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**Inside the National Assembly for Wales :  
The Welsh Civil Service under Devolution**

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Much of the devolution debate in Wales has centred upon the uniqueness of Welsh constitutional arrangements and political traditions. While we must safeguard against a resurgent Welsh exceptionalism, several features set the Wales case apart from those in Scotland, Northern Ireland and the English Regions. Wales had a distinctive history of administrative devolution from 1964 to 1999 (part one). True, Scotland has a longer history of administrative deconcentration than in Wales, but this asymmetry is inherent in the history of the British Union State. While Scotland retained its separate legal and educational systems, Wales was routinely considered, for legislative and political purposes, either as part of England, or as the junior partner in an indissoluble couple.

Neither Scotland nor Wales is comparable to Northern Ireland, where the historical experience of devolved institutions runs much deeper, but where underlying communitarian tensions shape and prescribe the nature of the devolved institutions in a way that has no equivalent in Wales or Scotland. Moreover, Northern Ireland has long had its own civil service, testament to the specific problems the province faces. While many of the challenges facing devolution in Wales and Scotland in particular are similar or identical, the devolutionary path in Wales has been highly distinctive, shaped by the hybrid nature of the 1998 devolution 'settlement' (part two) and the dynamic process thereby unleashed. In the main body of the article (parts three and four) we present preliminary findings drawn from around 70 interviews carried out within and around the National Assembly for Wales from October 2001 to March 2002, with Assembly members, ministers and top officials, as well as within the broader policy community.<sup>1</sup> This work is ongoing and our findings are preliminary. A broader understanding of

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1. Interviews took place within the following organisations: the National Assembly for Wales (Cardiff Bay and Cathays Park) Education and Learning Wales (ELWa), the Community Consortia for Education and Training, business organisations (CBI, FSB, Chambers-Wales, IoD, House-Builders Federation, the Economic Fora), trade

the devolutionary process is essential in order to capture the political and policy environment within which officials working for the National Assembly have to operate.

This paper forms part of a much larger project comparing processes of regional governance in Wales and the French region of Brittany.<sup>2</sup> Our interest in the Welsh civil service is not primarily with the classic themes of bureaucratic power or organisational sociology, though both feature in this paper. We refer the reader in particular to the work of Dowding (1995) for a coherent exposition of the British civil service as a whole in the context of competing models of the state.<sup>3</sup> Our aim in this paper is rather different from the enterprise undertaken by Dowding and others. Rather, we seek to develop a framework with which to compare processes of regional capacity building in a particular family of European states; those with unitary or union (or non-federal) traditions. Our framework for regional governance combines criteria drawn from institutional and network analysis, social capital, identity formation, public policy co-ordination and central regulation. As a generic term, regional governance can be understood either as an independent or as a dependent variable. As an independent variable, regional governance can be understood in a bottom-up sense as signifying the development of regional capacity, whether conceived of in terms of stages of development (Loughlin, 2001) development coalitions (Keating, 1998), regional 'regimes' (John, 2001) or powerful regional political institutions. As a dependent variable, governance should be understood mainly in a top-down sense, as signifying new forms of 'steering at a distance', whereby the central state (and in specific areas the European Union) hopes to exercise strategic management by decentralising difficult and irresolvable policy problems to lower echelons (Jessop, 2000). We are primarily concerned with investigating regional governance in the bottom-up sense, whereby National Assembly officials form part of an emerging pan-Welsh network cultivating its difference with its powerful neighbour. We are also conscious, however, of Welsh devolution being part of a top-down political project, to some extent imposed upon a reluctant and divided population in 1997. From this perspective, we are also interested in uncovering the constraints under which Welsh civil servants operate and the multiple ties that bind Assembly officials with their counterparts elsewhere in the United Kingdom.

Our empirical investigation of the operation of the Welsh civil service forms (a relatively small) part of a broader exercise in comparative politics. We seek to understand how and whether the development of regional bureaucracies contributes to the overall governing capacity of regional administrations, and in what circumstances they act as a brake on the development of greater regional autonomy. Consistent with actor-based models of the policy process, we explore the cognitive frames of the civil servants themselves as they adapt to the new circumstances of devolution. We conclude that the capacity of the National Assembly of Wales to produce an

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unions (TUC, GMB, Unify), Wales European Funding Office, the Welsh Development Agency, the Welsh Tourist Board, local authorities, the Welsh Language Board, the New Deal Taskforce, Employment Services, the Countryside Commission for Wales, the European Commission, the Equal Opportunities Commission, Ford, British Aerospace and various education and training providers. Interviews are ongoing. All interviewees were guaranteed anonymity.

2. Research for this paper was carried out as part of the United Kingdom Economic and Social Research Council's Devolution and Constitutional Change programme ('Devolution and Decentralisation in Wales and Brittany': grant number L 219 25 2007). The award holders are Alistair Cole (principal researcher), Barry Jones, John Loughlin and Colin Williams. Alan Storer is the Research Assistant. The award is based in the School of European Studies at Cardiff University (the Department of Welsh is also involved). We thank the Council for its support.

