

**Response by the First Minister of Wales to the Regulation 28 Report to Prevent Future Deaths issued by the Senior Coroner for North Wales (East and Central), John Gittins, on 11 July 2019**

1. As outlined in the written and oral evidence which you received as part of your investigation, and in accordance with Section 48 of the Government of Wales Act 2006, it has been the practice in successive Welsh Governments when reshuffles are conducted, or where Ministers are leaving the Cabinet in other circumstances, to follow a similar approach to other governments in the UK. There has been a recognition that the First Minister, with the approval of Her Majesty, has sole authority as to who serves in their Cabinet and that reshuffles are carried out periodically, always at short notice, and are sui generis in nature. The process for appointing and dismissing Ministers has been entirely a matter for the First Minister. I would not wish you to interpret my response here as being critical of the way in which any of my predecessors have conducted their reshuffles, as they were following accepted practice and acting within the established framework.

2. Nevertheless I recognise that the circumstances surrounding the tragic death of Carl Sargeant, and the specific concern which you outlined to me in your Report, mean that as First Minister I have had a responsibility to look again at the process for Ministers leaving the Cabinet and to consider what changes should be made.

3. To assist my thinking, I have consulted all current Ministers in my Cabinet as well as those former Ministers who are still Assembly Members. I have also consulted the family of the late Carl Sargeant and sought to incorporate the views they were able to provide at that stage. The Permanent Secretary on my behalf has contacted the Assembly Commission since it is the Commission, rather than the Welsh Government, which manages the arrangements for making support available to Assembly Members, including Ministers. My response here is informed by all of the replies that I received.

4. I think that it is important that I should signal very clearly that as First Minister I regard myself as having a responsibility to help promote and safeguard the wellbeing of my Cabinet colleagues throughout the period of their time in Government, from first joining the Cabinet through to their departure from office. I hope that in practice I have acted with this responsibility in mind since I became First Minister. You will recall from my earlier evidence to you that when I formed my Cabinet, on becoming First Minister, I was careful to ensure that those affected were aware of the support services available. I will now take steps formally to acknowledge and codify this responsibility. I will do so by adding a new section to the Ministerial Code for the Welsh Government. The Ministerial Code sets out the standards of constitutional and personal conduct expected of Ministers and the existing Code can be viewed here: <https://gov.wales/ministerial-code>. Other governments in the UK have very similar Codes.

5. The new Section to the Code will be called “Ministers and their Wellbeing” and I annex to this letter the text I intend to include in this Section. I believe that making this responsibility an obligation upon myself under the Code will provide an explicit and public recognition of the pressures that Ministers can face and a commitment to support them personally.

6. Subject to your views, and those of the Chief Coroner, it would be my intention to make this change to the Ministerial Code immediately. While the content of the Ministerial Code is a matter for the First Minister of the day, I would hope that my successors would similarly recognise the importance of ensuring the wellbeing of Ministers, and that by adding this section in the light of your findings it should become a permanent element in this and any future Code.

7. There are a number of practical steps which I also intend to implement immediately in order to give effect to this new section of the Ministerial Code.

8. I will develop and adopt a protocol for the appointment and dismissal of Ministers. I recognise the need to take into account the effect which there might be upon an individual by their being removed from government, to take particular account of the circumstances, and to try to ensure that reshuffles are conducted with due sensitivity of the impact upon individuals. In any future reshuffle that I might conduct, I will ensure that it is framed in a way that recognises the public service rendered by departing Ministers. I will ensure that the wellbeing of the Minister or Ministers involved is taken into account as part of planning and preparation for reshuffles, including a recognition that individuals may react in different ways on being asked to leave office.

9. Particular care will be taken to consider the wellbeing of a departing Minister if the circumstances of their departure are difficult and high-profile, such as an alleged breach of the Ministerial Code. I see the Chief Whip of my Government as having an important role to play in this process, and the Chief Whip will make contact with the individual following their departure to see if any further assistance of any kind would be appropriate.

