that level of "rebuilding the airplane whilst you're flying it", as somebody once said to me, is difficult. And you're only there for a few years as a minister or as a government. You've got to use what's there and available for you.

LW
Great. I think I've covered what I wanted to cover. Are there any other reflections that you want to share?

IT
Specific to the Bus Bill?

LW
I'm using the Bus Bill to tell a broader story because it's just an interesting case study, but anything you want to add really,

IT
I think it'd be nice to say some positive things about how things could be better. And I think the point of, that I think you said Lesley Griffiths made about, the fact that there would be a Bill team that would have a shared purpose, a unity of purpose.

It seems to me that that would be something which may make a difference. I felt, and I proposed to you and Julie James when I first arrived in post, that maybe I should be part of an 'extended ministerial office' that

worked to you, and that I manage a team of people whose job was to accelerate processes. That would have required resource in your office, which you most definitely didn't have. And in fact, as it happened in your case, the political advisory system was somewhere else anyway. You had to go cap in hand to the chief adviser to say, 'We want some capacity.' So, the chance of you getting an office of people to try to sort things out was essentially nil. But one could hope that, in fact, one could have an office attached, to say, the First Minister, that is dedicated to clearing obstacles out the way and achieving the two or three highest priorities of the Welsh Government. It is recognised - you were telling me earlier - that the Bus Bill is the top priority for legislation in this term, we've got to that stage now. Well, if there'd been a team that had been tasked with shifting that forward from the first ministerial level a few years ago as it is now, maybe things would have been a little bit different.

I've talked about people who got in the way, but actually a lot of the people I worked with within your department certainly, they wanted to see these things happen. They were highly intelligent people, and they were hard working. That's something to cling on to.

So in a way that makes it more dismaying that you've got good ministers and good officials, and people are lined up, then the fact that it still takes you several years to get to the point you would expect it to be out a few years ago is difficult.

So, I think a crack team under the First Minister's direct command focusing on their few priorities would be part of that. And then that doesn't preclude also making sure that you've got a bill team which has a unity of purpose when it comes to legislation.

We've just talked about legislation, and that's quite enough, but there's other factors that come in, like the fact that if you get good officials, they're going to go and work in the places that work - not the places where they feel it's difficult. And we saw so many people leave, and that's linked to the thing that we have devolution of Welsh Government, but we don't have devolution of civil servants' careers. In fact, the Civil Service is such that there's more senior jobs available on the other side of the border than there are in Wales - and if people want to progress their career, it serves them well to go to Westminster. And that is a sort of, well, it's almost colonial, isn't it?

Really still is almost a colonial sort of legacy that we're seeing, and I would dearly want to see the Welsh Government work better than it does because I see myself as a devolutionist. As I talked about, the Bus Bill is a really good example of that, but as it stands at the moment, the workings of the Welsh Government are something of an argument against devolution, rather than for it, unfortunately. But it could be better.

Dr Dafydd Trystan Davies

Dr Dafydd Trystan Davies was seconded into the Welsh Government from his role as Registrar of the Coleg Cymraeg Cenedlaethol to be a Specialist Adviser, and then a Special Adviser to the Plaid Cymru Designated Members of the Co-operation Agreement.

He is a former Chair and Chief Executive of Plaid Cymru.

Interview 29th November 2024

LEE WATERS
So, you came into the special adviser team towards the tail-end of the partnership agreement?

DAFYDD TRYSTAN
I came in initially as a specialist adviser looking at issues around a National School for Government. So that was kind of a part-time ‘toe in the door’, if you like, which gave me some understanding of how the Civil Service and how government works.

That was March 2003, and that work came to end around Christmas time and then formally I began as part of the special adviser team - special, rather than specialist - on the first of February (2024). So, I basically had five months of the end of the Co-operation Agreement between Labour and Plaid in the special adviser role.

LW
You’re somebody who's been around government for a number of years in your day job, or the roles that you've had on advisory boards and so on. Did anything surprise you with the way the Welsh Government mission worked?

