



Public Administration and Constitutional Affairs Committee

Oral evidence: [Devolution Capability in Whitehall, HC 200](#)

Tuesday 16 April 2024

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Members present: Mr David Jones (Chair); Ronnie Cowan; John McDonnell; Damien Moore; Tom Randall; Lloyd Russell-Moyle.

Questions 107-162

Witnesses

I: Jayne Brady, Head of the Northern Ireland Civil Service; John-Paul Marks, Permanent Secretary, Scottish Government; and Andrew Goodall, Permanent Secretary, Welsh Government.

Examination of witnesses

Witnesses: Jayne Brady, John-Paul Marks and Andrew Goodall gave evidence.

Chair: Welcome to this session of the Public Administration and Constitutional Affairs Committee, where we will be conducting an inquiry into devolution capability in Whitehall. We have three witnesses today and I would like to ask each of you to identify yourselves in turn. First of all, Jayne Brady. Jayne, could you just introduce yourself for the record, please?

Jayne Brady: I am the head of the Northern Ireland Civil Service.

Chair: Thank you, and Dr Goodall.

Andrew Goodall: Good afternoon. I am the Permanent Secretary for the Welsh Government.

Chair: And finally Mr Marks.

John-Paul Marks: Good afternoon. I am Permanent Secretary for the Scottish Government.

Q107 **Chair:** Once again, welcome all. As you know, this inquiry is into



HOUSE OF COMMONS

devolution capability in Whitehall. Could I ask each of you what you would regard as the characteristics of a Whitehall that is devolution-capable, and also how you would assess the current performance of Whitehall against those characteristics. Jayne Brady?

Jayne Brady: Thank you, Chair. I think the characteristics for engaging with Whitehall, from a devolved Administration perspective, encompass a number of key elements. Obviously, there is the constitutional element and Northern Ireland has a special position within that with its own constitution and the Belfast/Good Friday Agreement, but at the core of any engagement with devolved Administrations the principles of respect and understanding of those devolution settlements—of course those are reserved matters, the matters reserved for the UK Government and Whitehall, but those that are accepted and devolved to the institutions. Together it has an effect, of course, on the institutional structures, the departmental structures, the governance structures and more where the possibility lies.

Obviously, within a Northern Ireland context, we have a mandatory four-party coalition, which was established under the Belfast/Good Friday Agreement. So the political context is critically important, and indeed over my tenure in the civil service we have had about two years without an Executive, in my two and a half years' operation, and the role of the Northern Ireland Office with them has been critical in terms of delivering on that governance gap, making sure that services were continued within a budgetary context.

I would say, in terms of the operation of that, much of that is regarding the relationships and personalities that underlie those engagements. I would also say that with my colleagues across the DAs, with JP and with Andrew, who have been a tremendous support for me through this period, but also with those common learnings and the support of DAs and also my colleagues, not only in the NIO but in DLUHC as well as in Whitehall.

The principles that I would say underpin that good governance are early engagement, particularly in terms of policies or process and the discussions to understand the context of the Administration for Northern Ireland in our case, but also openness and transparency and building trust as those processes or programmes are developed, and also the good communications that must go with building that openness and trust, and obviously the flexibility in resolving the issues that there will be in the nature of devolved Administrations.

There are many structures in place to do that. There are the formal structures and intergovernmental reviews. There is the BIC, the British-Irish Council, of which I have attended all across these islands in my tenure. We have also just been party to the establishment of the East-West Council to put those formal structures in place, but there are also the informal structures and regular engagement with my colleagues in



HOUSE OF COMMONS

NIO, with my colleagues in DLUHC, and indeed my colleagues in the DAs. We meet every number of weeks in terms of engagement.

My view would be that it is a very positive and collaborative relationship, and in that regard it will be of no surprise to anyone that Northern Ireland has gone through quite a bit of transformation in the last couple of years in particular, following the EU exit and the Windsor Framework, and that has led to co-operation and engagement and the role of the UK Government in supporting the restoration of the Executive has been really critical and key.

I would also say, as a characteristic of the level of support that we have engaged with that, is our engagement at the devolution representation. I have also been able to sit on the panel for two DG appointments in Scotland, and also in Whitehall, in DLUHC. In addition, my colleagues in the DAs have also sat on Department panels for some of my Permanent Secretary cohort within Northern Ireland.

That gives an anecdotal representation of the strength of those relationships and the impact it has made both in an operational and a strategic context.

Q108 **Chair:** Thank you. Dr Goodall.

Andrew Goodall: I would call out four criteria that I think are useful to use and understand. First of all, to make sure that there is a strong understanding of the respective devolution settlements. I think that allows us to make sure we are able to embrace positive engagement and ensure that we are focused on getting things to happen together, although to some extent there will be very good experiences on that. That has been something that I have experienced in my 10 years sitting in the Welsh Government and it has continued to provide personal support in giving that insight alongside colleagues as well.

Secondly, just a regular rhythm of engagement and contact. That is absolutely true on the official side. While we need to rely on structures, I think structures are improved when we are also able to discharge them with confidence and with some of those relationships and networks in place, but certainly that rhythm of engagement is also a key requirement in terms of the ministerial oversight that happens. That is where some of the Intergovernmental Relations Framework is helpful to spell out some of those expectations.

Thirdly, just to make sure that when we are working our way through the range of areas that we are talking about in dealing with UK Government colleagues, and certainly, where we are on the boundaries of devolved and reserved responsibilities, to make sure that we are discharging our commitment. Again, I would say this is for Ministers as well as officials to use those mechanisms to best effect. That allows us to feel that we are able to manage that environment.



HOUSE OF COMMONS

The fourth criterion that I would share is about: we don't just turn up for a conversation when devolution is being discussed. I am part of the UK civil service team. I work alongside my other Permanent Second Secretary colleagues. I interact with JP and with Jayne on a very regular basis, but the same is true of other departmental Permanent Secretaries as well, so again we are able to discharge those arrangements.

In reverse order on those areas, I think we do the latter very well. I absolutely have felt since my arrival into post that I am properly part of those things alongside other colleagues and am really grateful for that support and the way in which we work in the civil service.

The way in which the mechanisms are discharged can be generally good at times but can be difficult in some of the dealings with individual Departments. We also need to make sure that we are actively working within those mechanisms ourselves. I think the rhythm of engagement and the contact can be difficult. We have seen that working really well at times and then we have seen it slip off. There are some really good examples of interministerial committees that do work with a regular beat, like the meeting between Finance Ministers, which I think has been probably the most successful in those areas.

On the understanding of devolution, despite the fact that we are 25 years into our devolved arrangements in Wales, I think we just need to continue to work to support colleagues in their understanding and, when we spot any areas of concern, to offer our support and understanding and vice versa. There are various mechanisms in place, which I am sure we can explore, that help us to achieve that.

Q109 Chair: You mentioned difficulties in dealing with individual Departments. What sort of difficulties do you have in mind?

Andrew Goodall: Sometimes there are Departments that have been maybe much more embedded alongside devolved responsibilities. While you may expect this to be at times a more difficult relationship, I do think that the way in which the Welsh Government have worked alongside DEFRA colleagues over the years has actually been a pretty effective network. We are able to share information, learn from others and bring together those reflections.

There are professional networks in the middle of those, the way in which the Chief Veterinary Officer works. As you may be aware, my own background is in the health context as NHS Wales Chief Executive and Director General, and there are really good and effective relationships in place there. However, there are some areas where perhaps the contact points have been more limited or can be good in some areas but have been trickier on others.

We have picked these types of issues up with Permanent Secretary colleagues and talked about it, but some of the ways in which asylum accommodation is worked through from a Home Office perspective can be



difficult, in the sense that when areas are being looked at in England there will tend to be a background departmental review of the expectation of the way in which people work together to put packages of support in place. Sometimes that works in a more difficult way when it is coming into a devolved Government environment, because the Welsh Government will have many of the responsibilities providing those aspects of support.

Just ensuring that there is earlier engagement, I think is probably more my request and what we are trying to focus on to ensure we are able to discharge those well, because we are able to provide the appropriate support when we have that very early and effective engagement.

Q110 **Chair:** Mr Marks.

John-Paul Marks: I will maybe just build a bit on Jayne and Andrew's contributions, which I agree with.

One place for the Committee to start, in asking what a devolution-confident approach would look like, is with the principles from the IGR review, because we recognise those as well defined. Andrew and Jayne have already summarised what "good" looks like—good constructive relations, mutual respect, a shared role in the governance of four nations, building and maintaining trust, effective comms, sharing information, confidentiality, promoting an understanding and accountability of intergovernmental activity and resolving disputes when they emerge. We think those principles of what good looks like are well defined through the IGR review and build on a lot on the findings from the Dunlop review as well.

As Jayne and Andrew say, we have a lot of good experiences where that does work very well. I would agree with Andrew's point in regard to FISC, the Finance Interministerial Standing Committee. That has met eight times so far under the IGR arrangements and for us in Scotland, for example, that bilateral relationship between our Deputy First Minister and Chief Secretary led to a revised fiscal framework for Scotland last year. That was very much underpinned by exceptional work between Treasury colleagues in Whitehall and my Exchequer team in Scotland.

A couple of additional points. I think interchange is an opportunity that we can continue to develop going forwards. For us in Scotland, we have at the minute around 24 fast streamers, and 45 in my team on UK civil service talent programmes and around 240 colleagues a year will move in between UK Government Departments and the Scottish Government and vice versa, so that is the level of churn.

Looking across my senior team, a number of my senior civil servants have been senior civil servants in UK Government Departments, so there is an established understanding of how the DWP, the FCDO, HMRC and other Departments work because colleagues have developed their careers there before moving to us, and vice versa, as well.



One final thing is—Andrew alludes to this—the point around 25 years into devolution to date, and what the future holds, is how we ensure that we are mainstreaming devolution capability in the way we do good governance. What I mean by that is, for example, if I look at something like green freeports or social security, my team is integrated with UK Government teams through shared governance with joint programmes to deliver optimal outcomes from my perspective in Scotland, recognising the mutual dependency we have on systems, on data and on services in communities. That works really well, for example, with HMRC, with DWP, with DEFRA—as Andrew alluded to—and others as well.