3. There is a very full bibliography in Dowding's rational-choice oriented work.

advanced form of regional governance is dependent in part upon the willingness of Welsh civil servants to share ownership of the devolution process and to place themselves at the centre of territorial networks.

### **1- Administrative devolution in Wales: the experience of the Welsh Office, 1964-1999**

Devolution in Wales is not a house built on sand. Its solid foundations were laid by a century of piecemeal administrative devolution. Consistent with traditions of British empiricism, Welsh administrative arrangements evolved slowly to deal with problems as they arose (Jones, 1986, 1990, 2000). The challenges of managing a diverse and geographically extended principality produced administrative innovation in areas where proximity could provide better governance: local government, education, to some extent health. By the 1940s, there existed a recognisably Welsh education system. Separate Welsh administrative structures were laid down in specific acts: the National Insurance Act of 1911, the Welsh Health Act of 1919 and the National Health Service Act of 1946 (setting up a Welsh Regional Health Board). This spilled over into other areas: the Welsh Arts Council in 1967, the Countryside Commission for Wales in 1968, the Welsh Tourist Board in 1969. The catalyst in this process of administrative devolution was the creation of the Welsh Office in 1964. The decision to create a territorial department broke with the principle of functional specialisation set out in the 1918 Haldane Committee report (which established the Cabinet Office and the basis of modern public administration). The Scottish and Welsh offices were based upon territorial, rather than functional criteria. The Welsh Office represented more of an innovation than the Scottish Office, insofar as there had previously been no separate administrative or legal system. In the case of Scotland, powers had been transferred as early as 1939, and there had always existed a Scottish advocate general.

If the Welsh Office was conceived as a territorial department, it had a political salience disproportionate to the size and scope of its activities. It was set up following an election pledge made by Labour in its 1959 and 1964 manifestos. When Labour finally returned to power in 1964, the first Secretary of State, Jim Griffiths, proceeded to set up the Welsh Office. In April 1965, the Welsh Office took over the executive functions of the ministry of housing and local government in Wales as well as the Welsh roads division of the Ministry of Transport. The Office initially had weaker responsibilities ('oversight') in the fields of agriculture, education, health, transport, labour and trade.

Welsh administrative decentralisation developed in a random, incremental fashion. A range of new functions were transferred to the Office as new policy problems arose. Powers transferred were contained in specific pieces of legislation: transfers included building regulations and water resources (1968), Health (1969) welfare services (1969) some parts of agriculture (1969) planning (1970) primary and secondary education (1970). In 1974, the Office was upgraded. The Permanent Under-Secretary was replaced by a Permanent Secretary, with the same status as other permanent secretaries in the Whitehall machine. In 1975, the Office obtained a range of new economic powers. All of the regional powers of the Industry ministry were transferred. In 1978, the Office was granted responsibility for what remained of agriculture, plus further and higher education (excluding the University of Wales). Finally, in 1979, the Welsh office was given the power to negotiate directly with the Treasury for the level of the block grant for Welsh local authorities.

The Welsh Office was set up against Whitehall opposition and a degree of obstruction, a theme emerging later when considering the National Assembly for Wales. Powers were transferred on a case-by-case basis, as a result of pressure by a determined Secretary of State. The

Whitehall civil service was hostile and innately conservative and remained so during the 1979 Devolution referendum in Wales. Notwithstanding Whitehall ambivalence, the Welsh Office expanded its financial budgets and personnel resources. In 1965-6, the Welsh Office employed only 376 people; by 1989-90 this had increased to 2215 and by 1997 to 3,000. By 1995, the Welsh Office had a budget of some £7,000,000,000, 70 per cent of total public expenditure in Wales (Jones, 2000). These vast sums of money were spent without any democratic accountability at the territorial (Welsh) level for which they were destined.

Critics accused the Welsh Office of secrecy, amateurism and a lack of accountability.

The contrast was stark between the relatively sophisticated administrative machinery in the Welsh Office and the generally weak political leadership offered by the Secretary of State, assisted by two junior ministers. That the Secretary of State represented a different political majority for most of the period since 1979 did not help matters. Conservative Secretaries of State saw their role as much as one of imposing the central writ in the principality as one of defending Welsh interests in cabinet, though the approach adopted by different ministers varied. There was a serious democratic deficit. The four Secretaries of State between 1983 and 1997 were all English Conservative MPs, one of whom boasted to never having spent a night in Wales and another making it a point of honour to hand back money to the UK Treasury. The weakness of political oversight gave officials a great deal of leeway in deciding how – and whether – to implement government policy. In areas of great sensitivity for Wales, such as local government finance for example, Welsh local authorities and officials formed a common front to water down some of the reforms of the Conservative years. Officials had to be sensitive to a Welsh public opinion that had rejected the Conservative administration at every election except that of 1983.

