

Derek Jones CB
Ysgrifennydd Parhaol
Permanent Secretary



Llywodraeth Cymru
Welsh Government

Darren Millar AM
Chair - Public Account Committee
National Assembly for Wales
Cardiff Bay
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Dear Darren,

You will recall that there was interest from several members at the PAC meeting earlier this week about the convention on Ministerial access to the papers of former Ministers. I thought it would be helpful for the Committee if I set out, for the avoidance of doubt, what arrangements are in place.

It is a long established UK Government convention that Ministers of the current Administration may not generally see documents of a former Administration of a different political party. The convention exists in order to provide a degree of privacy to previous Ministers.

The convention also applies within the Welsh Government, but with modification so as to take account of the existence from time to time of coalition governments here – unlike Westminster where until now coalitions have been rare. This means that the convention is applied when Ministers change and a new Minister is of a different political party to their predecessor. Predecessor means the Minister who previously had responsibility for policy which is now with the new Minister. Contrary to the impression which we gave the Committee at the time, for which I apologise, application of the convention is not in fact dependent on a change of Administration (ie the establishment of a new Government following an Assembly election). Rather, it applies whenever there are Ministerial changes resulting in Ministers being replaced by others from a different political party.

Of course Ministers serving in a coalition administration would normally see papers submitted to other Ministers regardless of party, as part of collective Cabinet responsibility.

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The general principle is that new Ministers should not be shown, by access to documents, what advice was given to their predecessors from a different political party or what those Ministers said in response to that advice. Therefore, no submissions or briefings put forward to those previous Ministers should be made available to the new Ministers.

The convention covers documents dealt with by Ministers and not everything held by the Welsh Government. These documents are defined as:

- recorded information which has been prepared for and sent to a Minister, or was prepared by - or explicitly on behalf of - a Minister;
- matters particular to individual former Ministers (e.g. their expenses and diaries); or
- information relating to high profile events and issues which are still of widespread and significant interest.

It is not always obvious whether or not a document is a Ministerial document as defined by the bullets above and so sometimes civil servants have to apply judgement in deciding whether a document is caught by the convention.

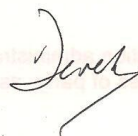
An exception to the withholding of those documents defined by the bullets above is where the documents are already in the public domain (either through formal publication or through being issued without restriction outside the Welsh Government).

We recognise that there is a need to reconcile the general principle of withholding access to previous Ministerial documents with practical considerations including, where appropriate, facilitating the continuity of policy. So, where it is necessary to advise Ministers about work undertaken or decisions made by previous Ministers from a different political party, but providing copies of earlier documents is not appropriate, civil servants may consider what information from that earlier documentation should be supplied.

It is appropriate for civil servants to brief Ministers by providing them with a summary of what was at issue, and the action taken, without giving them access to the actual papers. Extracting facts and figures from the earlier documents and presenting them afresh is an appropriate part of this process.

The convention on access to documents of previous Ministers from a different political party by current Ministers also applies to their Special Advisers.

Yours sincerely,



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