That integration, so that colleagues are used to working together day in and day out to effect and deliver to their respective Ministers, I think is the sort of confident way of working that I will continue to try to encourage here in Scotland.

Q111 Chair: Mr Marks, you briefly mentioned the Dunlop review. Could I ask you all how you would assess the changes in intergovernmental relations since the review? Ms Brady, would you like to start?

Jayne Brady: I have been in post for two and a half years, and I was an external appointment to the civil service, so I cannot give the broader context. But I would say the relationship has remained continued and solid in terms of those relationships that we have established through both DLUHC, through the Cabinet Office and through the NIO functions as well, to echo the comments made by colleagues earlier, in terms of the relationships with the formal structures that we have in place, but also those good relationships that have been built up through the pandemic and through the engagement from those many areas. In terms of the NIO, it has had a really critical role in the past number of years, with engagement with our Departments and looking towards the budget settlement and addressing the issues in regard to the governance gap that we have had in the absence of Ministers.

Q112 Chair: Mr Marks.

John-Paul Marks: As I alluded to, I think there is broad agreement that the Dunlop review, and the new structures and processes established following the separate IGR review, were all positive developments. The Scottish Government agree with the conclusion that it is important to have trust and transparency in the relationship between Governments, irrespective of the constitutional arrangements.

Ultimately, I think UK Government colleagues will comment on specific recommendations—senior Cabinet positions, new Cabinet Committee, UK-wide projects, Joint Ministerial Committee. I mentioned staff interchange. I think that has improved and continues to improve. I can take my personal experience: I spent just under 20 years working in UK Government Departments. I am now in my third year here. So I think there is a good intent to embed the welcome staff interchange.



HOUSE OF COMMONS

In the spirit of what could be improved to make further progress, referencing those IGR mechanisms and structures, I think the IMC, the FISC, and some of the other IMG structures—particularly around things like environment, food and rural affairs—meet pretty regularly. There is good, structured engagement, deep understanding and collaboration. For example, the Prime Minister and Heads of Devolved Governments Council—in the Dunlop review and then in the IGR review the view was that that would meet annually. It has met once so far since 2022. That is an opportunity, going forward, to bring senior principals and Ministers together on an annual basis to provide that focal point for shared endeavour, which works very well in the IMSC and the FISC.

The final point obviously—this is alluded to in previous evidence that you have considered, which I have read—is that Mr Gove, clearly, with his deep understanding of devolution, has played that pivotal role, and it explains the location of the United Kingdom Constitution Monitoring Group between the Cabinet Office and DLUHC. To an extent that has worked for us, but I can understand—going back to the Dunlop review—that is an open question for the future, which I am sure colleagues will continue to reflect on in terms of the optimal location to leverage across Governments co-ordination to support devolution across the four nations.

Q113 **Chair:** Dr Goodall.

Andrew Goodall: In response to JP's last point, I think that has created a regular contact and beat, recognising the location in DLUHC. I agree that its location and where things should be in the future is a wider conversation than just us, but I think that has given confidence with Ministers about that beat, including the First Minister of Wales, who has regularly been part of those arrangements as well. It has also helped us to form a relationship and liaison with colleagues at Permanent Secretary level and also at the director general level within DLUHC. I feel that has been an advantage and an improvement over the last couple of years in particular.

Just on your ask about general progress, it is probably important to call out that some of the practicalities of the machinery have actually been introduced because, while the Dunlop review put forward its recommendations, of course we have been reliant on the Intergovernmental Relations Framework to be put in place. While we have been using that machinery, of course that has been until recent weeks and months, with the absence of the Northern Ireland Executive, although officials, through Jayne, have still been able to engage in that—

The ongoing use of that is important, but, as one example of how things can shape up a bit differently in there, the secretariat arrangements, which again was one of the recommendations, have been put in place. The secretariat is led by a Welsh Government official. That was an appointment through an open competition. There were Scottish Government colleagues involved in it. There will be other Welsh representation coming around that table as well, so it does allow us to



start to show, through our own mechanisms here, that we are discharging those wider expectations for the way in which our liaison with other Departments should work as well, but we do need to allow the machinery to settle in and to ensure that we continue to use that.

I would endorse JP's comment. It was really good to have that first contact at the overall council, but I think Dunlop actually suggested twice a year. We have not seen that frequency come through yet and of course that would be more a matter of liaison with First Ministers and other representatives.

Chair: Thank you.

Q114 **Damien Moore:** Good afternoon, panel. I would like to talk about the role of individuals and how significant the attitudes of Ministers are in shaping how officials between Governments interact and, more importantly, how much notice they take of one another. Does Ms Brady want to answer that one first?

Jayne Brady: Obviously, my engagement has been predominantly with officials, as we had no Ministers in place. I attended, but obviously getting factual advice in terms of ministerial engagement.

I note that, in terms of reflections on the areas where there has been further discussion, it is a lack of awareness of perhaps the devolved structures within Northern Ireland and the role of myself as principal accounting officer and the departmental structures within the Northern Ireland Civil Service that are separate from the UK Government, rather than about personalities and relationships that they are in. I would say I have a very positive relationship with all my officials and colleagues who have leant into the process that we have been in throughout this aspect.

We engaged very substantively with the Northern Ireland Secretaries of State, and we have had a number during the last few years who have had to take a governance-level role within Northern Ireland setting the budget. Those have been very well engaged through the Northern Ireland Office. We do not have an interchange within the Northern Ireland Civil Service and the UK civil service in that we are separate legal entities, but we do have the availability of secondments.

But as a reflection of that interchange of understanding and knowledge, one of our Permanent Secretaries in the Northern Ireland Civil Service has recently taken up the role of Permanent Secretary to the Northern Ireland Office, so establishing those core links intrinsically and knowing the actual implications of the Northern Ireland constitutional framework, but also those personalities and those *[inaudible]* engagements.

Obviously, the Northern Ireland Office has a very significant political context in terms of the discussions that it has had with the restoration of the Executive. In my view, the formation of that knowledge is very important in terms of addressing the restoration, but also the good



running and effective governance and delivery of Northern Ireland as we go to set our programme for government and our budget going forward.

Q115 **Damien Moore:** Dr Goddall, please.

Andrew Goodall: Building on Jayne's comments, I said as one of my initial four criteria for how we would judge the success is that we need to be able to follow through on the commitment to the mechanisms. I have seen myself some difference in those mechanisms. I have already called out that I think that the financial liaison that has occurred does seem to be one of those committees that has shown really good outcomes in the buildup of the structures of relationships.

From our UK civil service perspective, we of course can expect and ensure that civil servants will liaise despite those mechanisms and have contact with each other, but inevitably the environment in which we discharge that can be affected by a commitment to some of the regularity of those meetings; perhaps some of the difficulties will likely emerge in there and we need to find a way of working those through.

What I would say is that, even in the most difficult examples at times and when we are handling areas around legislation and some of those issues that require legislative consents, not from the Welsh Government but actually from the Welsh Parliament, Senedd Cymru, we do find that where there has been an openness and a transparency in liaising on those matters, including legislation, and when we are able to work jointly on those policy initiatives or when we are able to land joint freeport arrangements—which means that there is a coproduction from UK Government Ministers alongside Welsh Government Ministers—we can make those things work very effectively as officials because we take that kind of direction and we are able to support the expectations of our Ministers together.

Q116 **Damien Moore:** Mr Marks.

John-Paul Marks: Ultimately leadership matters, doesn't it? Building those relationships and then creating that safe space for empowered teams to work together confidently is really important.

If I take an example, which I briefly alluded to earlier, in terms of the Fiscal Framework Review that we agreed last August with the Treasury, my Deputy First Minister, Shona Robison, said, "I am very grateful to the Chief Secretary to the Treasury for reaching this deal. It demonstrates an ability to work with the UK Government, to find pragmatic solutions and willingness to engage in a reasonable and genuinely collaborative way".

That happened because Ms Robison and the Chief Secretary, but also her predecessors—Mr Swinney, Ms Forbes and others—were having regular bilateral and multilateral engagements with Treasury colleagues, and that will happen around fiscal events, briefing on Barnett consequential, and changes in the fiscal position. The more effort that is put into building those personal relationships, I think the higher the level of trust, going



back to those IGR principles. But also, critically, that empowerment so that, when there is conflict and tension, there is also encouragement for civil servants to work to resolve those in the interests of respective Ministers. I do that pretty much on a daily basis, certainly on a weekly basis, with my colleagues across the four nations, and I think my Ministers appreciate that effort because they know it is an important part of achieving their goals.

Q117 Damien Moore: Moving on from that, do you think more should be done to embed the consideration of devolution earlier in the Whitehall policy process, and do you also think it is getting better? So, should more be done? Is it getting better? What is your overview of those? Ms Brady, if you want to go first again, please.

Jayne Brady: I think that to disperse any issues coming to the fore, early engagement is critically important. We engaged last year in devolution week. We provided a briefing on the Belfast/Good Friday Agreement and I think there is still a lack of awareness of the constitutional arrangement for Northern Ireland and the governance structure, which is fundamentally different from the role that JP and Andrew have within their devolution settlement in the very operational aspects, in that we are separate legal entities, in the lack of Cabinet responsibility, which is necessary as part of the mandatory coalition, our separate legal Departments and entities, and also the implications of what, within a Northern Ireland context, is central Government and local government.

If I take anecdotally, looking at the Shared Prosperity Fund for levelling up funds, much of those were based on the model for GB where, for example, housing authorities are entirely within an arm's length body of one of our Departments, and there isn't a devolved housing authority. Within our Departments of infrastructure, we have control of our transport, our rail and our bus network, and indeed our water systems. So, in terms of bidding for some of those projects, as part of levelling up and shared prosperity, it was not initially open to Departments to bid into those, even though that was the broader intent, as I understand, for those funds.

Obviously that engagement—those were architected with a basis of a different structure, and it may be that that was entirely unintentional but the early design of those was to be architected to reflect the overall scope of what that is being delivered into. Obviously our Ministers' view is that those funds that are replacing EU funding should have come through the Barnett formula, in terms of a consequential, and be delivered aligned with that policy intervention. I would say that some of the commissions that were developed as well were perhaps not reflective of the challenges that we have in Northern Ireland. Although many of our challenges of productivity and inactivity are the same, but perhaps our view within those wasn't accurately reflected.