Much of the argument put forward by pro-devolution campaigners concerned the desire to move away from the secretive Welsh Office world of the Welsh Office administration and towards more open and accountable government (Morgan and Mungham, 2000). To For many, the Welsh office retained a colonial presence, subordinating Wales to London through the operation of collective cabinet responsibility and a bureaucratic ethos of conformity. The Office was for many a bureaucratic citadel distrusted by Welsh civil society. In the opinion of one observer, however, 'the Welsh office has evolved a unique role. It is of central government, but not really in central government' (Jones, 19??). This exercise in territorial administrative decentralisation proved to be a useful apprenticeship for devolution from 1999 onwards.

## **2- The Government of Wales Act and the Devolution Settlement**

Unlike in Scotland or Northern Ireland, the Government of Wales Act created a National Assembly with secondary legislative and regulatory powers, rather than with primary legislative and budgetary powers as in Scotland. The model of executive devolution implemented in the Government of Wales Act (GWA) of 1998 was heavily imbued with the legacy of the Welsh office, from the precise functions transferred to the key civil service personnel involved in assuring the transition. The Assembly inherited 'the exact powers of the Secretary of State', though the Secretary of State had been part of central government with a voice in cabinet. Critics argued that powers were transferred solely for reasons of administrative and political convenience, rather than on evidence-based criteria, resulting in a patchwork of powers, not a well-thought out approach. The powers transferred were those of the old Welsh Office. But the reasons for the transfer of powers had been pragmatic rather than principled in the first place. They had evolved in an arbitrary and haphazard matter, usually reflecting different traditions within Whitehall departments.

Rawlings (2001) diagnoses four basic principles underpinning the Welsh model of executive devolution enshrined in the 1998 Government of Wales Act. These are the vertical division of law-making powers; the horizontal division between secondary and primary law-making powers; the overlapping of powers with central government and the evolutionary character of the devolution process.

Through the vertical division of law-making powers, devolution presupposes a dual polity. There is an implicit division of labour between the devolved and central governments. The core functions of the state remain with central government. These are defence, taxation, social security, immigration and nationality laws. The Government of Wales Act transfers seventeen 'fields'<sup>4</sup>, but there is no precise, constitutionally based division as in a genuine federal system. Consistent with the doctrine of parliamentary sovereignty, and the principle of secondary legislative powers, Westminster retains legislative pre-eminence even in transferred areas. Conforming to the traditional local government model, moreover, the Assembly can only act where it has precise statutory responsibilities. It cannot invest itself with new responsibilities, nor can it raise additional sources of finance. It can, however, make primary legislation within secondary legislation (through statutory instruments and circulars), which vests it with a distinct policy formulation role.

The horizontal division between secondary and primary law-making powers is Rawling's second principle. The amount of power transferred depends on the rules governing a particular statute; powers are literally enumerated statute by statute. There is no general administrative competency. The Government of Wales Act explicitly set out few functions; most were transferred by statutory orders by the Secretary of State. The Assembly obtained nearly all of the Secretary of State's previous functions, dispersed across 300 laws and statutes. Altogether, some 3000 statutory instruments were inherited from the old Welsh office – many of which are contradictory. Though creating a form of hybrid, partial devolution, the Government of Wales Act empowered the Assembly in several ways. Through its control of statutory instruments, the Assembly can make its own-delegated legislation in the 17 transferred fields. The precise rules vary according to the terms of each Act. In some cases the margins of manoeuvre are very narrow and the Assembly has little possibility to modify rules formulated in Westminster. In other cases, framework legislation can leave much more discretion with the devolved Assembly. The Government of Wales Act also enabled specific functions to be transferred to the Assembly in the future through the Transfer of Functions Order mechanism.

Devolution in Wales is characterised by an overlapping of powers and a policy interdependency that is inherent in the devolution settlement and the lack of clearly defined generic principles. There is no general legislative competence for the Assembly in the devolved areas: the Assembly can only act where it has a statutory basis for action. Even in the Assembly's areas of decision-making responsibility, it is usually unable to act alone. This political dependency produces a form of interdependent policy-making that we observe in operation elsewhere in the field of education and training, economic development, agriculture and employment policy (Cole and Storer, 2002). A final principle of devolution in Wales is that of an ongoing allocation of powers. As Rawlings rightly argues 'this alone ensures that the devolution of today is not the devolution of tomorrow. So too the architecture of the scheme reflects and reinforces an evolutionary approach with an in-built capacity for change' (Rawlings,

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4. These are: agriculture, ancient monuments and historic buildings, culture, economic development, education and training, the environment, health and health services, highways, housing, industry, local government, social services, sport and leisure, tourism, town and country planning, transport and roads and the Welsh language.