DT
Well, I think for me, some of it was confirmation, but some of it too was a hugely deeper understanding of why things happened and why things didn't happen.

I think the first thing that struck me, and that was clear in both the specialist and special adviser roles, was just the weight of the machine. And there is an enormous - and rightly so in many ways - there's an enormous machine and a bureaucracy that churns forward things - and papers and discussions - and there are processes and procedures, and understanding how all of that works - and on occasions doesn't work - was, I think, probably a revelation.

And then you understand why what you think from the outside, ‘Oh, well, that must be relatively straightforward to deal with.’ Having seen the process from the inside, you get a better understanding of why government action can sometimes be delayed, why it can be reconsidered, why some things that would seem obvious to someone who was experienced but not on the inside, weren't necessarily being done.

So, I think it was that scale of the machine, and the kind of the process of the machine, and understanding that and navigating that, and in due course, hopefully towards the end, understanding how you could actually get things done through it.

LW
A number of people have put it to me that the Welsh Government Civil Service makes things more complicated, more bureaucratic than it needs to. Do you have a view on that?

DT
The difficulty I've got in answering that is that I've never been a civil servant anywhere else, so I couldn't tell you for certain if things are so much better in Whitehall or in the Basque Country or anywhere else.

Having seen the process from the inside, you get a better understanding of why government action can sometimes be delayed…

It did seem to me in trying to do things at times that there was a level of unnecessary bureaucracy to things.

I mean, just relatively straightforward things, like bringing people together for a meeting. At one point, there was a suggestion that diary markers shouldn't be sent out because the meeting hadn't been approved by the minister. And I mean, technically, of course that was right. But if you're inviting a group of senior people who you're asking to give their time in the middle of a very busy schedule, giving them at least six weeks notice of a meeting would seem a pretty obvious thing to do - even if, in due course, plans changed and you had to cancel it. But just at a very basic level, that's just really a simple example, but at a basic level, that would seem probably overly bureaucratic.

LW
There's an example of how everything's been made hard - even something as simple as arranging a meeting?

DT
I mean, tackling climate change or reforming social care are hugely difficult things. I mean, they are hard, and they will take time, but arranging a meeting shouldn't be that difficult.

LW
I don't know if you have much experience of the so called 'Corporate Centre', but Owain Lloyd was making the point how frustrating it is dealing with the Corporate Centre, because he said it feels like they give you 99 reasons why you can't do things, rather than focusing on the one reason why you could do it.

DT
I think that's an interesting reflection. I would challenge my old friend, Mr. Lloyd's assumptions on that a little because I think what I found, and my experience, was that you would find civil servants who were keen to do things and to change things, and there were a group of civil servants who were willing to work round the machine and to find mechanisms to try and push things forward and to do really innovative things.

The impression I got, and this is maybe where Owain Lloyd and my comments dovetail, the impression I got was that was done in spite of the machine, rather than because of it. So, they were aware of the complexities, and aware of the people who would say 'no', so they just went round and sometimes didn't ask, or sometimes elided how the requests were made, and made progress. So that was my impression, it was far more mixed than, 'No one wants to do anything, and everything is blocked.' There's sort of, there is a group of people who really want to do stuff, and…

LW
…Absolutely, and I'm misrepresenting his point, that's his view too, except…
[Interrupts]

DT
What worries me a little, if I can, this kind of feeds into this, is that you have got those people who remain innovative and sort of trying to do things. You've got people who will try and sort of say, 'Oh, we have to get every 'I' dotted and every 'T' crossed.' But I think the culture sometimes pushes some of those people who go into the Civil Service bright eyed and bushy tailed in order to change things, and over time, I think it can drive people down and make them more conservative in their approach. I mean small 'c'. That, I think, is the worry.

LW
It can also wear them down and drive them out.

DT
Yeah.

LW
And I think there's some evidence of that, that happening, with Owain Lloyd himself, obviously, has done just that.

DT
Yeah.