The constitutional arrangements are one key aspect, but also where they align, in terms of local government and central Government, is very important and key. Through the Windsor Framework and the EU exit, we obviously need now to have very close relationships in terms of the implications of that, particularly in our Department of Agriculture, Environment and Rural Affairs. We are working closely with DEFRA, really positive relationships in terms of giving effect to that legal agreement, which is binding. I guess that is an example of early interaction, but actually it would require an enduring relationship as we continue to deliver on the implications of the Windsor Framework.

Q118 **Damien Moore:** Thank you. That was very useful. Dr Goodall, please.

Andrew Goodall: We are not at a standing start. We have obviously been building up contacts and interactions over many years, but we need to not be complacent on that. I came into Welsh Government back in 2014 and I recall that, in early 2015, even at that point I was involved in doing presentations and sessions for wider civil service staff on my insight and understanding of devolved government from a Welsh Government perspective and to share it.

A new devolution programme was introduced, which Philip Rycroft and we continue to use as the backcloth to these areas, and it has been very useful to continue. Among other contact points, we have developed that into a devolution learning week. It is really important that we give exposure and access to colleagues on a range of different points. We have been able to be part of panels describing how we liaise and work with each other, but, beyond these labelled events, it is really important to make it mainstream. In many respects, it is a daily experience of us doing business together, so when we participate in wider civil service developments—our civil service live sessions that occur right across the UK, for example, and how we liaise on those sorts of areas—it has been really important to show that, while I have of course been at the Cardiff event last year, I will be at the Newport event this year, to show that I am there alongside other senior civil servants, other Permanent Secretary colleagues and wider staff groups.

From a Wales perspective, in terms of understanding devolution, most of the civil servants in Wales are actually associated with other Departments. We have 6,000 staff, but many other Departments are located in Wales, discharging functions in Wales, and it is really important to bring together that network as well.

I do think some of the practical guidance that we have made available, so the devolution guidance, needs a bit of an upgrade probably to account for post-Covid, post-EU exit, where we have lived through some more extraordinary events perhaps. It has been gently updated recently, but I do think that some of the practical guidance that is on offer to general civil servants within our system, which prompts them to think about when they should be thinking of asking for expertise or using contact



HOUSE OF COMMONS

points or approaching devolved Administrations, there is actually some very good practical work there that can be picked up.

We don't just want this to be a conceptual conversation. Devolution is something that we are living and breathing every day and obviously, from the perspective of the three of us, devolution is something that we live every day because we are leading our respective organisations.

Q119 **Damien Moore:** Thank you very much for that. Mr Marks, please.

John-Paul Marks: To address the question: first, I think that early engagement is always helpful. Secondly, there are some good examples where it is improving. I alluded to some earlier, with regard to that integrated routine working together to deliver where we have that interdependency. Devolution and social security, income tax, green freeports and investment zones are good examples, and there are many others.

Having said that, it is also happening in a disrupted and quite regularly contested political environment. Just to bring that to life a bit more, my Cabinet Secretary for Constitution, External Affairs and Culture, Angus Robertson, wrote to the Scottish Affairs Committee in September 2023, setting out quite clearly the Scottish Government ministerial position with regard to that last point—is it improving? That ministerial perspective set out quite clearly that, outside of the European Union, the UK Internal Market Act—Jayne alluded to this with regards to the Shared Prosperity Fund, levelling up funds and also common frameworks—has created a different operating environment to devolution compared to what went before. You see that evidenced in the Sewel Convention and legislative consent.

Up to 2018, the Sewel Convention whereby the UK Government would not legislate without consent from devolved Governments in devolved areas, was always observed and there were no circumstances where that consent was not granted where the UK Government would legislate without consent. But since 2018 there have been 11 occasions where that convention has not been followed. To an extent that reflects the changing nature of the political context post Brexit, given the UK Internal Market Act.

I think that to improve further, we need to settle into that operating environment and make those common frameworks work really well. One of the best ways to do that is that early engagement and that clear common understanding of what we are seeking to achieve, so ultimately we can both respect the devolution settlement but also support interoperability in the UK where it is most necessary to do so.

Q120 **Ronnie Cowan:** We want to look at the responsibility for the Union and devolution. What do you think has been the impact of the UK Government moving responsibility for the Union and devolution from the Cabinet Office to the Department for Levelling up, Housing and



Communities? We will start with Mr Marks on that, please.

John-Paul Marks: I work very closely with DLUHC colleagues—Sarah Healey, the Permanent Secretary there, Brendan Threlfall, the Second Permanent Secretary—and genuinely hold them in very high regard. Clearly, Michael Gove, as Secretary of State, has a very deep understanding of both Scotland and devolution and is regularly a key principal Minister at the heart of the IGR engagements with Scottish Ministers.

I have not observed a downside to date from the move, but clearly one of the reasons—although I am not particularly party to this—the move works is because of the individuals involved and their deep experience. Jayne can talk, far better than I can, about the way in which that worked well with the Windsor Framework and that collaboration with Northern Ireland. Yes, I talk to DLUHC colleagues. We meet—Andrew, Jayne, Brendan and I—every fortnight and we can regularly escalate if we have an issue or concern, so that does work well.

I suppose ultimately the opportunity of being at the heart of Government in the Cabinet Office is that leverage with the Prime Minister, with No. 10, with CDL and across government rapidly. I suspect to an extent—given Michael Gove’s role in the UK Government—that is still enabled well, but it is something to continue to develop and keep an eye on, and I am sure Simon and the team will continue to keep it under review.

Q121 **Ronnie Cowan:** Mr Marks, you have mentioned Mr Gove a couple of times there, and obviously the good working relationship you have with the people in his Department, but what I am asking is: is that the right Department? If those were the same people working in the Cabinet Office, would you be saying the same thing? In the long term people will move on. Is DLUHC the right place to have this particular role?

John-Paul Marks: I don’t know that I have a definitive answer for you.

Ronnie Cowan: That is okay. You don’t have to have. That is fine.

John-Paul Marks: On the one hand, I do think there is a lot to be said for trying to mainstream devolution into business as usual, so it works as routine in the way in which we work with Government Departments; so that, if I am dealing with a fiscal event, I am working bilaterally with the Treasury, and if I am dealing with a common framework issue to do with single use plastics, my team are working directly with DEFRA.

The idea of it necessarily operating through a central function to then be co-ordinated, sometimes actually adds delay and risk. I want to build those integrated governance arrangements, and so mainstreaming is perhaps more important to me than where the unit sits. I agree there is a risk that the unit might lose its leverage and impacts if it is not kept under careful review with good senior leadership, but to date my view is that it has worked well.



Q122 **Ronnie Cowan:** Ms Brady, were you looking to come in there?

Jayne Brady: Yes. I guess my experience has been briefly, before it was devolved to DLUHC when Sue Gray was in post. Obviously Sue had a very significant knowledge of Northern Ireland, having been the Permanent Secretary of the Department of Finance, and then integrated the transfer between the Cabinet Office and DLUHC.

I would say it is about the people and the relationships, of which those have all been very strong, and I work closely with Sarah and was indeed asked to be on the appointing panel for a Second Permanent Secretary for DLUHC. The UK Government, the NIO and DLUHC have had a significant role in terms of the restoration of the Executive and, indeed, the governance in the absence of an Executive in the last couple of years. There have been representatives—obviously key individuals within DLUHC—leading some of those discussions and negotiations with representation from the No. 10 team and the Cabinet Office and, indeed, NIO.

In the pathway through that system there has been a collaborative effort to drive that forward. Indeed, Simon Case has also been engaged in terms of that process and he was supposed to be here last week to support those initiatives. Albeit Northern Ireland is the smallest DA, there has been the availability to actually reach that overall collective effort to support those areas and issues. I have not seen the restructuring as a core issue in itself, and the delivery function has been there to support it during that period as well.

Q123 **Ronnie Cowan:** The Committee has received strong criticism from the Northern Ireland Department of Finance regarding the performance of DLUHC. They say that the devolution capability remains a significant concern. They also say, though, that there has been some improvement with devolution capability within DLUHC, but it does not go far enough, and it does not appear that lessons are being learned or applied. Do you recognise that?

Jayne Brady: I think that refers to my comments that were made earlier and the correspondence, obviously, that the Department of Finance Minister has made in that regard. It calls out the understanding of the local government versus central Government position, in terms of administration of those funds and initially the structuring of those funds. It did not allow Departments to bid into them. That has now been opened up to the Department for Infrastructure and so that was—

Q124 **Ronnie Cowan:** I am going to come back to that in a minute, but maybe Mr Goodall will answer my initial question before I push on.

Andrew Goodall: I recognise, from both a perception and also in terms of the benefits, how that call for the central role around the Cabinet Office can really work. Obviously that was a very clear recommendation from Dunlop at the time. If you were offering me a binary choice between shifting to Cabinet Office oversight or securing departmental capability



HOUSE OF COMMONS

and an understanding of devolution, I think I would choose the departmental understanding. Because there is a danger of almost having a false assurance sometimes by some of those central co-ordinating roles, when what we are trying to do—hopefully, through our own evidence—is to find a way in which this is simply mainstreamed in respect of the understanding of how we interact across those devolved and reserved responsibilities.

In respect of the DLUHC experience, as other colleagues have said, we worked with the structures that are there. We found that very effective liaising with officials and working through. We have two different and potentially frustrating experiences, maybe, as we handled them. On the one hand, I think we have a really positive template, liaising on freeports and investment zones, where we have managed to demonstrate that we can bring together a Welsh Government perspective with the UK Government and actually, as officials, be directed jointly to get on with those arrangements to really good outcomes.

Welsh Ministers have expressed some of their frustration on the way in which the Shared Prosperity Fund arrangements have worked in respect of not allowing that same kind of co-design, coproduction approach and co-decision making to happen in the right way, but I think we have sufficient examples of what really works when we are trying to blend together the best and make complementary the way of working between devolved Administrations and the UK Government as well, and I think we just need to make sure that there is more confidence in those mechanisms and share them more widely as well.

Q125 Ronnie Cowan: There is an argument that the Department for Levelling Up is using the long-term plans for towns to bypass the devolved powers, and in doing so is undermining the attempts to create a better working relationship between the UK Government and the devolved powers. Do you recognise that? Anybody? First come, first served.