1998, p. 2). While change can strengthen the Assembly through Transfer of Functions Orders, it does not always have this effect. Westminster can also take powers away from the Assembly. Since devolution several new laws have repealed older ones where Wales had special dispositions. Many Westminster bills do not take devolution into account at all. New bills can take powers away from the Assembly quite simply because they fail to mention the former dispositions. Once this has occurred it is very difficult to override the new Acts, except by a new Transfer of Functions Order, a complicated and timely affair.

Executive devolution in Wales is inherently unstable. There is a gulf between the expectations placed on the Assembly and the realities of interdependent, semi-sovereign politics (Cole and Storer, 2002). In most interviews we carried out with Assembly members from all parties, strong demands were formulated for new powers. In the absence of clear consistent rules, policy-making fields are blurred. Deprived of full legislative powers in the transferred domains, the National Assembly lacks the legal and political means for its policy ambitions. Even the Conservative group accepted that a clarification of the Assembly's powers was essential. The majority view encountered amongst Assembly members is that the current system suffers from a lack of clarity and a confused and unworkable attribution of functions. It is against this background that we undertook our interviews with top officials in the National Assembly for Wales that we will consider shortly. First, we present the organisation of the Welsh civil service.

### **3- Inside the Civil Service. The View from Cathays Park**

We carried out an extensive series of interviews within and around the National Assembly for Wales from October 2001 to March 2002, including a number with top Assembly officials, who shall remain anonymous, and serving and former ministers.<sup>5</sup> Following a semi-structured interview schedule, we sought to probe the view from within Cathays Park, from frontline officials in the forefront of the Assembly's activities. We sought to elucidate the following questions. How has life changed under devolution? How have relationships evolved, within and beyond Wales? Who are the new masters of Welsh civil servants? What linkages bind civil servants in Wales to their colleagues elsewhere? What expectations do civil servants have of the future? There follows an attempt to reconstruct the sense of these interviews, in order to gain an insight into the functioning of the administration in the era of devolution.

#### *How has life changed under devolution?*

In response to the question 'how has life changed under devolution', all interviewees complained of their increased workload. In the words of one official working in the Training and Education department: 'We are *much* busier than before. We are dealing with one minister – Jane Davidson– whereas previously I dealt with Peter Hain, the Secretary of State, who was involved with everything. We also have the committees and the policy boards to deal with'.

Officials had to prepare for, and occasionally appear in front of committees, something for which most of them had previously had no experience. In the view of one official, there has been a ten-fold increase in parliamentary questions since devolution. Whereas in pre-devolution days Welsh questions used to be once a month, now question time in the Assembly takes place every

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5. Interviews lasted from 30 minutes to one hour. All interviewees were guaranteed anonymity. Each quote is the literal citation from a taped interview.

week. Moreover, civil servants have to prepare answers for around a dozen parliamentary (National Assembly) committees, whereas before there had only been one (the Welsh Affairs Committee in Westminster). Civil servants working in the Presiding Office also complained about the workload. Each Assembly committee (the seven subject committees and the four regional committees) has a clerk attached to it and finding enough people with the relevant expertise is very difficult. The Assembly has had to co-opt people on temporary contracts from legislatures elsewhere in the Commonwealth to assist in staffing the committees.

One consequence of this increased activity is that there is 'a lot less thinking time', while ministers are constantly demanding higher levels of expertise and imposing a set of procedures that build extensive co-operation into the organisational mores of the Assembly. The Equality Opportunity and Environmental Sustainability agendas meant that every policy had to be viewed through these lenses, whether appropriate or not. The main reason explaining this increased activity was the determination of ministers to make a difference.

### *Ministers and civil servants*

Whereas the Secretary of State had been hands-off, with a very broad and general brief, the Assembly is much more interventionist. There are nine Cabinet secretaries (or Ministers) and seven Assembly subject committees, each of which focuses on particular areas of public policy. This activism has placed increased burdens on civil servants. From being general administrators, civil servants have had to become policy specialists.

In the past regime, Ministers rarely engaged with civil servants. The briefs of ministers were inter-ministerial, and communications tended to be by written documents, rather than face-to-face contact. As there were only three ministers – a Secretary of State and two junior ministers – they were heavily reliant for their information on the Welsh Office civil servants. This dependency allowed civil servants to develop their ideas at a leisurely pace. Since 1999, there has been much closer contact with the minister. In most departments there is now a policy board, where the minister meets with senior and mid-ranking civil servants once a month to discuss forthcoming proposals and identify priorities. Informally, heads of departments are in contact with ministers on a daily basis. For mid-ranking officials, contact ranges from supporting the minister in committee, organising internal meetings, and assisting the minister in outside meetings. Much work occurs in liaison with the special advisors, another new development that civil servants have had to get used to.