LW
The story of the Civil Service, I think, is very interesting, because it's both a tale of lower numbers than they need, but also a tale of systems and cultures that have been created that make things harder to do than they need to. So, the resource they have, which is less than it needs to be, is not being used to its optimum.

DT
Stretched even further. Yeah, I can absolutely see that. That's a real challenge.

LW
I guess part of the reason I'm doing this is because it's a challenge that people don't really know exists, and a small number of people who are working in the building, in terms of the general political debate, the state of 'the Welsh Government' is a major problem for devolution, and I don't think it's understood.

DT
I think that's a point very well made. It struck me when I was - and this relates more to my work on a School for Government. It struck me that were you to have - I mean I'm instinctively a Democrat, and I think from time to time it is good thing to have governments of different political persuasions and of different views. It did strike me when I was doing the work on a School of Government, those who should be in greatest in favour of a School for Government should be the Welsh Conservatives because, were they to be elected at some point, you would need a Civil Service that could reflect the political will that had been established. And that kind of shift in priorities. I wasn't convinced could be delivered properly.

I mean, there's obviously a counterfactual there. We don't know how the Civil Service would respond to a government with very different priorities, but my fear is they would find that culturally very difficult.

We don't know how the Civil Service would respond to a government with very different priorities, but my fear is they would find that culturally very difficult.

LW
I think there's two sides to that equation. There is that one, which I agree. But also, there's the readiness of the parties to be able to govern, to understand how you turn your ideas into deliverable actions. And a number of officials have commented to me that if they were able to get involved in opposition party conversations about ideas for government at an earlier stage, they'd get far better outcomes. Instead of being presented with an idea too late and their starting point is, 'Well, I'm not sure I'd have done it like that.'

I'm interested in perspective coming in from an another party, half in - because my impression of the Co-operation Agreement from the early days when you weren't, was a whole series of issues where there was something that was put in the agreement that hadn't really been

defined or bottomed out, and that Plaid didn't really know what they wanted to do with it. And that's partly a consequence of just that distance from government?

DT
I think, if I can take one step back to begin with, when I was reflecting on my time in government, I think where things worked best was when structures, policies and people coincided. But you were pretty lucky if all three of those stars aligned at the same time.

And those people could be ministers, they could be civil servants, or special advisers - they could be a combination thereof. I think that's one question.

'Should civil servants be part of policy making more broadly?' I think what that speaks to is a lack of broader civil society debate, and a lack of a broader Welsh media which could sort of scrutinise

LW
Yes.

DT
I mean if somebody does come out with an with an idea - you and I will both be very familiar with some of the transport statistics - but a line sneaked into the Plaid Cymru manifesto at some point that we would aim for X amount of people walking on their journeys, which was actually less than the current figure!

[Laughter]

I mean that's a minor, funny example. But no one picked it up, apart from probably myself, and wrote an email saying, 'Look, do you realize what you put in here,' and it was kind of 'oops' moment.

But that's just a small microcosm of a longer term focus on ideas and policies and then trying to put them into action. And I think that is an issue. And you need a level of creative thinking and flexibility to work out - take one example, 'There is a housing crisis. We need to tackle issues around affordable housing. These are some of the ideas that have been floated here, there and everywhere. How are we going to put that together into a coherent program of action that Government can take, which is then defendable in the courts and in the court of public opinion?' And I think there's a seriousness and a challenge there, not only for the governing party, but also for the opposition parties.

LW
The model of co-operation that you were involved with is novel.

DT
That's one word for it!

LW
Yes, its a good Civil Service. One of a number of models of co-operation we've tried over 25 years. What were your reflections of how successful it was as a model?

DT
Well, I think it's for others to judge how successful or not it was because I was there in the middle of it.

LW
But how easy was it to make it work?

DT
I think, by and large, it was relatively easy because ministers on both sides - the ministers and the two designated members—for the most part, had shared principles when coming to tackle an issue. So, on the Plaid side, Cefin Campbell and Sian Gwenllian were there, and then Jane Hutt and Mark Drakeford were key in shaping the Co-operation Agreement on the Labour side, but then also a large number of ministers worked with the Plaid designated members to make things work.