John-Paul Marks: I alluded to the reference to Angus Robertson's correspondence from the autumn. I think he would agree with that concern and Scottish Government Ministers have regularly expressed their preference that the Shared Prosperity Fund and the levelling-up funds, rather than being directed direct to local government, should come via devolved Governments, and that that would enable a more strategic coherence given our role in economic development, regional development, housing, transport and all the rest of it.

That is our preference as the Scottish Government and it clearly is one of the opportunities for the future. But currently we seek to make the best of the approach that is in place, which is particularly about saying, where funds are allocated into local communities, for example, can they then be pooled and work well within city deals and regional growth deals as well as possible?



Andrew Goodall: The Welsh Government have a similar experience. We have other examples of joint mechanisms that can work very effectively. The city deals arrangements that bring together stakeholders alongside respective Governments have worked well, and we have been able to deploy them successfully. I have mentioned the freeport example. I have been in the room with the former First Minister of Wales as he talked through how he would wish that it was more of a codesigned process, but the potentially missed offer is that—as JP was saying—we have been unable to line up other resources that may well be available to the same outcomes and to the same effects. Probably we are diluting some of the available funding that is available from all partners in Wales on some of these individual areas. I thought it was worth giving you that impression, having heard it from the First Minister of Wales, for example.

Q126 **Ronnie Cowan:** Anything to add, Ms Brady?

Jayne Brady: I can summarise some of the points made regarding the early engagement in terms of understanding. We talked about some of the funds that were mentioned and the correspondence that was made in evidence from the Finance Minister in Northern Ireland, but those were calling out regarding systems and funding structures that were designed and, as proposed, would not necessarily understand the full implications of the Northern Ireland constitutional arrangement but also our local government and central Government aspects.

Q127 **Tom Randall:** I have a couple of questions on the role of territorial offices in the UK Governance Group, if I may. Can you explain how and when your respective Administrations deal with the territorial offices?

John-Paul Marks: I have a few examples. One is clearly in that ceremonial position. I was at Edinburgh Castle the other day for the ceremony for the movement of the Stone of Destiny with Alister Jack and the First Minister. The Secretary of State for Scotland and Scottish Government Ministers will jointly attend ceremonial events regularly.

Secondly, going back to the point around the Sewel Convention and legislative consents, the Scotland Office will play that role in relation to the legislative programme, working closely with my Scottish Government/Parliament legislation unit on matters regarding the LCMs and Scotland Act orders. They will be part of that liaison also with the Government Department that is owning that legislation.

The final element, perhaps, that I would draw out is in resilience situations. If, for example, we wanted to seek military assistance, we would engage first with our Scotland Office colleagues for their support in engaging with the MoD. My resilience team has regular catchups with the Scotland Office to talk about threats and risks to national security and more security here in Scotland and to make sure we have that good engagement going on.

Q128 **Tom Randall:** Andrew Goodall.



Andrew Goodall: Yes, there is regular liaison with the Wales Office, which is accessed by officials on both sides to talk to each other, often sharing issues, concerns, using that local intelligence and making sure we can align on that. I have regular contact with the head of the Wales Office to maintain our open dialogue and conversations when needed.

To some extent, however, the issues we are handling often tend to be more directly with individual Departments, rolling their sleeves up, getting on to broker arrangements, coming together with similar understandings and getting some actions in place. Officials in the Welsh Government and I will tend to liaise with the individual UK Government Departments more directly, rather than territorial offices. That does not stop the liaison, including on areas of legislation, for example, when it is worth having a transparent conversation to see whether we can liaise and work on those issues together. But it probably is more effective sometimes working on those Departments.

To explain this well, from a devolved Administration perspective, we do get together every fortnight with UK Government colleagues, which has allowed us to build up our own relationship amongst each other and to liaise there, but we are not necessarily in those settings collectively alongside the other territorial offices, even if there is a direct contact between me and the Wales office or JP and Scottish office colleagues, and so on. Maybe we can reflect on that a bit further.

Q129 **Tom Randall:** Ms Brady.

Jayne Brady: I perhaps touched on some of these points earlier. The Northern Ireland Office's role is different, as I imagine Scotland and Wales in a political context, and the collapse of devolution during the last number of years in particular.

The most engagement that we would have had through the service has been in the context of the operation of those devolved institutions, rather than the more bread-and-butter governmental issues, as Andrew has referenced. Those, mostly, would be through either DLUHC or indeed the specific Departments—DEFRA and DAERA, for example—and the relevant lead in Whitehall Departments, where that operation is good. The Secretary of State has a role in our intergovernmental reviews, the British-Irish Council, and most recently last month the establishment of the East-West Council, which will be alongside the DLUHC Minister as well. It will be interesting to see how the role develops in that context.

The positive aspect is the critical role in political talks and facilitation of that process alongside bringing in and engaging Whitehall colleagues and in DLUHC and in the Cabinet Office and the decision-making arrangements—very complex issues for decision-making on governance and an understanding of the implications for Departments, which was key in the absence of Ministers. That put civil servants in very difficult positions in that context.



HOUSE OF COMMONS

There would be more tension in areas where there is a potential overlap between the devolved spheres. For example, economic policy is within the Northern Ireland Civil Service but there are Departments of prosperity, and those may be the areas of tension that do occasionally arise.

On a personal level, I have very good relationships with colleagues. I appointed the individual who is now the Permanent Secretary of NIO as Permanent Secretary within my Department before she moved six months ago. We have a very good relationship and would have regularly weekly engagements, which is very helpful in addressing the real-time situations and also de-escalating issues and addressing them as early as we can.

Q130 Tom Randall: In the evidence that the three of you have given so far, you have spoken often about the direct dealings you have had with various Government Departments across Whitehall. In evidence to us, Sir David Lidington and Lord Dunlop told us that the territorial office Ministers play an important role in representing the three nations in the UK Government. Do you have any reflection on that?

John-Paul Marks: If I was sitting inside the UK Cabinet, does the Secretary of State for Scotland represent Scotland in that forum and in that conversation? I presume, from the Prime Minister's perspective, he does, and he provides that voice to reflect Scotland's interests and what is going on here and provides that informed view to his colleagues around the Cabinet table. He can do that with some of his other colleagues as well given their background and experience growing up or living in Scotland, too. Yes, as Sir David Lidington was alluding to, one role and reason for the territorial offices and Secretaries of State is to represent those communities.

I paused on the point about whether they represent devolved Governments in their articulation of the view. It is clearly a matter of record that there have been points of tension and conflicts when there has not always been agreement at ministerial and political level. An example is the use of section 35 of the Scotland Act regarding gender recognition and the subsequent legal case that followed. There are other examples. Yes, it performs that role.

Do they represent the views of devolved Governments in those forums? I suspect that is where the IGR mechanisms are important so that the First Minister and his Cabinet can represent themselves directly because they would seek and wish to do that.

Andrew Goodall: No doubt others will have direct experience of that representation. I have not had it myself but, yes, of course, I expect them to represent perspectives from Wales with their own responsibilities. I agree with JP. I don't see how that translates into representing devolved responsibilities because that is the whole basis of devolution and what we have experienced over the last 25 years.



I know that when the interministerial meetings took place, we used the IGR mechanism when we were brokering contact through the pandemic response and used some of these mechanisms with that contact point. I have heard Michael Gove declare that he will take away those issues and ensure that they are represented around the Cabinet table. I felt that that was discharged in that manner because the commitment was given through those IGR mechanisms.

I go back to my earlier point. The regularity of the contact, the importance of those mechanisms and meeting with a pattern are important so that those views can be represented where appropriate. Of course, there is a direct opportunity for those issues to be represented around the council arrangements with the Prime Minister in the chair and with the other First Ministers and representatives.

Jayne Brady: I concur with the points made by JP and Andrew. We have a different constitutional arrangement with the Belfast/Good Friday agreement, different institutions, a different Assembly and a different executive structure. Our First Minister and the Executive would say that those parties are elected and entitled to form that Executive, and they represent the people of Northern Ireland in that regard. That devolution is important and should be respected.

In the situation when there were no Ministers, or indeed an Executive, and we needed to have a governance mechanism for setting the budget, the Secretary of State had an important role to provide that governance function. That was based on the input to him from our Departments and our senior civil servants, but I echo the point as well that the devolved settlement is here and led by the Ministers within our executive office.

Q131 **Tom Randall:** Thank you. Moving on and starting with Jayne, from your perspective, how has the UK Governance Group, established by Philip Rycroft, affected your interactions with Whitehall?

Jayne Brady: I have not seen any particular implications regarding the establishment of that group to the continuation of our relationship with Whitehall. Our contacts predominantly are through DLUHC, the NIO and our connections along with the DAs. I am not in a position to comment on the implications of that.

Andrew Goodall: I have not sat around that mechanism myself. The representation of us in our Permanent Secretary roles has not happened. That does not mean that we do not represent those issues in other forums. The fortnightly contact that we have co-ordinated among ourselves with DLUHC has been important and has impacted how officials have liaised on devolution matters and issues and maintained the communication more generally.

Also, we engage and are part of the arrangements alongside other Permanent Secretary colleagues in their regular meetings, which ensures that we are able to give those representative devolved Administration



perspectives around the table in those forums when relevant rather than being there only when there is a devolution item. I welcome those more generally.

The mechanism you have described has probably translated into other things and I personally do not use that as my own guide for liaising.

John-Paul Marks: I have a couple of extra points. In my time as Permanent Secretary in the Scottish Government and certainly in that first year, I had a lot of interaction with Sue Gray and with Jayne and Andrew. That was located in the Cabinet Office, more akin to what Philip would like to see. I had a look at his evidence to you and his concerns around the need to build long-term capabilities and to develop a strategic approach to devolution. I agree with him. For us as a civil service, those are important for us to do.

It is for you as a Committee and for my colleagues in Whitehall to reflect on what happens next with that. We have already covered the points about the move to DLUHC. But clearly, 25 years into devolution, the question of what the next 25 years looks like and how we navigate the future should be informed by deep capability and thinking. That will come from building the capabilities that Mr Rycroft alludes to.

