



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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Today we publish the Welsh Government's first annual report on intergovernmental relations, for the period April 2019 to March 2020.

This report fulfils one of our commitments in the inter-institutional relations agreement between the Senedd and Welsh Government. I was pleased to enter into that agreement which I believe has enhanced the transparency and scrutiny of this work across Ministerial portfolios.

The report covers a turbulent time in our history, with profound consequences for all our futures. It reflects continuing challenges in engaging with the UK Government. It also points to the continued deepening of relationships with our British-Irish Council partners and the other devolved governments of the UK. This includes the very welcome restoration of the Northern Ireland Executive which has benefitted not only the people they serve, but Wales and the UK as a whole.

Our lives have changed dramatically since March, and this statement updates Members on developments since then. The experience of leading Wales through the coronavirus pandemic has confirmed that the analysis we set out in 'Reforming our Union' – published a year ago – is the right one.

We set out twenty propositions which we consider should underpin our constitutional arrangements and the reforms we believe are necessary. We called for a constitutional convention to consider these matters further. The need to make progress on these reforms has grown during the pandemic.

It is telling that throughout the crisis the Joint Ministerial Committee structures have not been used. This is a clear sign that they are not fit for purpose. Engagement has been ad hoc and unpredictable.

During the recent period, the separation between the wide ranging powers and responsibilities we have in respect of public health and public services on the one hand, and the UK Government's responsibilities for justice on the other, continues to display all the disadvantages highlighted in the Thomas Commission report published last year.

We have created criminal offences to protect public health, but they are enforced by police forces and courts which are under the control of the UK Government. The UK Government has had to make decisions about how to tackle the challenges the pandemic has created for prisons. Yet we are responsible for key services delivered to prisoners and to people released from prison.

I pay tribute to the public servants employed by both governments, and our partners. They have worked extremely hard to ensure that our citizens and businesses are not disadvantaged by that jagged edge in the devolution settlement. Our constitution could make it so much easier, if justice was devolved to Wales as it is to Scotland and to Northern Ireland.

We continue to work for a more effective devolution settlement for Wales, within a strong Union. Covid-19 has raised awareness of the respective responsibilities of the UK Government and the Welsh Government. It has shown that Wales can, and should continue to, benefit from the decisions made by our devolved institutions, based on our circumstances, as well as wider measures across the UK. The association of nations in which we have been able to share risk and reward in these unprecedented times has also been to our advantage.

To secure those advantages for the future we need radical reform of the UK, making it authentically a voluntary association of nations where sovereignty is held by each nation and then pooled for common purposes.

Unfortunately, relations with the UK Government are not as we would wish them to be. Sometimes carelessly, and sometimes deliberately, in its desire to centralise power and remove obstacles in all branches of government to exercising that power, the UK Government is undermining devolution. The constitutional settlement that has been supported by the people of Wales in two referendums is under serious threat.

Meanwhile, we are making some progress on the joint Intergovernmental Relations Review. It is essential that the Review is brought to a conclusion and practical proposals for reform set in train.

Our proposals for joint intergovernmental working include a series of regular and predictable meetings at head of government, portfolio Minister and official levels, to consider the UK response to the pandemic. This means co-ordinating decision-making and communications so that the public understand what rules apply to them and why some restrictions are the same across the UK and some are different. We need dialogue with the Prime Minister on why the freedom of movement of people from England is more important, in his view, than the protection of people in Wales from the virus. We should be working together, and with stakeholders, to protect those living in and near the Penally camp. We should be fully

involved in developing the Prime Minister's Integrated Review of Security, Defence, Development and Foreign Policy. That review is vital to our international relationships, as well as our marine economy, exporters and other business sectors, and the resilience of our public services and communities. We should be having a mature conversation about our proposals, allowed for in the Government of Wales Act 2006, for the Senedd to have the option of using taxation to help bring vacant land into productive use.

We should be working together to make sure that the work we have done with our stakeholders is reflected in the UK position for negotiations with the EU. One that is truly representative of Wales's interests – strengthened by our input – but still respects the UK Government's responsibility for the negotiation itself. Equally, we should be sharing all the necessary information to make sure that we can help our stakeholders, as well as the UK Government, prepare for the end of the Transition Period.

We should not be faced with the UK Internal Market Bill, which is unnecessary and represents an assault on devolution. Instead we should be working together rapidly on Common Frameworks to provide businesses and citizens with clarity on what goods and services can be sold in Wales and elsewhere in the UK, on how a professional qualification in one part of the UK should be recognised in another, on a jointly agreed regime for controlling state subsidies, and on joint proposals, co-designed with our public, private and third sector partners, for the Shared Prosperity Fund, to ensure investment reaches those communities with greatest need. Decisions on these matters should be made in Wales not in Whitehall.

Conclusion

Crises require flexibility and inventiveness. Engagement across the UK has not been reliable or regular enough, and has exposed the weakness in the inter-governmental arrangements which are intended to sustain a devolved Union. But it is important to recognise that there have been notable examples of working together. There have been 17 meetings of COBR (M) attended by Ministers of the devolved governments. The Chancellor of the Duchy of Lancaster has convened ad hoc four nations meetings to share experience and insights on the response to the pandemic, and there have been more frequent meetings of the four UK Health Ministers.

This recent engagement has demonstrated the potential for collaboration and co-ordination, but at the same time has served to underline how much more effective such engagement could be, with proper planning and preparation as part of the reformed inter-governmental structure we are seeking.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.