I think on the whole, it worked well, if not very well. And this is just a personal reflection from the inside if you like. There's an interesting one which I kind of reflect on that, at times, the ministers who had the strongest ideas were at times, the more difficult to work with, if you like. And that's not a criticism. But if you had a minister who had a very clear idea of what they wanted to do, which wasn't necessarily aligned with what was in the Co-operation Agreement, then negotiating that was somewhat more difficult than a minister who agreed in principle was quite happy for the Co-operation Agreement detail to be worked on by civil servants and a team of special advisers, and more or less, as long as that process had been gone through, they'd sign off what would come from it. Whereas some ministers had far clearer ideas of exactly what they wanted to do, and it didn't involve this.

So I think for the most part, it worked very well, but a lot of that comes down to a shared set of principles and policies where you could argue about a particular part of the program, or a particular line, or a particular subset of the policy proposal, but overall, there was a confluence of principles and policies that meant it worked pretty well. And I don't know if you've spoken to ministers or special advisers from the Labour side about the co-operation, but I'd hope they'd say something pretty similar about the progress made. I mean, there were difficult discussions at times, but hell I'm sure there are difficult discussions between ministers of the same party.

LW
Yeah, well I was part of it obviously. In some areas it was very smooth; in some areas, it was much more difficult. How did you feel the Civil Service responded? Having been put in quite a difficult situation, I suppose.

DT
I'd say two things there. I think, firstly, the establishment of a small Civil Service Co-operation Unit Team was crucial, and the experience of that team was crucial. There was a Director and a Head of Co-operation team, both of whom were exemplary civil servants who knew the system and could help to get things working. So, I think that was important.

I think generally in government, the impression I got was that people were unsure about what this new arrangement would work like, and therefore they were they were cautious about engagement - not unreasonably, I mean, it was a new, novel arrangement. And at times that could - maybe what I'm saying is a bit too harsh - that it could hinder progress. But there is maybe something around there that is something to consider anyway.

I think the Civil Service, for the most part, worked hard to make it work. And I think for the most part, there was a real desire to see that programme delivered, which happened.

LW
And if something similar were to happen after another election, what would be the main learning point that you take away on how it should be done differently?

DT
And this isn't a view on the Co-operation Agreement, because I think there were a specific set of circumstances that led to the Co-operation Agreement, but I've long taken the view - and as you know, many years ago, I was Chief Executive of Plaid Cymru when the first Labour / Plaid ['One Wales'] coalition was agreed—I've long taken the view that if you are going to be in government, you should be in government, not sort of halfway in / halfway out. I mean, there are circumstances where halfway in and halfway out has to happen, and that may arise again, that's not to say you should never do that.

But I think the optimum solution is if there's a need for a coalition, or an arrangement between parties, the optimum solution is where you have a fully fledged coalition with government ministers from whichever parties form from the majority of that government.

… some of the wording around the Sustainable Farming Scheme could have been understood in about three or four different ways…

LW
The key tenet of making the arrangement work was the Co-operation Agreement itself. Once Plaid are in government, and have those designated members and have a text to work from, how much pressure are those designated members then under, from their own party, to sort of, to 'develop' the deal, if you like, to add things to it, to change it, to emphasise different aspects - how much freedom are they given to get on and deliver?

DT
I was there towards the end of the agreement, so I think what I was observing was some of the things that were more tricky to be delivered. And I think by that point, we were down to a list of things where there were some challenges. And therefore, there was - it wasn't necessarily about adding things to what was in the agreement - but it was delivering what had already been agreed.

Now, one of the challenges is that if two people write down on paper what they've agreed, people may perceive those agreements in a slightly different way. I'm sure that was part of the challenge. I mean it's been rehearsed in the press, some of the wording around the Sustainable Farming Scheme could have been understood in about three or four different ways, and that ambiguity wasn't, I think, helpful either to the government or to the designated members.