He used the words "mourns the loss" of the group as he first envisaged it. He would probably like to see it return more to how he led that group. Clearly, he did that when that central cohesion and co-ordination was pivotal given the Smith Commission, given the referendum and then given Brexit and the role he took on later as well. He has spent his whole career, almost, advocating the importance of this capability. I can understand quite clearly why he continues to see it as pivotal for the future.

As someone who leads a civil service team in a devolved Government, I of course support that thinking because the deeper and more expert the understanding, the more effective, hopefully, we will be at ensuring good government across four nations.

Q132 **Tom Randall:** Thank you. If I can stay with John-Paul Marks for my final question, Lord Dunlop recommended a single Permanent Secretary for the UK Governance Group, which would include a Northern Ireland office, supported by shared services and a single policy function. Do you have any reflections on that? Also, Philip Rycroft and Sue Gray served as Second Permanent Secretaries to that group. Do you support the appointment of a civil servant of a similar status?

John-Paul Marks: Brendan Threlfall, who now leads this in Whitehall, is a Second Permanent Secretary now, as Jayne referenced earlier. He sat on that panel. But Lord Dunlop and Philip Rycroft's hypothesis is that you need central leadership, co-ordination and deep capability. Even if you might feel like you do not need it today because it is mainstreamed and a



bit more stable than it once was, you might need it for the future and so invest for the long haul.

That is, ultimately, a decision for the Prime Minister and the Cabinet Secretary. As I said, from my experience in the last year or so since the move and since Sue Gray's departure and Brendan's stepping into the role, it has worked well. But I take the earlier point—is that more to do with personalities than optimal structures? That is the right question that needs good consideration.

In the long term, ultimately, I would quite like a balance of both—central deep capability with senior leadership and representation right at the top of the civil service, which, as Andrew said earlier, I experience. I sit, for example, on the civil service board for the UK civil service, and Andrew, Jayne and I attend Wednesday morning meetings, for example, with Simon and the senior team. We do bring that leadership to the top of the civil service. But, similarly, I want to see that integration on delivery across Departments because it is in the day-to-day working—whether that be tax, social security, energy consenting, grid connection or whatever—that we get the work done. The work it what makes the biggest difference to improving outcomes day to day, which has been my main focus in the last couple of years.

Q133 Tom Randall: Dr Goodall, do you have any reflections on those points?

Andrew Goodall: Yes, I do. I refer back to my earlier comments. There is a danger of chasing a structural answer rather than securing the intention of that arrangement as well. For example, if this was to lead to the territorial offices acting as a buffer or an intermediary in respect of how we interact with other Departments, which has been quite a direct experience, that would not necessarily help. It is fine if they were able to adopt more of an enabling role, which is the relationship we build up with them at the moment so that when we spot issues we can use issues in the general conversations and progress that is happening. But I am more interested in not going down a centralised route if that undermines the underlying understanding of Departments about the balance of devolved and reserved matters and how we can make sure we secure that capability. We are looking to achieve that wider objective here, rather than centralisation again in our structures.

Q134 Tom Randall: Finally, Jayne Brady, do you have anything to add to that?

Jayne Brady: Echoing some of the points previously made, my view would be that it is the function before the form of that structure. Key for me in our engagement is having official individuals understand and have an interest in the devolved Administrations, particularly in Northern Ireland. We have had that with the individuals that we have worked with, whatever Department they have been engaged in.

We had a changeover within the NIO at a Permanent Secretary level, and I took it as a positive sign that a Permanent Secretary from our



HOUSE OF COMMONS

Department has moved to a substantive posting in the Northern Ireland Office because of that degree of corporate knowledge of Northern Ireland and the implications and what works. Some of those things are not written down and cannot be handed over in terms the structure. They are about relationships and other inbuilt knowledge. I propose that as a positive sign of the UKG appointing someone in with the knowledge of the place within Northern Ireland, which can support us in dealing with any issues we have going ahead.

The relationships I have had have been solid and positive. There are challenges in any role, and we have challenges in Northern Ireland as they have in Scotland and Wales. Our Ministers often have to make decisions. Our job is to be impartial and provide impartial advice. That is also dealing with the structures and the context they operate in in Northern Ireland, which I discussed earlier. Those have largely been in place. Whether there is a role for a centralised structure or whether it is individuals regarding responsibility from DLUHC is ultimately for the UK Government to decide how they should be best placed.

Q135 **John McDonnell:** Can we talk about the performance of individual Government Departments? I do not want to destroy your relationships with your colleagues in Whitehall, but hardly anyone is listening to us, so you can be completely candid anyway.

How do you assess the performance of different Government Departments in engaging with your Administrations? Are there any particularly good examples? Andrew, do you want to start?

Andrew Goodall: Yes, there are positive and good relations. I can confirm, not least from operational contacts, the good relations that are in place with the Department of Health and Social Care. That continues to be used to good effect. A lot of information is shared about respective health policies, but the UK Government leads on behalf of Wales on a range of areas. It is important that we are able to secure those.

I referred earlier to our experience of liaising with DEFRA. We can potentially feel like we are stumbling across each other in that environment, but throughout the course of devolution that relationship has worked pretty effectively. I said earlier that some networks in place probably help to secure that, but a range of common areas of interest from a policy perspective secure that, too.

Our liaison and dealings from a Welsh Government perspective with the Foreign, Commonwealth and Development Office—that is a positive experience from a Welsh Government perspective. The support for Ministers when they are away discharging international activities has always been very supportive and appropriate. We have Welsh Government officials who work in offices internationally rather than set up ourselves. We have seen some really good use of ambassador networks, most recently on our liaison on matters around Japan—I had a



HOUSE OF COMMONS

contact myself, which I was really pleased to see—but in other respects as well.

A key issue for Wales with our first attendance at the World Cup for a significant number of years was the opportunity to raise some of the international profile of Wales. I know the First Minister was very complementary about the role of the FCDO and the UK ambassador to Qatar, for example, about consolidating those arrangements. You might not have expected that example, but it has been genuinely a very positive relationship over recent years.

Q136 John McDonnell: Anything that secures football match tickets I can understand and appreciate. You mentioned earlier that one example was the issue of the Home Office. That actually reflects what David Lidington said to us. When matters are reserved in Departments, relationships are less effective as a result of that.

You also mentioned the Treasury earlier and the Senedd's finance committee's comments on Whitehall Departments, particularly the Treasury's "lack of engagement with the Welsh Government ahead of significant funding announcements". Is that still the case?

Andrew Goodall: I could use two examples, if you don't mind. In respect of Home Office engagement, there are many examples where we liaise effectively, not least on policing matters, which is a pretty fundamental area, although reserved, where we liaise with police as partners around the table in Wales. There are many good examples of how that is discharged.

It is almost a technicality on how some of the asylum accommodation worked. IGR mechanisms are in place that are absolutely clear about confidentiality and how we discharge issues together ahead of announcements and, hopefully, work through the practicalities. Simply, if arrangements happen in Wales, we are dealt with as a stakeholder rather than as a devolved Government under the IGR. In some respects that does not allow us to sit at the table with colleagues as transparently as they would liaise with the Department of Health and Social Care at the UK Government level. We need to break through that because the confidentiality is secured by the IGR mechanisms.

From a Treasury perspective, over the last 12 to 18 months, yes, contact via the Chief Secretary to the Treasury alongside the Finance Ministers has allowed some early sight—appropriately so, in my view—of likely issues that will impact on Wales from an official's perspective. I have been pleased that in the fortnightly meeting that we have already described here today, we have an opportunity to speak, within that mechanism, to Treasury officials about budget and Treasury announcements that are happening. Of course, all of us can approach the Treasury Permanent Secretary and have an open conversation about more significant areas as well. From a ministerial perspective, advice was



HOUSE OF COMMONS

given through those more formalised interministerial contacts and meetings.

Q137 **John McDonnell:** JP?

John-Paul Marks: This is a great question, which I will not dodge because it is not helpful. I wrote down some opportunities, I guess, for “even better if”. An example we want to encourage is for the engagement to be purposeful when we are trying to shift the dial on a problem. I alluded earlier to the Islands Forum. The UK Government arranged for Ofgem to join that forum once in the past, which led to a very good, positive, supportive conversation about how to improve grid connectivity, which is a key enabler for us to deliver ScotWind and to realise the benefit of onshore/offshore winds. We would like to see more of that type of purposeful engagement where we try to particularly solve a problem.

As an example, you alluded to migration earlier. Some communities in Scotland, like Argyle and Bute and other island communities, too, face a serious concern around depopulation. Targeted migration reforms are a real opportunity, but it is quite hard to get that tailoring and targeting up the agenda given the wider UK debate about immigration. Again, it is an opportunity for the future.

I referenced the levelling-up and Shared Prosperity funds where we find that approach can be quite tactical and localised. We would prefer to see it align with devolution and integrate into established, effective collaborative structures like city deals and regional growth.

Finally, I alluded to the Sewel convention where consent has been withheld. Often, that occurs when events move quickly and/or a political contention is unresolved. Those IGR mechanisms are important there. We had experience recently with the Strikes Act and minimum service levels legislation, which appeared quite late on our radar. Our Ministers had significant concerns, which they have been public open and about.

That goes back again to your point about early engagement, particularly when things are contentious, so that they can be resolved rather than late engagement that might escalate conflict.

I have given some examples of opportunities to improve how we work, particularly with the objective of improving outcomes for the communities we all serve.

Q138 **John McDonnell:** Jayne Brady?

Jayne Brady: To give a positive example in some Departments and I guess an area where we have had some issues previously, looking towards the DLUHC position—as it was then—and the levelling-up fund, we had worked to provide input into the structures and indeed our missions for productivity, net zero and those key aspects. Those were not reflected in the first iteration of the levelling-up fund and iterations.



HOUSE OF COMMONS

On reflection, as part of our restoration proposal, there is a proposal for freeports in the prospective offer and investment zone, which is yet to be delivered, but we have worked with DLUHC to provide that around a framework that makes sense within a Northern Ireland economic context with our GVAs, challenges with productivity, with our skills challenges, with the migration to net zero.

It is better aligned with our policy direction, but our Ministers would equally say that should also be in the context of coming through the Barnett consequential formula. It is a reflection of our different constitutional arrangements. Each Department, unless the issue is cross-cutting or has Executive approval, would liaise directly with a Department within UKG and so that would not come through, necessarily, the position of the Executive. You have seen the correspondence from the Department of Finance Ministers and the issues they have raised.

