I was Permanent Secretary to the Welsh Assembly Government from May 2008 to August 2012. I was a new entrant to the Civil Service having spent most of my career in health. The views expressed are my own and I cannot comment on developments in Wales since my retirement. I am sorry that it has proved impossible to find a date to discuss these issues in person.

1. **How important is it that the different Governments across Great Britain are served by a single Home Civil Service?**

A skilled Civil Service could make either integrated or separate services work for the good of the Union and the Devolved Administration (DA). There are however significant advantages, with our complex devolution settlements, to have civil servants who share a unifying ethos, common skills and standards and know each other. This helps joint working on shared and non-devolved issues and allows problems and disagreements to be resolved.

- **To what extent is that Civil Service genuinely still a unified service?**

The UK Civil Service felt unified during my initial tenure. Lord O'Donnell worked hard to ensure that there was coherent leadership on UK and shared issues whilst respecting the development of differing policies in fully devolved areas. The Wednesday morning meeting allowed briefing, debate and discussion between the Permanent Secretaries and allowed joint solutions to be developed, particularly with respect of the development of the Service. Initiatives such as the ‘top 200’ pulled together senior Civil Servants from all the administrations and facilitated shared discussion and debate. When the National School of Government existed it provided a focus for more junior people and helped maintain the shared ethos and standards. Although Wales was a small user of the School, I share Sir John Elvidge’s regret about its demise as it removes a place where Civil Servants from all departments and DAs learn and develop together. This type of opportunity is a strong binding force that has now been lost.

Maintaining common approaches became harder with changes in Governments and with increased discussions about potential Scottish Independence. I sensed some concern about whether senior Civil Servants could maintain confidentiality where UK interests might differ from those of the DAs. At one level I understand this but it made the concept of a unified civil service more complex to manage. The Civil Service code is, as yet, blind to these issues. Civil servants are independent, impartial and work with integrity and I am not aware of any situation where confidentiality was breached.

Later the mechanisms were changed to bring more managerial focus through smaller sub-committees. With concern about potential independence the default was to regard Scotland as the most significant DA and to assume that, if someone from Scotland was involved then that individual could represent the views of all three DAs. My argument was and remains that one DA cannot speak for the others in view of the asymmetric devolution settlements and the differing political environments. Whilst the DAs are small players within the overall Home Civil Service their Constitutional position is...
different to that of a Whitehall Department. For example in Wales the First Minister is Minister for the Civil Service and can take a different view to the UK Minister.

2. **To what extent should officials working in the Scottish and Welsh administrations serve the UK as a whole, rather the devolved administrations?**

There is not a simple answer to this question. There are three areas of work in Wales:

**Fully devolved** - here policy and implementation is entirely the responsibility of Welsh Ministers serving the Crown. This is the majority of day to day work and Civil servants have no formal responsibility to the UK government. They must behave as laid out by the Civil Service Code and in the accounting officer standards. It is unlikely that exercise of devolved functions could damage UK interests although different approaches might be politically uncomfortable.

**Not devolved** - in these areas civil servants may or may not be involved in delivering UK policy in partnership with Whitehall Departments. This is relatively simple where there is no political conflict but can be more challenging where there are differing interests or policies. In the former it is simple for Civil Servants to serve the UK interest whilst still being directed by Welsh Ministers. Examples would be the excellent work on security issues or on joint planning for disasters. Where there is conflict it is more difficult and Civil Servants must navigate in some difficult territory to deliver the UK agenda without losing the trust of Ministers in Wales. A real example would be the very different views held by the UK and Welsh Governments on the best approach to welfare and work. Civil Servants were able to help Ministers make a case for a different approach in Wales but were also able to work with DWP officials to deliver UK policy when that case was rejected.

**Shared areas** – these cause most tension. Differing political parties in power lead to more inherent policy conflicts for which both Governments have an electoral mandate. Where there is common purpose, Civil Servants can deliver both for the DA and for the UK. Often however there is a need to ensure that differing policies can dovetail together to make a coherent whole. This requires negotiation and flexibility at both ends of the M4. It can be challenging as the default in London is that the UK position trumps the DA position despite the parallel mandates and even though delivery mechanisms may differ significantly. In other areas the positions adopted are irreconcilable. An example is around the business agenda. UK Ministers have the objective of getting more investment into the UK including Wales. For Welsh Ministers the priority is getting this investment into Wales. A UK wide perspective is not achievable other than that at a ‘if it doesn’t come here we will be happy to see it in...’ level. Officials in Wales will fight for the investment whilst at a UK level there will be other technical and political considerations.