LW
I suppose it's helpful to get it over the line but not helpful when you have to implement it?

DT
Yeah once you have a problem - and in that case, again, there's nothing that hasn't been reversed in the press there, there was clearly a disagreement between Plaid Cymru and the Labour Party over aspects of the SFS - once that had arisen, the ambiguity in the wording wasn't helpful at all.

LW
You mentioned earlier on, the question of scrutiny - media, civil society, Senedd - having had the experience of being inside, how effective do you think those external forces are shaping what government does?

DT
I think it's been rehearsed widely for some time - were there a broader based media and a broader based civil society, were there a Welsh media to speak of, and were there a broader range of civil society organisations operating with a large capacity in Wales, I think that would help enormously.

Because of some of the projects I was working on, there wasn't necessarily that many times when we bumped into what was going on in the Senedd that much. There were some very particular things, there was clearly the Senedd reform package, there were discussions around that, but, by and large that was progressed well.

I happen to think, and it's a personal view, that the scrutiny at an early stage of the Gender Quotas Bill provided some food for thought and

ways to move forward which could have been pursued further had the political will been there. So, I think in that case, scrutiny probably worked well in providing opportunities for government to consider what it was doing.

LW
So that's an example where scrutiny was good, but ministers didn't want to hear it?

DT
I think that's a bit harsh on ministers, Lee, but, but I think you could reach that conclusion. Of course, the decision to ditch the Bill was taken after the end of the Co-operation Agreement when there were a whole range of priorities faced with the government, and I suspect that was one bridge too far for them to take on before 2026.

Now, given everything we've said about the capacity of the Civil Service, and those challenges, then you may forgive government ministers for deciding that of the dozen things they wanted to do, they were going to focus on 10 of them.

LW
But the warning signs were there sooner, but there was, for whatever reason, a reluctance to confront them?

DT
Yeah, maybe, I think it's an interesting one. I do think generally that had there been - and we come back to our civil society - had there been a broader debate around some of the principles and themes, I think we might have been in a position where politicians would have been, would have felt, more confident that the public either was quite happy to acquiesce to the proposals, or that there was a significant chunk of the public that was in favour.

I was struck - I don't know how closely you follow polling commissioned by Reform UK? But I was struck by polling that they commissioned for their conference, which showed a small, albeit a small, but a small majority of the Welsh population in favour of the Senedd reform package, of increasing the number of members to the Senedd, a little surprising as a finding, shall we say.

But the case was made, and you don't necessarily need people to be running down the streets in celebration at Senedd reform, but at times, if you're doing the right thing, having a level of acquiescence from the population is a help.

LW
So just to come to an end, in terms of your overall reflections of the theme I'm looking at, 'What is it that people understand the least about the Welsh Government? What are the pressures ministers face to get things done?' What are your reflections and experience of working in government about the health of the Welsh Government as an institution?

DT
I was there for what, 15 months in total, and only for a limited amount of months right at the centre, and that was in a period of transition. So, with that caveat, I think there is work to be done to support a more innovative culture in the Civil Service.

I am not convinced we are in the place we need to be in terms of the Welsh Civil Service, or indeed the Welsh public service. My belief is a School of Government or a mechanism to develop that culture which is willing to maybe take some more risks. I mean, civil servants are risk averse by nature, but in order to get things done, you need to be able to willing to take calculated risks.

So, I think that is my concern and my worry about the state of Welsh public service. I think I would say that dotted around that public service, there are an enormous amount of really impressive public servants who, if given the opportunity and given the structure, could really thrive in a more independently minded Welsh Civil Service / Welsh public service.

As you know Lee, I tend towards optimism given the opportunity, I think there are significant opportunities there. And given the challenges we face in terms of politics and public policy over the next five years, it will lead us towards trying to be more innovative, and to think through some probably more radical solutions. And I think there are people there who would respond to that. I also think there are government ministers who are currently in the Cabinet, and who have been in the Cabinet, who would welcome that opportunity to move things forward faster too. So, I think so I'm glass half full person on that, rather than the glass half empty?