There has been substantive engagement with DEFRA and DAERA on the workings of the Windsor Framework. We provided five people seconded from our Department of Agriculture into DEFRA to support the delivery of the workings of the Windsor Framework. It is an integrated model, recognising the complexity for delivery but also the importance of giving effect to the Windsor Framework and our legal obligations and statutory obligations.

Q139 John McDonnell: Individual Departments have their devolution teams. Some of them are teams; we are told that some Departments have just one civil servant. Going around again, have you noticed a positive impact from the devolution teams?

Jayne Brady: I haven't noticed a difference in terms of the engagement. That has not been reported to me. Our officials work proactively behind the scenes on those further engagements. It hasn't been noted to me as a detriment or a difference to be commented on.

John-Paul Marks: I have. Some really exceptional colleagues lead on devolution in the different Departments. I alluded to a few earlier. HMRC works closely with us. For example, if we want to change our income tax system and we need to impact different scenarios, they do that at official level. Of course, that is quite politically sensitive work and they do it with high trust and confidence, which we appreciate.

We talked about the importance of building relationships. In the last few years, Tamara Finkelstein has brought her senior leadership team here to Edinburgh so that we can have a joint awayday on energy reform. Peter Schofield from DWP has done the same on social security devolution. We bring our teams together at an annual summit to make sure we are on track.

There are other examples. At FCDO, Sir Philip Barton and I have done a bunch of events together, visiting sites both in Scotland and then in Whitehall, including the whole ambassador network, to ensure that the



HOUSE OF COMMONS

collaboration on the ground is as good as it can be, given the environment we operate in.

Yes, those devolution teams are essential to make sure the relationships are in place, and they go those extra miles to build those relationships, preferably face-to-face, so that it has a level of deep trust to it. Then, as I have said before, it is in how we work, like with HMRC on tax, where we build competence and capability over time to ensure that we deliver good public services.

Andrew Goodall: It is difficult to comment on the individual teams, but we can certainly comment about seeing Departments ask questions about devolution areas and the policy side.

We also have our own versions of that. My constitutional unit in the Welsh Government are also available to support colleagues from UK Government Departments if they need to translate and understand those areas generally. But definitely on some matters of legislation, we had some earlier notice of some of the draft legislative proposals associated with the King's Speech.

I thought the Departments leant into us a bit differently in that process. Some of the outcomes we saw around the procurement legislation that took place recently felt as if they had been directed to liaise with us differently. The outcome was much more successful. We were able to use the UK Government's legislative process to make sure that provision was made appropriately for Wales in that area. It worked both ways as well.

Q140 **John McDonnell:** Can we turn the question around then and start with you, Andrew? How do you assess the capability of the devolved Administration you lead in dealing with Whitehall and each other? Do the different structures of your respective Government Departments affect those interactions?

Andrew Goodall: Since I have come into role, I have been surprised at the extent to which I have been personally involved in the interactions, a lot of that with the permission and support from the former First Minister and an expectation that we have those effective relationships in place.

I thought for a moment you might ask us whether we thought we had some devolved expertise ourselves. My answer is that, yes, I would hope so after 25 years of discharging it. But we recognise the need to be active in that and for us to reach out to our other colleagues. JP's description of making sure that we have more regular contacts on issues with other departmental teams feels important as well.

I also feel that I do not need to over-interfere in those contacts because officials from the Welsh Government are able to make some of their own decisions about how they want to interact with those Departments. I used to have a relationship, when I was the Director General for Health and Social Care, with the Permanent Secretary of the Department of Health



and Social Care, for example, and we need to maintain those arrangements. But, yes, I agree that it works both ways and we have a responsibility to make the best of that relationship for ourselves as well.

Q141 John McDonnell: You made a point about your own experience over 25 years. A concern that has been expressed to us is the lack of experience within the devolved Administrations and the lack of experience within Whitehall itself and whether that is a generational loss.

Andrew Goodall: There may be something there. I have five Directors General reporting directly to me, three of whom have had significant experience of Whitehall. I see that as a positive in the mix of experiences. Other colleagues bring a strong experience of, of course, working in Wales and in public services more generally. I come from outside the traditional civil service route; hopefully, that adds to this as well.

To secure the future generations, we need to maintain some of the work around exchange programmes. We have UK Government colleagues working in our functions and responsibilities and we have Welsh Government officials working in the reverse order as well. Securing the confidence of those individuals that they can bring direct experience to the table as well as having been trained up and developed in matters of devolution will be really important.

Q142 John McDonnell: JP?

John-Paul Marks: I agree with that. This interchange really matters. My chief finance officer, for example, formerly of the Department for International Development, has a deep understanding of Treasury accounts and works well with the Treasury. My DG Economy is a former chief economist of FCDO. A large proportion of my team has come from HMRC, DWP and the Home Office, and those Departments have a large presence in Scotland.

We do a number of things to improve that understanding of Whitehall and how things are changing. We launched the Internal Market Act toolkit to help people understand common frameworks and how to work well together. Together, our policy profession team did a number of modules on multilevel government and how to interact effectively.

Finally, I emphasise the point about continuing to build the relationships, so that we do not retreat into our bubbles when things get difficult. Our default should be to lean towards each other when things are harder to find common endeavour. I am working on that. I encourage my teams to do that and to get down to Whitehall on a regular basis, meet their colleagues, work through the issues and understand different Ministers' perspectives, and then see if we can find and understand the opportunities in that.

It is a constant work in progress, but I am impressed with the quality of the civil service in the Scottish Government. It has got deep capability



and a lot of colleagues have come from Whitehall Departments and understand them well.

Q143 **John McDonnell:** Jayne?

Jayne Brady: The Northern Ireland Civil Service generally works well where it sits in the constitutional arrangements and the role of devolved policy and responsibility. Obviously there are some areas, like road service and maintenance, which we provide as part of the Northern Ireland Civil Service, which do have their crosscutting elements as well, on a needs basis.

Within Departments, there is a very strong awareness of who they engage with at their counterparts in those Departments and there is strong engagement in that area.

We provide learning and development to all Northern Ireland civil servants with online modules to explain the context of where we are within the UKG and, indeed, the strands of the Belfast/Good Friday agreement. Strand one is our Assembly, the East-West and the North-South ministerial aspect and the East-West and the British-Irish Council. Those are key aspects of the Executive itself and the Assembly.

I would say some areas are ripe for more development in Northern Ireland. In the service at an official level, we are trying to be more externally faced and more open for representation within the civil service. I am probably a reflection of that, having come from a background in business and technology a couple of years ago. Equally, we can look to bring those different skills from the UK civil service and indeed the Republic of Ireland Civil Service and internationally and, in some areas, that specialisation that we need as we deliver substantively complex policy developments.

We do not have the facility because we are a separate legal entity. The Northern Ireland Civil Service was established in 1920. Indeed, it was established by Irish civil servants when Northern Ireland was established and so our pedigree is somewhat different. Our support in terms of staffing into UKG and to the Republic of Ireland is via our secondment opportunities. But I would very much welcome an opportunity to look towards what frameworks there could be to identify those skills gaps. In one British-Irish Council meeting, we looked towards that as a framework. I know that our people teams throughout the representatives of the BIC are working towards a framework proposal that would allow that level of secondment East-West and North-South and indeed the other representatives as well.

Towards where we started the conversation an hour and a half ago, it was about establishing those relationships and that good working and that knowledge of the implications of the issues within the DA, but also knowing who you can reach out to in those areas that are crosscutting and where we need engagement at a UKG level.



John McDonnell: That was helpful. Thank you.

Q144 **Chair:** Jayne, if I could continue on that point, you mentioned of course that the Northern Ireland Civil Service is a separate legal entity. Lord Maude's recent report said that that issue—having a civil service for Northern Ireland separate from those for Great Britain—needed to be resolved one way or the other. What do you think of that view expressed by Lord Maude? Do you think he is right? If so, how could that disparity be ended?

Jayne Brady: Of course, any discussion of the constitutional arrangements for Northern Ireland would be for those who are elected to make that decision. We reflected last year on the 25th anniversary of the Belfast/Good Friday agreement, which established the three strands that make up our constitution. Those have delivered a step change in life outcomes for the people in Northern Ireland. They have brought us peace after our conflicted and troubled past. They have also allowed us to drive through local devolution and policy a transformation in our economy and in our services and placed us on a much stronger footing.

The information and the facts is that we were established in 1920 at the time of creation of Northern Ireland, and those first civil servants were established as part of a devolvement from Dublin Castle. We have not only a separate civil service and employer in the Department of Finance, which employs civil servants in Northern Ireland, our 23,000 staff, but there are nine separate legal entities under that constitution. Any future restorations or other aspects of that would be for those who are party to the Belfast/Good Friday agreement and those who are elected to make those decisions.

Q145 **Chair:** Do you think that measures could be adopted to ensure closer co-operation between the Northern Ireland Civil Service and the home civil service in Great Britain?

Jayne Brady: We talked earlier regarding the level of interaction that I have, which is very positive, within my colleagues in the DAs and at a Whitehall level. I attend Wednesday morning colleagues alongside Simon, and so I am party to those discussions. We talked further about representations to the Northern Ireland Civil Service taking up permanent positions in the Northern Ireland Office. JP has been on the appointing panel for some of my Permanent Secretaries in the office and, indeed, I have been on an appointing panel within Whitehall and within Scotland. So those positions and relationships are strong.

There are areas in terms of our devolved capability where we have always [*Inaudible*] but the constitutional arrangements are the constitutional arrangements, and I as an official am not the person to provide any direction in terms how those may or should indeed evolve. My role is to give effect to those constitutional arrangements as a civil servant.



Q146 **Chair:** Is that co-operation that you have just spoken about reflected all the way down the Northern Ireland Civil Service from you down to more junior officials?

Jayne Brady: Yes, of course. As part of the structures that are in place, the intergovernmental relations and structures that are in place—the British-Irish Council—subgroups are established as part of that, and those strands are now delivered. We have frameworks within each Department to deliver on those aspects. We have now the East-West Council, which was established under the Command Paper for the restoration of the Executive, and those will form new structures and new working groups. We have the workings of some of those areas. We talked about the framework for secondments potentially between the parties within the British and Irish Council.

