

## Professor Laura McAllister – Written Evidence (GOU0007)

Is there scope to strengthen the role of the Office of the Secretary of State for Wales at official and ministerial level in order to improve communication and consultation between the UK Government and the Welsh Government? If so, how could this be achieved?

- a) Should the Office of the Secretary of State for Wales be the route through which the Welsh Government engages the UK Government on policy issues, or should the Welsh Government engage directly with the relevant Whitehall department?

The proper role and scope of the territorial offices is increasingly contested. In addressing your Committee's first question, I would respectfully suggest that 'improved communication and consultation' is less likely to come from 'strengthening the role' of the territorial offices and more from a shift in mentality, mindset and culture with regard to wider Inter Governmental Relations (IGR). Dr Williams and I elaborated on this with specific illustrations in our evidence session with the Committee on 17 April 2024.

I believe the following points should frame any discussion as to the future of the Office of the Secretary of State for Wales:

- I. The asymmetric nature of the UK's 'constitution' requires a flexible approach. The uneven nature of devolved powers and the mix of Whitehall departments which are England-only, UK-wide, and England and Wales necessitate this;
- II. The fluid and changing scope of devolved powers and legislative competence. This needs to be assessed both retrospectively and prospectively, especially in view of the report and recommendations of the Independent Commission on the Constitutional Future of Wales, January 2024;
- III. The staffing and resourcing of the territorial offices and the degree to which this is constrained by expertise and staffing. The picture looks gloomy presently and, in my view, has contributed to a decline in the status and profile of the offices;
- IV. An important principle and a practical imperative for Welsh and Scottish Governments to be able to liaise directly with different Whitehall departments. The scope and significance of devolved policy areas and the inevitable 'jagged edges' with regard to these necessitates direct engagement. Also, and notwithstanding the point above about capacity and specialist knowledge, the legitimacy of the democratically elected parliaments and their governments needs to be properly considered. In my evidence to your committee in April 2024, I stressed that problems with IGR have mostly arisen as a result of the UK Government and Whitehall departments treating Welsh Government as a stakeholder to be managed, rather than an esteemed partner with proper legitimacy and a stake in the democratic process;
- V. The risks of such territorial offices being politicised when there is 'co-habitation' in Cardiff and London (or Edinburgh and London).

Clearly, there will inevitably be a different commitment in different political parties to making IGR and political relationships work. I would simply state that there is a suite of evidence as to the relationships between the office of the Secretary of State for Wales and the First Minister and Welsh Government being more overtly politicised in recent times. I mentioned some examples in my oral evidence.

*23 April 2024*