The nature of contacts between ministers and civil servants has changed in various ways. Ministers are now much more accessible. Moreover, civil servants now have more opportunity to be in contact with politicians of a different political hue, particularly when preparing committee meetings. Above all, there are now far more ministers, each ambitious in their own policy field. In the words of one official in the Training and Education department: 'We used to have three ministers and they were very selective about what they did. We now have nine and we have one devoted purely to education'. The Education minister, Jane Davidson 'rarely declines any invitation to make a speech'. Moreover, she is actively cultivating connections with Europe and elsewhere, activities that had been no part of the former Secretary of State's Welsh Office brief. In the Welsh Office days, 'the minister could not give all his attention to developing education policy. There was more trust between ministers and civil servants; ministers let civil servants get on with things. Much more so than they do now, when ministers have more time to devote solely to educational matters'. There have been other, more subtle changes. Financial control has become much stricter. There is now a Finance Minister, whereas previously there was a Finance

Group consisting only of civil servants. Spending priorities within the National Assembly are now subject to much more political arbitration and financial accountability is much more exacting.

If the main challenge for civil servants was working with ambitious ministers, most ministers interviewed recognised the hard work and the loyalty of civil servants in developing new policies for the Assembly and making a success of devolution. The Education Minister praised the expertise and loyalty of her staff. On the other hand, one former minister doubted the loyalty of civil servants during her time as minister. There were channels of information from Whitehall to the senior civil servants, so that the latter were much better informed than ministers. This put ministers at a disadvantage. These rather conflicting accounts probably testified to differing experiences of the two ministers in question, but they also demonstrated the futility of defining iron cast rules of interaction between civil servants and ministers, when so much depends on the force of personality of the individuals concerned.

### *Policy Development and All-Wales Policies*

Though the workload has increased incommensurably, the biggest difference with the Welsh Office days was qualitative. There is a lot of pressure from ministers to be different, especially from experience in England. In the devolved areas we 'are very interested in producing Made in Wales policies'. Civil servants are now involved in 'policy development', an evolution that not all felt comfortable with. Gaining policy development did not mean divesting officials of routine administrative tasks, however, which still had to be carried out. Some officials complained about the unrealistic expectations held by ministers in relation to policy development and the ability to produce original policies. On the other hand, the pressure to produce Made in Wales policies placed Assembly officials at the centre of a network of organisations with a deeper reach than ever before into Welsh society. We consider this dimension below.

### *Limited Resources*

The sense of being overburdened was pervasive in each interview carried out, as was the belief that adequate resources had not matched increased responsibilities.

'We are over-burdened. We need more money and pairs of hands. We now do policy development. We are also required to have evidence-based policy. But numbers have been static. We have to undertake consultation processes and produce policies. There is a cost. We are now bigger than when we were in the Welsh Office, but this has not matched expectations or workload. There is a growing feeling that we should be going our own way more than in the past. This needs more resources'.

Though there had been some expansion in staff, this increase had occurred at the Bay end, in the Presiding Office, creating some ill feeling between the 3000 civil servants in Cathays Park (serving the Welsh Assembly Government) and the 300 in Cardiff Bay (serving the legislature and its committees). To paraphrase one official, numbers needed to rise steeply to allow civil servants to carry out their new role: 'During the Welsh Office days, we were staffed as an offshoot of Whitehall, relying on the lead department of Whitehall to do the bulk of the legwork. We tuned government policy to the Welsh perspective. We are now being asked to act as a freestanding government'. If the Assembly administration was not given more resources, Welsh civil servants would once again look to Whitehall departments for examples of best practice, going against the injunction to produce Made in Wales solutions. Whitehall templates could



easily be adapted to Wales, whereas new secondary legislation that departed from Whitehall regulations requires expertise. The easy solution would be to copy Whitehall.

Officials also cast some doubt over whether the Assembly had enough resources to be able to attract good people. One civil servant claimed that Ministers wanted more Welsh-based policies partly in order to be able to recruit a more genuinely Welsh civil service, including a Welsh-language speaking civil service. The Assembly would only compete with other public and private authorities for the limited pool of Welsh speakers by offering better salaries and working conditions. A lack of resources prevented civil servants from performing their policy development role: 'We know how to do it, but we do not have the resources or the time to do it'.

### *Who are the new Masters?*

When asked who were their new masters, Welsh civil servants were unanimous: they worked for the National Assembly (and principally the Welsh Assembly government). In the unlikely event of conflict between the devolved administration and the UK government, their principal duty would be to the National Assembly. Their status as civil servants serving the National Assembly was much more important than their status as members of the home civil service. In the words of one official: 'We do not think of ourselves as part of the same civil service family as someone in the Treasury, but I doubt whether someone working in a dole office in Aberdeen would, either. The civil service is a very broad family'. Most civil servants in Wales do not work for the Assembly, but for non-devolved services such as Social Security and the Inland Revenue.

In his study of top officials in the four nations of the United Kingdom, Richard Parry (2001) reports the fears of supporters of a unified home civil service that the 'civil service ethos' of neutrality, anonymity and public service would be weakened by a more autonomous Welsh and Scottish administration. For our interlocutors, Whitehall has no right to claim to be the guardian of the ethos. The civil service in the devolved Welsh administration is above all committed to working with ministers and developing its own expertise and professionalism, almost irrespective of what goes on in London, a theme to which we shall return.