Then we have the operational aspects, of course. In some respects, there needs to be close co-operation to deliver the policy intent and our service delivery. We talked about DEFRA and those areas and, indeed, the Home Office and the work on our asylum seekers and other areas.

In the DBT and in innovation, I look towards where Northern Ireland needs to go in the next 25 years. It is a focus on innovation and closing the gap in our productivity levels and then, if those aspects are non-devolved, funding aspects into innovation and into research. We can establish a better position in Northern Ireland in the context of what it offers and an overall UK proposition so that we can leverage the opportunity for growing all economies as well as providing a pathway to sustainability for Northern Ireland.

Q147 **Damien Moore:** On the subject of interaction, how do you assess the progress made in increasing the number of secondments and interchanges between the UK Government and devolved Administrations? Also, should junior civil servants or senior civil servants be priorities? Dr Goodall first, please.

Andrew Goodall: Thank you. Yes, it is important to maintain these contacts among our respective Administrations. That has some limits. Some of the budgetary constraints that we have all been dealing with from a UK civil service perspective and through our own structures will potentially have impacted on some of this, but we currently support colleagues who have come into the Welsh Government. About 52 UK Government colleagues work for us on our areas of policy and having that experience. We have eight out from the Welsh Government at the moment. Those numbers can go up and go down depending on the opportunities that arise at this stage. We need to maintain a healthy set of exchanges.

To your question about where it is required to be, it needs to cut through the structures. There is something about that more senior representation. I have already talked about some of the experiences I have around my own Director General table but, to some extent, making sure that we are



HOUSE OF COMMONS

able to secure the succession planning arrangements for civil servants who come through the structures within sight and experience of that is important.

I have been pleased to do a couple of things. First, whenever we have development sessions at civil service events, the ability to talk to all of our staff with all of their different backgrounds has been important, even to have some smaller conversations with colleagues about aspirations. But both my colleagues and I have sponsored, when it has been Welsh Government leads, various development programmes. I have been keen as part of those to make sure that we are part of bringing people in to experience our assessment of devolution from a Welsh Government perspective.

Shortly, I will join one of those programmes when they are down for a day in Wales. I joined one last year. When I sponsored one of the development programmes myself for the UK civil service, I was pleased to welcome all of those colleagues from all their different backgrounds into the Welsh Government as well. We need to continue to build up the jigsaw of experience and, hopefully, keep offering that through our own experience as well as others across the UK, too.

John-Paul Marks: This is a strength to build on. I alluded to some of the numbers earlier. We have good representation on the fast stream here, which is—

Chair: Sorry to interrupt you, Mr Marks, but you are breaking up quite badly here. I do not know whether it is your end or ours.

John-Paul Marks: It is probably me. I will try to lean towards the microphone a bit better. Is that—

Chair: If you could lean away a bit, it might be better. Could you try again?

John-Paul Marks: Yes. Is that any good now?

Chair: It is a bit better.

John-Paul Marks: Sorry about that. We should continue to build on that interchange strength. We have good representation on the fast stream, talent secondment—

Q148 **Chair:** Mr Marks, I am sorry to interrupt you, but it is almost inaudible here. Can we speak to Jayne Brady? Perhaps one of your technical people could help you at your end while we do that, if you have any technical people, of course.

Jayne Brady: Thank you. Hopefully, JP will get his technology addressed. Again to echo the comments I made earlier, we are very supportive of secondments interchanges because of the issues of *[Inaudible]* are not possible within *[Inaudible]* services in the UK. But we recognise the value and, indeed the importance of secondments. We had



HOUSE OF COMMONS

an embargo because of resourcing up until July 2022, which has been lifted.

If we look towards the scale of it, there is an opportunity particularly in expertise. We welcome the engagement we have had as part of the British-Irish Council to provide some level of framework to signpost both inward and outward levels of secondments. At different and various levels, we have seconded people to the Northern Ireland Office as part of the recent engagement with DEFRA. We have seconded 45 staff, predominantly at the EO2 level and probably up to grade five level of seniority. Previously, in secondments from UKG into Northern Ireland, Sue Gray came on secondment to lead the Department of Finance as its Permanent Secretary.

Staff had perhaps been reluctant to uproot. The options regarding virtual working have changed that concept and we should lean into that concept of secondment overall. I am keen also to look towards how that can be done across all our regions. The nature of the secondment is that it has to be done on a grade transfer and so there is now an opportunity to apply for promotion. That has caused some friction in facilitating that secondment, but we probably have not had the development scale of Scotland and Wales because we lack an interchange programme.

Q149 **Chair:** Mr Marks, I see some reinforcements have arrived. Do you want to have another go?

John-Paul Marks: I do not know if it is working.

Chair: It is perfect.

John-Paul Marks: Is it? Okay, let us try. We might come in with a new laptop.

It is an opportunity and a strength to build on. A lot of interchange goes on. A lot of colleagues are on talent programmes like the fast stream and other development programmes. I talked about the churn that is going on.

The final point was simply that the UK Government Places for Growth programme increasingly provides more confidence to colleagues—whether in Wales, in Darlington, in Glasgow or in Edinburgh—that if they move from a Whitehall Department to a devolved Government, they can continue their civil service career given the increasing representation of the civil service outside London. We have seen significant movement in that over recent years. That enables that interchange and face-to-face collaboration much more.

Q150 **Damien Moore:** Your predecessors have suggested in the past that house prices, geographical background, where you draw your civil servants from and the general disruption to people's lives are all obstacles to these interactions.



How can we overcome them? Is it all about technology or could we do other things?

Andrew Goodall: Technology is definitely part of it. We are a hybrid organisation and so, with the support of Ministers and the First Minister, we are ensuring that we use that to our advantage. That will affect some of the recruitment and give some of the flexibility. International officers engage with us. We were all gathered yesterday to hear from the new First Minister of Wales. All of our staff were able to experience that with 250 in the room and everybody else joining remotely. Technology and flexibility is part of our offer, definitely, but we need to think about some of the practicalities and how society in general is changing. People make different judgments.

Also, we need to think of younger colleagues coming into the civil service for the first time who perhaps have some different expectations for how they will work in that environment as well. Inevitably, financial remuneration award may be one area, but to some extent what is the offer of flexibility, progression and development as well?

Personally, I would like to make sure we have a positive offer from the Welsh Government, offering more short-term opportunities where people can dip their toes in the water and have some experiences and, hopefully, motivating people to come back to the Welsh Government and other devolved Administrations would be a good outcome.

Jayne Brady: Probably the pandemic has proved the contrary to that. I espouse that Northern Ireland is a fantastic place to bring up your children and to live in that environment. A broader concept about technology has aided that level of flexibility.

More broadly, a job in Northern Ireland's Civil Service does not have to be a job for life. It is for many individuals, but in this area we can helpfully and usefully get significant learning. Northern Ireland has great opportunities because so many aspects of Government are within the Northern Ireland Civil Service. It is running that for our water and our trains and our buses as well as all the policy divisions. Of course, we are going towards a new demographic, who very much want to make that impact on life. We are giving them a better place to work within the Northern Ireland Civil Service.

Differentiating that product proposition offering to encourage others into it could be done via secondment or via different routes. It can be from the private sector or indeed our ALBs, or academic institutes or other institutions or Administrations. Also, it does not necessarily have to be that commitment for life. We can provide a valuable asset from that and maybe it is about our value proposition to civil servants and employees coming in with a broader proposition and not just about time served but what you [*Inaudible*] and also what you will learn. The opportunity for secondment is a very tangible aspect about what you will be able to bring back from your own area as well as delivering within those services.



Chair: Before you move on, Ronnie Cowan?

Q151 **Ronnie Cowan:** Briefly, Mr Marks, to drag you back to something you said earlier, you mentioned the jobs leaving London for jobs in the civil service out of the Kingdom. I heard you say Darlington and Glasgow, but you did not mention Aberdeen. One of the promises was that there would be 200 energy-related jobs in Aberdeen. The latest figure we have heard is 35 by the end of 2027. Is that because the jobs are not required or is there an issue getting people to relocate to Aberdeen?

John-Paul Marks: Hopefully the sound is okay. I will have to get my colleagues to respond to you directly on that.

There is not a labour supply problem. As you say, there is deep energy, oil and gas capability in Aberdeen, a just transition and green technology. Energy transformation is a huge opportunity for the UK civil service. We have our green freeport in Cromarty Firth and the North-east of Scotland is so pivotal to Scotland.

More broadly for Scotland, as Jayne was saying, this is part of our pitch. We have five of the top universities and the top 15 in the UK and Scotland now and great capability and talents. We are increasingly able to say, whether with the Scottish Government or other Government Departments located here, "You can have a career in the civil service across different Departments with confidence and move between central Government, devolved Government and local government for that matter and build that capability."

I hope we will see more Places for Growth in Aberdeen as we have in Darlington, Glasgow and others. Hopefully, Places for Growth is here to stay.

Chair: Perhaps when you have checked that point about Aberdeen, you could write to us, please, Mr Marks.

Q152 **Damien Moore:** Written evidence we have received from the Department for Education said that it had no centralised approach for secondments and interchanges with the devolved Administrations. How far does this practice differ between Government Departments? We will take naming and shaming, if you would like, as well. Dr Goodall, if you would like to start?

Andrew Goodall: It is difficult to comment on it. I did not come here with any notes that exchanges or secondments with the Department of Education do not happen at all. We have a variety in a number of different Departments from the Ministry of Defence through to DLUHC. I found it worked well. I do not have a league table of areas. When there is a need or a specification to have somebody involved, we seem to have a pretty open conversation and make it happen.



As I said earlier, some of the budgetary constraints over recent years may have acted as a bit of a limitation. I could go away and look for you, but I have not had anyone tell me it is a problem.

Jayne Brady: As I have referenced before, we don't have interchange agreements in place with UKG or arrangements for secondments. All the posts that I advertise generally are open to secondment as well as substantive positions. I guess that reflects the different constitutional and different legal situation with that.