- **To what extent are civil servants still exchanged between the different administrations in the UK?**

Exchanges and secondments were common in my day, for example the Welsh Office had many WG secondments. This did not cause any difficulties with confidentiality. Individuals were also seconded to other Whitehall departments. In general however it was more difficult to get secondees from Whitehall to Wales. We were more successful in appointing individuals from Whitehall to posts in Wales although many of these
people had links to Wales and wanted to move back. Some of these people brought expertise in areas that were harder to develop in Wales. For example we had very good experiences of bringing people with Treasury experience into Wales.

3. **What changes will be needed for the UK Government and the devolved administrations to ensure that the increasing ‘shared rule’ elements of devolution are handled effectively?**

I think this is a matter of mutual understanding and respect together with strengthened inter-governmental mechanisms. Whitehall Civil Servants must understand the asymmetric nature of the Devolution settlements when they are working on areas of shared responsibility whilst Welsh Civil Servants need to understand Whitehall mechanisms. There was a tendency to assume that Wales was the same as Scotland. I also felt that there was an implicit belief that Civil Servants in Wales were weaker and, on occasion, mutual respect could be hard to find. Shared professional development and exchanges can help here. In my time there was also a tendency to regard the DAs in general as the junior partners rather than as equals tackling a shared agenda. Whilst this was sometimes correct, on other issues it was not and could lead to unnecessary friction. Behaviours are very important in ensuring effective delivery and DA officials must feel that their views are taken on board and valued. In other sectors there would be more use of true joint teams for big changes but these would need a clear and unambiguous political mandate from both UK and Welsh Ministers to work effectively and this could be difficult in many policy areas.

4. **Has the asymmetry of powers between the nations of the UK caused problems for managing the relationships between the four governments of the UK?**

Yes. UK Ministers and officials have to understand three very different settlements both in scope and in local delivery mechanisms. With the focus on Scotland there was sometimes an assumption that if something worked for Scotland it would be acceptable and would work for Wales even though the devolved powers differed.

5. **Is there merit in a Statute or Charter of the Union, setting out in statutory form the principles underlying the UK’s territorial constitution and the relationships between the four governments?**

The devolution settlements are changing and developing; in international terms they are still very young. Allowing arrangements to develop whilst learning what leads to successful outcomes has been beneficial. Many of the things that lead to good relationships are practical rather than constitutional. At some point codifying the principles will be helpful. The more practical aspects could be documented for officials.

6. **What are the most important features of the Union to Wales?**

The Union represents shared history, culture and values that remain important to the majority of the population. I think this transcends most of the political features.

   - Why do you think that secession from the UK has not gained the level of popular support in Wales as it has in Scotland?
Wales has always been much more integrated with England than Scotland. The border is much more permeable and is close to significant centres of population. Many people cross it daily for work, shopping or to obtain services. The geography has driven a transport network which is more developed west/east than north/south. It is easier and quicker to get from North Wales to Liverpool than from North Wales to Cardiff. Current policies are delivering better north/south links. There is also less history of separate institutions as seen in Scotland. The 1997 referendum was very close with only 50.3% of voters in favour of establishing a Welsh Assembly. The 2011 referendum on giving the Assembly powers to make primary law was supported by 63%. Only Monmouthshire had a majority (50.64%) against these increased powers. This seems to be a significant increase in support for devolution. What is unclear is whether this will, over time, lead to more support for independence as citizens become used to seeing decisions made locally.

7. What could be done now to clarify to the Welsh people the respective roles of the UK and Welsh Governments?

I think there is a great lack of clarity about the roles. I am not convinced however that the majority of people are that interested. They want good public services delivered locally and many are not interested in which Government is accountable. It would take tremendous effort to increase the level of knowledge. This is a UK-wide position as only a minority understands or is interested in the workings of Government. Explanations that help people get the best from services will probably be the most effective way forward. Personally I believe that understanding how Government works should be an important part of the school curriculum but I recognise my interests make me biased.

8. What should be the respective roles of the two Governments in doing this?

Any initiative should be made jointly to ensure that common language is used to deliver clear and simple messages. If this is not the case then there is the potential for misunderstanding s being accentuated by different language and emphasis.

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