10. As part of the protocol there will be a standardised pack of information for Ministers who are departing from Government. This will include a reminder of the support services available to them in their capacity as an Assembly Member, and will also give them details of a named official in my Cabinet Division who will act as their liaison point for any practical queries or issues in relation to their departure, including to ensure the orderly completion of any outstanding matters – collection of belongings, return of papers, for example – which remain to be transacted. It will also remind them of assistance which could be available to them, through their own Assembly Member office or trade union, for dealing with any immediate press or media issues which may arise as a result of their departure.

11. You will be aware from the proceedings of the Inquest of the support services available to all Members, including Ministers, from the Assembly Commission. This includes access to an Occupational Health Nurse and an Employee Assistance Programme which provides a confidential 24-hour helpline providing emotional and practical support for issues at home or work. As well as reminding departing Ministers of the availability of this service, I will ensure that Ministers remain aware of it throughout their tenure. The Welsh Government also has its own Employee Assistance Programme, which has been made available to serving Ministers, and in relation to which enhancements to the support available are currently being procured. Specifically these arrangements will offer access to Occupational Health (OH) support and Cognitive Behavioural Therapy.

12. The Assembly Commission has told me that it is currently renewing contracts for occupational health services which provides a timely opportunity to enhance provision for counselling, and I have asked that the new contracts should include provision for a more proactive role to be played by a professional counsellor where that would be appropriate and necessary. I have also asked that staff who support Ministers can work with Commission staff to ensure that the particular circumstances of Members who have left the Government are taken fully into account.

13. An induction programme for new Ministers is being developed, and as part of that I will ensure that the programme includes advice on managing a challenging workload and dealing with the pressures of ministerial responsibilities, alongside wider constituency duties and personal circumstances. It will also include giving new Ministers the opportunity to be linked to an experienced Minister who will be able to offer informal support and guidance at the outset.

14. The Permanent Secretary will ensure that Private Secretaries who work with Ministers on a daily basis are given training in how they can best support their Ministers in dealing with the pressures of the job, how they may be able to identify early signs of excessive stress developing, and actions they should take as a result.

15. While I certainly would not wish to intrude upon the privacy of any of my Ministerial colleagues, the point has also been made to me in my consultations that it might be helpful for new Ministers to have an opportunity to indicate, in a very confidential setting, any particular pressures upon them, or conditions which might have the potential to impact upon their wellbeing while they are Ministers. Under the current arrangements Ministers are expected to declare to the Permanent Secretary, soon after taking office, their relevant financial and other interests. I will introduce arrangements for them to have the opportunity at the same time to draw attention on a confidential basis to any circumstances or conditions of which they may wish to make the Permanent Secretary and myself aware.

16. You might also wish to be aware that your Report has prompted us to review more widely the access to support services which we provide at the moment. While Ministers and civil servants of the Welsh Government do have such access, it has not been our practice in the past to offer this to our public appointees. But we cannot rule out the circumstances which you outline in your Report being replicated with an individual appointed by the Welsh Government. We are expanding access to the support services available to cover our public appointees as well.

**Rt Hon Mark Drakeford AM, First Minister of Wales, 5 September 2019**

## **New Section to be added to the Welsh Government Ministerial Code Ministers and their Wellbeing**

The statutory powers of a First Minister to appoint and remove Ministers from office are derived from Section 48 of the Government of Wales Act 2006. These powers are wide and unfettered.

The First Minister recognises that at times the personal pressures upon Ministers can be considerable. Most of the time these pressures, which are not unique to Ministerial responsibilities, will be accommodated by Ministers as part of the resilience required to undertake the role. But the First Minister will have regard to the wellbeing of Ministers and will ensure that there are adequate arrangements in place to provide Ministers with support where necessary if they wish to avail themselves of it; and that these arrangements are drawn to the attention of Ministers on a regular basis.

In particular, the First Minister will ensure that the wellbeing of the Minister or Ministers involved is fully taken into account as part of planning and preparation for reshuffles or other circumstances in which Ministers may depart from Government. This will include ensuring that the Ministers at the time are aware of the support services which are available to them to access. This will be the case particularly where departure is taking place in circumstances which may attract significant media interest. The First Minister will endeavour to ensure that outgoing Ministers are provided with appropriate channels of support.

The First Minister will ensure that information surrounding any reshuffle is kept to as tight a cohort of individuals as the First Minister thinks possible.