LW
Well, let me give you again a piece of glass half emptiness. Then just a challenge.

DT
I would expect nothing less.
[Laughter]

LW
Because you could argue, and some of the people I've spoken to have argued, that in some ways Whitehall or the Scottish Government are more nimble and able to respond quicker, with more imagination, than the Welsh Government Civil Service, who somehow have created in Wales a slower, more complex, more difficult environment to work in. So, it's not inevitable that were we to come up with a Welsh public service which has a degree of more autonomy, that this would be a more dynamic organisation?

DT
I think if you were moving towards a form of Welsh public service and training, then those values of innovation and nimbleness and agility would have to be baked into the system. I haven't worked in Scotland, I haven't worked at the UK level, but I have heard many people make the same point. So, if we are to move in that direction, it's got to be based on a set of values and a definitive move to a different culture. Because I think that is a challenge, and it is a challenge we have not yet addressed successfully.

Mark Drakeford

Mark Drakeford was First Minister of Wales between December 2018 and March 2024.

Professor of Social Policy and Applied Social Sciences at Cardiff University he became Welsh Government Special Adviser for health and social policy in 2000 and went on to become head of the First Minister Rhodri Morgan's political office before being elected to represent Cardiff West in 2011.

Between 2013 and 2018, Mark held the Health, Local Government and Finance portfolios as a Minister in the Welsh Government. And is serving again as Finance Minister in Eluned Morgan's Government.

He is an honorary distinguished professor at Cardiff University's Wales Governance Centre.

Interview 4th December 2024

LEE WATERS
So, I just wanted to understand the argument for continuing austerity freeze on headcount when Whitehall has, and Scotland have, expanded at quite a rate.

MARK DRAKEFORD
Well, I think there are a number of reasons. The first, most obvious, is that we're not comparing like with like. Scotland has taken on a whole new range of responsibilities in the welfare field that we don't have in Wales. And the Whitehall expansion is essentially driven by the disaster of Brexit and the enormous growth in the number of people that had to be employed to deal with every disaster that every stone you uncovered displayed; and, while we did make some modest temporary increase in staffing in the Welsh Government to deal with Brexit pressures here, we didn't face the same level of demand on us more generally.

When I first became the Finance Minister, we were already five years into austerity and the impact on all our public services was very apparent. Local government, particularly, was losing staff in large numbers and it became a principle for me very early on that, in an age of austerity, when you are having to ask other major public sector bodies to manage with less money, that you couldn't treat yourselves any more favourably than you were treating them. And I explored that principle with the then First Minister, Carwyn Jones, who agreed with it and I've continued with it the whole time that I've been able to.

I think it is simply a matter of fairness. It is always easy to persuade yourself that you are a special case; that, while everybody else has to manage with less, you can only manage with more. And I just felt that was an untenable argument to try to make in an era where, year after year, we were having to ask our colleagues, right across that vast range of things that the Welsh Government tries to fund, that while they were going to have to bear the burden of austerity, we were to insulate ourselves from it.

So it has had an impact, of course, on the Welsh Government and our capacity to do some of the things we would want to do, but that impact is no greater and probably a bit less than other organisations have had to cope with as well.

LW
When you plot the data and you see the graphs, once COVID and Brexit kicked in, there was an argument for taking a different view because of the extra pressures and yet we stuck with that same principle?

MD
I don't myself agree that COVID was a reason for changing that. I think COVID changed the way we worked and it placed an enormous stress and strain on certain parts of the Welsh Government, but I would not myself regard COVID as a reason for needing to increase the head count of the Welsh Government more say than the health service to deal with those impacts, or the way that local government shouldered the impact of COVID.

When I first became the Finance Minister, we were already five years into austerity and the impact on all our public services was very apparent.

… 25 years on from the start of devolution, my assessment of the Civil Service strengths is higher than it was when I first came through the door here in the year 2000.