### *Accountability, Scrutiny and Modern management*

One civil servant lamented that since devolution 'officials have had to get used to working in something of a goldfish bowl'. Under the old Welsh Office regime, civil servants could lead a discrete existence and exercise influence behind closed doors. The Secretary of State had to tow the Whitehall line and was subject to conventions of collective cabinet responsibility, shielding civil servants from direct public exposure. Since devolution Welsh civil servants have been much more directly under the public spotlight than ever before. They are no longer protected by conventions of anonymity and secrecy. They are directly responsive to ministerial demands and often accompany the minister in public. Above all, Welsh Civil servants are now required to appear before parliamentary committees, 'a strange and daunting experience' in the opinion of one official. The officials interviewed all accepted this as part of the job. As part of the motivation for devolution was about 'exposing the system to scrutiny after 18 years of Tory mis-rule', the civil service was bound to find itself in the public spotlight.

In sum, civil servants are much busier, enjoy much closer relationships with ministers, are more involved in policy development, have inadequate resources to carry out their new duties but

pledge their primary loyalty to the National Assembly. They are also involved in a series of changing relationships.

#### 4- Changing Relationships

Inter-personal and inter-institutional relationships feature prominently in the French literature on organisational sociology, as well in actor-based models of public policy making such as that of policy networks. In our interviews with top officials, we uncovered the changing nature of their relationships with Whitehall departments, as well as within the broader Welsh policy community. As a general comment, there was a belief amongst all interviewees that devolution depends too much on personal relationships, without any iron tight rules of the game. For civil servants comfortable with established procedures, this proved somewhat of a challenge.

##### *i). Relations with Whitehall<sup>6</sup>*

According to one well-placed source: 'For the first two years of devolution, we had an awful lot of run-ins, some of them very well documented. Others not. These were turf wars; there were a range of disputes about what constituted primary legislation and what did not. There were a lot of conflicts with Whitehall departments'. There remains amongst Welsh civil servants a feeling that Whitehall 'does not know how to deal with an institution which is not part of collective responsibility'. It goes against the Whitehall spirit of norm and rule-based consensus between civil servants throughout the United Kingdom. These conflicts formed part of a learning process, as Whitehall and the National Assembly gradually came to terms with devolution.

The response of Whitehall departments to devolution has varied somewhat according to policy issue-area. Assembly members of all parties were critical of the lack of consistent principles steering relations between London and Cardiff. One prominent former Secretary of State criticised Whitehall departmental traditions for the lack of a consistent approach to Wales. Different ministers took opposite stances on Transfer of Function Orders, for instance and there was little inter-ministerial co-ordination. Some departments 'have been better than others' at understanding what devolution is about. In the words of one Assembly Member, the attitude of the DTLR has been 'absolutely awful. It wouldn't even allow us to nominate the Welsh representative of the Strategic Rail Authority (SRA)'. The DTLR had sought to retain traditional powers of regulation of local government. It had insisted on keeping the 'best value' policy, and forcing through the internal restructuring of local government irrespective of Welsh wishes. The Agriculture ministry, DEFRA, was the next worst culprit. During the foot and mouth crisis of 2001, the Agriculture minister Carwyn Jones had to get clearance from London for 'just about anything he wanted to do'. Other departments have integrated devolution into their thinking. The DFES and the Department for Health had both been more flexible, anticipating developments in Wales, as well as incorporating Welsh inspired ideas into primary legislation.

Though we can explain these very different relationships across Whitehall departments in part by personal relations ('and you can't legislate for personalities'), more important is how the devolved/non-devolved split runs through a Whitehall department. In the case of health, for example, some policy areas remained with central government – such as the regulation of the medical profession, or abortion – but everything else (90% of all health areas) has been devolved.

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6. Whitehall, the street in London where the main ministries are situated, is commonly used to refer to the London-based civil service.

In this case, the relationship is mainly about benchmarking. The relationship was very different with Education, the interdependent area of policy-making *par excellence*. Issues such as teachers pay, or student grants are not devolved, but the Assembly has a strong interest in these issues and to some extent can circumvent the DfES.<sup>7</sup> The contrasting attitudes of Whitehall departments produced distinctive and varying policy outputs. Some examples illustrate this difference. While the Transport Act of 2000 made almost no reference to Wales, the Learning and Skills Act of 2000 contained a large measure of devolved secondary powers.

We asked each of our interlocutors whether the frequency of contacts had increased or diminished with devolution. Responses varied somewhat according to level, but there was a general belief that contacts had sharply diminished since devolution. Though there were good professional working relationships between officers, there were fewer contacts. This created problems, as everything in the devolutionary process depends on contacts - there are no hard and set rules. In most cases, Whitehall departments simply ignored Wales, Scotland and Northern Ireland. There were two variants on this, the first being to assume the devolved territories would fall into line, the second considering that Wales, Scotland and Northern Ireland no longer belonged to the UK<sup>8</sup>. In neither case did the Whitehall machine actively seek out the expertise of the civil servants based in the devolved territories. Whitehall ignored the devolved territories at its peril, in the opinion of one insider, since 'joined up government' could only work if all parts of the United Kingdom consulted with each other. For this official, there needed to be far more explicit criteria upon which to base inter-territorial relations, a charter that would replace the existing civil service code.