Our vehicle for looking at increasing engagement would potentially be through the framework that I discussed earlier—that the British-Irish Council is bringing together with our Administrations to look towards a framework for signposting and delivering those principles. All our principles will have separate Northern Ireland Civil Service commissioners. Appointments are based on the merit principle and are open and advertised. Secondment would be in the context of that merit principle and, similarly, of course we have done those previously as well. The level of interchange does not rely on it and that is probably reflected in some of the figures for secondment that we have in place because those require certain structures to be in place and commissioners to be invoked.

John-Paul Marks: I am not surprised by the DfE evidence because, almost by its nature, education is totally devolved in that regard. We do not have a presence for DfE in Scotland in the same way as we do for DWP, HMRC, FCDO, DfID in the past and others. Therefore, the opportunity for movement between those Departments in Scotland has been much more significant than it has for DfE. Colleagues have been working on an intergovernmental placements working group. DLUHC is looking at a pilot for interchange as well. I can see my Transport Scotland team is looking at shadowing opportunities with the Department for Transport. Bilateral arrangements are going on and there are some opportunities to improve this in the future, too.

Q153 **Damien Moore:** Moving on, both the Dunlop review and Philip Rycroft, when giving oral evidence to us, said that entry to the senior civil service should require at least two to three years' experience in or with a devolved policy area. Would Ministers working with those civil servants benefit from such an approach?

Andrew Goodall: Yes. There is a benefit of it. Whether it is a requirement for absolutely everybody going into the senior civil service I am not so sure. In a range of Departments, maybe that is not the most significant issue. I welcome the sentiments of it, of course. It would definitely bring some different experiences. I feel we have something to offer.

We also take the opportunity, though, of bringing people in with skills from Whitehall ourselves and also with experiences from our other public services across Wales. I am happy to go away and reflect on that more



significantly but, again, I would rather target some of the wider departmental capability and understanding, as I have highlighted in my evidence already over the last couple of hours or so, that may require that as an individual specification. I can see some exceptions.

Q154 **Damien Moore:** Jayne?

Jayne Brady: To Andrew's point, there are requirements for the roles. Within a DLUHC capacity, the individuals and senior civil servants, it is a great asset to have had that experience of working with DAs, but perhaps not so much in other Permanent Secretary roles within the offices.

Overall, having some specialist capability is valuable at the Permanent Secretary level overall within that domain. Our posts are generalist in nature within the civil service, but I see the value of bringing in external expertise. We have seen people previously with economics backgrounds. The senior civil service has done that as well with Sarah Munby's appointment into the service. Getting that diversity of viewpoints around that senior table is important to cover all those aspects, but some individuals need to have that representational experience of the DA aspect more than others. Indeed, I imagine that throughout the journey within the civil service, few Departments will not have had engagement with offices in other Administrations.

John-Paul Marks: I totally agree with that. It should be encouraged and welcomed. It is positive. But making it a requirement for all SES roles across the UK civil service, I fear, would not be practical, given the volume of SES roles across the UK civil service and the number that we can offer in devolved Governments at any one time, given our size. None the less, as Andrew and Jayne have said, with the spirit and the intent of that, deepening a real understanding of devolution at all levels is to everyone's benefit, including Ministers. I am not sure it is practical that we could do it for all SES.

Chair: Thank you. You will be glad to hear we are coming to the last questions. They are from Lloyd Russell-Moyle.

Q155 **Lloyd Russell-Moyle:** Is the UK Government civil service getting sufficient and effective training for devolution? The number of people attending training has increased exponentially in the last five years. John-Paul?

John-Paul Marks: It sounds like you have some data in front of you that shows that that is improving, which is encouraging—

Q156 **Lloyd Russell-Moyle:** Have you noticed the outcome of that training?

John-Paul Marks: As I have alluded to, there is deep capability in understanding devolution in particularly those bespoke teams that focus on it and also in those Departments where there is integration.



Are there opportunities to go further and do more? I am sure there are. I do not immediately have an area where I am concerned, but I suppose one opportunity of the regular engagement with DLUHC on its capability programme—devolution learning week, civil service live and other areas—is, as and when things pop up and where there is that risk, we are able to openly explain, “We thought there was a bit of a knowledge gap here,” and encourage colleagues to take the training up that is available.

Q157 Lloyd Russell-Moyle: Fantastic. Devolution week doubled the number of attendants last year. The figures are looking good. To Jayne, the same question. I guess additionally, how do you make sure it is not just those who are keen on devolution who attend things like devolution week and the devolution training and that naysayers do not stay in a corner of their office and never engage with the issue?

Jayne Brady: Of course, not having a separate civil service creates further complications. I have actively ensured that I have been involved in devolution week, even though I am of a different civil service, to show that representation. I am on panels with JP and with Andrew and also providing that learning and engagement on the Belfast/Good Friday agreement and the constitutional arrangements is important.

You are right. The people who turn up and lead into that are the ones who are least in need of it, and they are not aware of what devolution training the UK civil service provides.

Particularly in Northern Ireland, notwithstanding the positive engagement we have, I am sometimes quite struck by the lack of knowledge of our fundamentally different constitutional arrangements in Northern Ireland. There is not a central *[Interruption.]* that there is a Cabinet responsibility. Those structures, which are necessary for the establishment and for the running of the Belfast/Good Friday agreement, are not the same as they are in Whitehall. Even though those are perhaps “intellectually known”, actually I cannot speak towards a different Department’s view or line, such as Finance or Health, if it is not an Executive position in my role. It is not just the knowledge of the structures, but the implementation and the outworking of those can sometimes be more challenging as well. That is for those officials to engage with us on the day-to-day; you don’t necessarily get on a training course.

Q158 Lloyd Russell-Moyle: Andrew.

Andrew Goodall: We need to keep building on the contacts. I said earlier in my evidence that I was a little worried that if devolution is the moment when we have the week of events and then that is the last everybody thinks about it, we have not quite mainstreamed it in the way that we intended. I have been pleased to be alongside JP and Jayne at those events, where I hope we have demonstrated our own willingness to help people to understand those areas and to support colleagues alongside.



HOUSE OF COMMONS

I can emphasise how the broader development programmes for the civil service for me have a different feel around devolution now if I reverse to when I first joined the civil service in 2014. I am on the steering board for our civil service live events, which happen across the whole of the UK. An important conversation makes sure that devolution appears at the front of the stage in the plenary, right through to the individual breakout groups.

I have liked in those approaches the opportunity not just to describe this in a technical way but to bring home the impact of what some of that means. We should be curious to understand the policy innovation that is happening across our respective Administrations because civil servants do different things to different effect.

I remember when we had our first lawmaking powers in the Welsh Government, I was supporting the then Health Minister in my NHS role to bring forward the organ donation laws in Wales. When you look at the impact of those, learning from international evidence, they have now been implemented across all of the Administrations because of the learning and the innovation and the best practice that we have done. At regular policy events they are allowing us to describe the devolved Administration experiences along UK Government colleagues to, hopefully, be better in policy overall.

It is good to see the numbers going up and we could technically tick the box, but allowing ourselves to understand the outcomes that are being achieved as a result of these different approaches is also important.

Q159 Lloyd Russell-Moyle: I agree. The “Cabinet Manual” has not been updated on devolution since 2017 and most of it is based on 2011 and so completely ignores Brexit and the changing relationships that have been forged from it, and of course the Windsor Agreement and so on.

What is your assessment of the current information about devolution in the “Cabinet Manual” and the slightly more updated—but not that much more updated—Devolution Guidance Notes? Should there be a wholesale update of the Devolution Guidance Notes and then a reflection in the “Cabinet Manual” to make these updates; or are we happy bumbling along as we are? Andrew, shall we go with you and do it the other way around this time?

Andrew Goodall: Yes, I touched on a couple of examples earlier. The devolution guidance has been lightly updated. It is still generally the same content from 2019 but it was looked at again in 2023. I agree with your sentiments that that is not conveying or setting a framework for the significance of the experiences that we have gone through. The EU exit, of course, has had a big effect on how we interact with each other and even some of the pandemic experiences that we have worked through. I would argue for that to be upgraded.



HOUSE OF COMMONS

Some translation into the "Cabinet Manual" absolutely would make sense, but I still maintain, as I said earlier, that some of the practical policy guidance around and available for civil servants who have a contact and have an interest is a good checklist with contact points to help people understand where they need to account for the devolved responsibilities as well. The more up to date we can make it, the more we can discharge that effectively and professionally across the civil service.

Q160 Lloyd Russell-Moyle: The policy documents might be updated and quite practical, but they have not been reflected in the updates of the "Cabinet Manual" as they should have been. Is that a summary?

Andrew Goodall: Yes, not quite translated across to that aspect, but we have elements that definitely I can see have changed as a result of some of the recent devolution experience.

Q161 Lloyd Russell-Moyle: Jayne, what are your feelings on this?

Jayne Brady: The updating of manuals is a UKG perspective, but I have not seen impediments to that. There is merit in looking at the memorandum of understanding that we have with the UKG. It has not been updated for a period of time.

With the indications for the Windsor Framework and the different levels and aspects that has from a constitutional perspective and obviously the requirements and engagement we have, particularly with some Departments, there may be a value in reflecting that more broadly within that guidance as things have changed, which is probably not reflected in that; it is more at an operational level at the moment. With DAERA, we have provided training to that perspective within a Northern Ireland context as well.

Q162 Lloyd Russell-Moyle: Thank you very much. John-Paul, last but not least, of course.

John-Paul Marks: I recognise your point. A lot has happened in the last few years. Ciaran Martin, Philip Rycroft and others have talked about how devolution is a journey and a process, and it is constantly changing. I have referenced some examples of that fiscal framework. You have spoken about the Dunlop review and the IGR mechanisms. Clearly we have some elections ahead of us, too.

So the next chapter of devolution will need careful leadership. Ultimately, whether it is the "Cabinet Manual", the guidance notes or the capabilities of the civil service, we need to make sure they are up-to-date, modern and giving Ministers the best possible advice to navigate the future. I am with you on the point that this requires constant diligence. The three of us are committed to leading on this as best we can.

Chair: Thank you. You will be delighted to hear, I am sure, that that is the last question. It has been a lengthy session. Thank you all for appearing here today and helping us with this inquiry.



HOUSE OF COMMONS

Mr Marks, I think you will let us have a small note on the point raised by Mr Cowan. If you would like to augment any other aspect of the evidence you have given, by all means please do write to us. Thank you all once again.