Brexit is a different matter and we did, temporarily, because the funding we had from the UK Government was temporary funding - the consequential of their rise for Brexit-related purposes came to Wales and we did devote those resources to the Welsh Government. But I wasn't in a position to agree to make posts permanent for which there was only temporary funding. So, you will see that reflected in the figures and, as the temporary funding fades away, then I'm afraid you have to be able to cut your coat of coal into your cloth.

LW
There's the issue of headcount, then there's a separate issue of, ‘Are we using the resource we have to best effect?’ and, ‘Is the Civil Service sufficiently nimble in the way it operates to be to be efficient?’

MD
Well, I think, as you say, that's a very different question. I have huge respect for our colleagues in the Civil Service. I would say that, 25 years on from the start of devolution, my assessment of the Civil Service strengths is higher than it was when I first came through the door here in the year 2000.

The Welsh Civil Service has mirror images, strengths and challenges. The strengths are the people come and they stay, and they are enormously loyal, and they are enormously committed, and very often you are dealing with people who have worked in a particular area for an extended length of time, and the depth of their knowledge and their institutional memory are very important to you as a minister.

What we lack is the natural refresh you get, for example, in the Whitehall department, when you get a much bigger turnover of people. You get people who arrive, do a stint, move on to do something else, and that brings refreshment with it.

So I think our challenge is to get the strengths that come with the stability we have, while finding new ways of introducing the element of challenge and an element of new insights into the way that work can be done.

Now we have tried - I'm not saying we have succeeded - but we have tried to mobilise the idea of a single Welsh public service. So the challenge would come from people who have been in the Civil Service but gone to work in a university for a couple of years, gone to work in a health board, gone to work in local government, and come back with the new insights that they will have gained and the fresh ideas that they will bring with them.

I still think, myself, that we're too small a country to have siloed forms of public service, and they will be to the advantage, not just of the Welsh Government, but other bodies as well. If we had that more fluid way of people mapping out careers by moving between the different elements of public service in Wales and bringing the refresh mindset that would go with it.

LW

That's interesting, because we did have those deputy directors come in. Most of them haven't stayed. Or Owain Lloyd is an example of somebody who went out, came back in, and he said to me something I've heard from many others, that the ‘corporate centre’ is very frustrating to work with. And his line was, ‘They give you 99 reasons why you can't do something, rather than finding the one reason why you can.’ So, is this something about the culture we've created within the Welsh Government Civil Service that's particularly unhelpful?

MD

Well, there won't be a minister in the Welsh Government who hasn't been grateful at some point for Civil Service advice that told them not to do something because, you know, sometimes that is the right advice. However, all of us are frustrated when we work here by the ‘can't do culture,’ when what you want is for people to be able to mobilise ideas, resources, capacity to do the things you want to do.

We've all got stories of that sort. I'll offer you just my one - kind of the top of my mind as we're talking - in the run up to the 2021 election. I toured the whole of north Wales telling people that, if they voted for a Labour government, they were going to get a new National Park. It was prominent in all literature. I passionately believed in it. I said it everywhere. Election came in May and, early in June, I was due to make a visit to north Wales and I wanted to go to meet the people running the Area of Outstanding Natural Beauty which was to become a National Park; and I had a note from our Legal Services Department instructing me, and it read like an instruction rather than advice, that I was not to mention the fact that we were going to create a new National Park! Because somehow this would prejudice the process that you had to go through afterwards. And I remember saying, ‘There is no way at all that I am not going to be talking about something which I spent weeks on end talking about through the whole of north Wales.’

But it's that precautionary sense that creeps into any hierarchical bureaucracy - there will be that sort of seeping sense of ‘better not,’ ‘think carefully,’ ‘don't do.’

It’s politicians’ job, very often, to make sure that there are pressures in the opposite direction. We come with a democratic mandate. We come with the impetus that comes from having won an election. And you know, it's often our job to make sure that that inherent caution - which sometimes you're grateful for - doesn't overwhelm your ability to get things done.

Well, there won't be a minister in the Welsh Government who hasn't been grateful at some point for Civil Service advice that told them not to do something