Nonetheless, elite-level contacts are maintained between politicians, civil servants and their counterparts in London and the other devolved territories. The model of executive devolution presupposes that real activity takes place at the executive level surrounded by secrecy. Members of the Welsh Assembly Government have pleaded for confidentiality in dealings with the UK government as a condition for obtaining the best deal for Wales. The UK government itself insists on confidentiality surrounding inter-governmental relations, a *sine qua non* for Welsh interests being considered in Westminster primary legislation. The ongoing allocation of powers to the Assembly results from elite level dialogue between First Minister Rhodri Morgan and his cabinet members, Assembly officials and the UK cabinet office. There are many other areas of close co-operation between civil servants, especially at the elite level. The permanent secretaries of Scotland and Wales meet with other departmental permanent secretaries once a week in London. They sit on the civil service management board charged with overall co-ordination of the home civil service. Where there are open disputes between London and a devolved administration, they are first of all addressed by officials, then politicians and only then - in the last resort - by the Joint Ministerial committee.

As in the other parts of the United Kingdom, the civil service in Wales has been affected by the Blair government's modernisation agenda ('Delivering Better Government'). The implementation of this programme in Wales was negotiated by permanent secretary Shortridge in association with his counterparts in Whitehall, but the precise mechanisms were determined by the Welsh civil service. The Welsh modernisation agenda has differed in some important respects

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7. The case, notably, for the introduction of student grants for Welsh students.

8. As one official said in sorrow rather than anger: 'One gets the impression we are now regarded as a foreign country, almost. As we go our own way on policy, we are a different government. It is nothing to do with them. All Whitehall departments are the same. Whitehall thinks that Wales and Scotland have fallen off the edge; there is no need to talk to them. But it makes a lot of sense to continue to talk. They think we are a 'banana Republic'.

from that applied in England, mainly in terms of the criteria for appointments (Welsh language) and the advertising of all new civil service posts, strengthening fears amongst UK conservatives that devolution is producing a highly distinctive Welsh civil service that does not share the traditional civil service ethos. We return to this issue in the conclusion.

*ii). Horizontal Relationships*

We argued above that the efficacy of the Welsh Office depended to some extent upon whether it operated at the centre of a territorial network. Strong links between Welsh Office civil servants and representatives of Welsh local government provided one example of fruitful co-operation that allowed Welsh actors to modify Conservative government policies (Jones, 1986). Much more than the Welsh Office, the National Assembly for Wales will be judged on its ability to position itself at the centre of All-Wales networks.

At an elite level, at least, actors believe in a 'Wales effect'. In the opinion of one interlocutor: 'We've got better structures in Wales than in England. We've got Team Wales, we're small and we work closely together'. All the main players know each other personally and there are close linkages not only between civil servants and ministers, but also between politicians, officials and representatives of Welsh civil society. Devolution has created several new all-Wales organisations, such as Careers Wales and Education and Learning Wales (ELWa), and reformed old ones such as the Welsh Development Agency (WDA). The Assembly has also transformed the myriad of agencies (QUANGOs) inherited from pre-devolution days into Assembly-sponsored public bodies (ASPBs) and introduced mechanisms to make them more accountable. That the Assembly now names the top officials in the ASPBs has ensured that these agencies are more representative of the Welsh society they are supposed to serve (though there are countervailing dangers such as that of clientelism). On the other hand, as many functions escape the Assembly, so many UK agencies over which the Assembly has no direct control continue to operate within Wales (in the area of social security and employment policy notably).

Thus far, the Assembly has made a determined effort to build a Welsh civic society. The Assembly has created a series of semi-formal networks (the three 'Partnership Councils' for business, the voluntary sector and local government) to associate public, private and voluntary sectors with policy formulation. Welsh voluntary associations have looked for, and often obtained recognition from the Assembly. In spite of its institutional activism, the Assembly has a weak interconnectedness with other significant players, especially in local government and the business community. The main economic organisations - the CBI and the TUC - have made no effort to adapt their structures to take devolution into account.

By general agreement during the interviews, the Welsh civil service is now much more open to external influences than in Welsh Office days. There are much closer relationships across public sector organisations within Wales, though, as we have seen, relations between the Assembly and the 22 unitary authorities are, if anything, less close than during Welsh Office days. The transformation of Quangos into Assembly-sponsored public bodies has made a big difference. In the opinion of one senior official in the Welsh Development Agency, devolution has totally transformed the relationship between Cathays Park and the main economic development agency within Wales. Previously distant, relations have become much more regular and trusting. Similar views were expressed within Education and Learning Wales (ELWa), the Welsh Tourist Board or the Welsh Language Board. The National Assembly knows that it will be

held responsible for the success or otherwise of the WDA and the other main Assembly sponsored public bodies (such as ELWa). 'Team Wales' – the common sense of belonging to a territory with a strong identity – plays in favour of developing closer relationships across organisations and encouraging personal contacts between the main organisational stakeholders. Much more than during the Welsh Office days, civil servants can perform a key role in orchestrating these horizontal contacts.

## **Conclusion**

This overview of the attitudes of civil servants allows us to forward several, necessarily tentative, conclusions. First, in the minds of civil servants, devolution is a rather uncomfortable experience. In spite of the fact that there has been no root and branch reform of the organisation of the Cathay's Park administration, there has been a revolution in its internal mode of functioning. Civil servants now lead a much less leisurely life. They have to anticipate the demands of their new political masters, who are much more interventionist than during the Welsh Office regime. They have to accommodate the preferences of politically appointed special advisors, as well as a policy unit anxious to ensure that the Assembly's crosscutting themes are respected. Political, party and parliamentary inputs blur the image of bureaucratic power sometimes attributed to the old Welsh Office. The efficacy of Welsh civil servants depends to a greater extent than ever before on their ability to position themselves at the centre of territorial networks.

Though in important senses relationships have changed within Wales, the principality retains important features of the pre-devolution polity. The 'Quangos' have been replaced by Assembly sponsored public bodies, but these continue to operate at arms length from the Cathay's Park administration. European Policy, by and large the preserve of the UK government, largely bypasses Cathay's Park. The absence of primary legislative or tax-varying powers constrains the autonomy of civil servants who, under the existing law, form part of a unified home civil service.

But for how much longer? From the perspective of the officials interviewed, there has been a tremendous change in Wales, much more so than in Scotland or Northern Ireland where civil servants have been used to developing specific policies. Matters of administrative best practice have been transformed into political decisions, changing the nature of the Civil Servant's role in the process. Though all Assembly staff is members of the home civil service, most interviewees expressed the opinion that Wales would need its own civil service if devolution was to work. To paraphrase the general sentiment, a Welsh civil service will be inevitable in time. As there is already a separate northern Irish service, as well as a separate diplomatic service, officials serving the National Assembly for Wales looked with equanimity upon the eventuality of a Welsh civil service. Even in the case of the status quo being maintained, a new generation of more specifically Welsh civil servants will be less likely to have the extensive vertical contacts of the present generation. Civil servants in Wales already feel increasingly detached from Westminster and Whitehall and have had fewer contacts with their counterparts in Whitehall since devolution. Welsh civil servants see themselves as part of the devolutionary process. They are ready to place their expertise and energies into the pursuit of this process. The cumulative experiences of regional administrative decentralisation since 1964, and political devolution since 1999 have proved to be a powerful apprenticeship for building a more autonomous administration ready to accept enhanced forms of regional governance. In response to our earlier research question, we prefer to emphasise the importance of developing administrative resources in the service of a

more autonomous form of regional governance than to stress any inherent conservatism due to the nature of bureaucracies. The territorial dimension ('Team Wales') appears more convincing than the traditional hierarchical Weberien model, whereby civil servants would privilege their membership of an overarching UK civil service family over that of their immediate territorial environment. In the words of one official: 'there is very little interchange between here and London. It is very rare for native English people to come here'. The Welshness of the Welsh civil service has been accentuated since devolution in part by design (the Welsh Language), in part by the Welsh capturing control of the Blair government's Modernisation agenda to open up competition for civil service posts.

More generally, the question of the future relations between London and the devolved administrations is posed. In the absence of a written constitution and a constitutional arbiter, relations between Cardiff and London are presently ruled by precise statutes, constitutional conventions ('concordats') and rules of financial transfers, as well as amorphous departmental traditions. A convention has arisen that the Westminster parliament will not legislate on devolved matters without the consent of the Assembly. But this has no real legal basis, and several interviewees were sceptical of the value of the 'concordats'.<sup>9</sup> In the event of different political majorities in Cardiff and London, scenarios are difficult to predict. No part of the British constitution sets out what is to be deemed primary and what secondary legislation. At present, there are no guaranteed powers for the Assembly. Rawlings (2001) points out that a future hostile government could 'cheat the Assembly of its powers' by minimising the range of statutory instruments agreed in future laws. De facto, this would concentrate powers in London. Rawlings concludes that Assembly powers needed to be on a firm legal footing in order to secure them for the future. The consensus view from interviews within and beyond the Welsh civil service tends to back up this view, along with the belief that a stronger Assembly with full legislative powers would remove existing ambiguities about the role and the nature of the civil servants employed by the National Assembly for Wales.

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9. These are non-binding agreements signed between UK departments (or the cabinet office) and the devolved Assemblies. They have no basis in law.

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