

Sir Brendan Barber

Mr Mark Drakeford AM
First Minister of Wales

14 April 2020

Dear First Minister

The death of Carl Sargeant and the IQCI

You asked me in December if I would consider taking on a mediating role to explore with the family of Carl Sargeant and the Former First Minister Carwyn Jones whether common ground could be established on the most appropriate way forward. The background to this, as you well know, was that in the wake of Carl's death it had been decided to establish an independent, QC led, investigation (IQCI) to consider the actions and decisions of the Former First Minister. Since that decision however other events have intervened, including protracted exchanges on the proposed working methods of the IQCI, an internal Welsh government leak enquiry, and notably a Coroners' Inquest into the death of Carl Sargeant as a result of which a great deal of evidence concerning the actions and decisions of the former First Minister has been considered on which he has been questioned extensively and publicly. These intervening events have resulted in decisions by the government up to this point to pause the investigation and have led to a questioning on whether the IQCI is now an appropriate and proportionate way of considering any outstanding matters.

Having accepted your December request, I have now had the opportunity to discuss all these issues extensively with members of the Sargeant family (Bernadette Sargeant and Jack Sargeant and their legal adviser Neil Huddell), and with the Former First Minister Carwyn Jones. I also had the benefit of a meeting with Paul Bowen QC to understand his perspective on the current position.

It is clear to me from all these discussions how painful and damaging have been the consequences for everyone affected by the death of Carl Sargeant and, of course, for the family in particular. This has been exacerbated by the fact that it is now over two years on from Carl's death and yet it has not been possible to reach any kind of closure. This long period has been marked by continuing uncertainty on how unresolved matters may be addressed and, in some areas, contentious legal exchanges. Yet my discussions with the parties suggest strongly to me that on all sides there is now a strong, shared appetite to resolve outstanding matters.

I have facilitated exchanges between the FFM and the family on the FFM's handling of the decisions around Carl's departure from the Welsh Government. I hope these

exchanges have been helpful to the family, but I well recognise that there will always I suspect remain a host of unanswered questions in their minds. Looking to the future perhaps more importantly, we have discussed the strong wish on both sides to move on from public discussion on Carl's death and all the desperately unhappy circumstances surrounding that.

Inevitably the publication by the FFM of his political memoirs later this year will bring some renewed reporting around those events, but he shares the family's strong wish to minimise any revived public interest in Carl's death. Both sides have confirmed to me that they have no wish to prolong any ongoing controversy.

Against this background and having reflected very carefully on what is needed to achieve a just sense of closure to this whole period, I have two recommendations to you as First Minister.

My first proposal is that it would be most appropriate for you to terminate the work of the IQCI. (This of course implies no adverse comment of any sort on the handling of the IQCI up to this point). In my judgement, however, the actions and decisions of the FFM have now been extensively scrutinised and questioned through the public processes of the Coroners' Inquest. I do not consider that the additional significant level of public expenditure that would need to be devoted to the IQCI would be justified. Perhaps just as importantly I do not consider that the additional time needed to complete such an investigation (estimated by Paul Bowen QC to be 12 months) would be in anyone's interest. My view on terminating the IQCI is supported by both the family and the FFM. The family have been through a traumatic two years and questions inevitably remain to which answers may never be found. But they feel that now is the time to seek some form of closure.

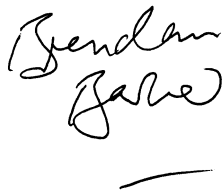
My second recommendation concerns Welsh Government financial support to meet the legal costs incurred by the Sargeant family, throughout the period since Carl's death. I understand that the family's legal costs around the relevant judicial review proceedings and the IQCI have been underwritten by the Welsh Government. That still however leaves very extensive costs associated with the Inquest. It would seem wrong to me for this whole episode to be concluded with an ordinary family like the Sargeants to be at risk of being left with any significant outstanding legal bills. The FFM's legal expenses throughout have, quite rightly, been covered by the Welsh Government as I understand it, as they derive from actions and issues arising during his term in office. But I think it would only appear equitable that the Government should be prepared to make equivalent support available to the family.

As a result of without prejudice discussions it has been established that a payment to the family's legal representatives (in addition to the legal costs already reimbursed) of £220,000 inclusive of VAT would meet all reasonable outstanding legal costs. I hope you would be prepared to support such a payment. The family have confirmed to me that, if approved, this financial support would mark a closure in the process of examining issues surrounding Carl's death, and that, from the family's point of view, no further legal action would be contemplated.

I have made the recommendation in respect of the payment of the family's legal expenses on the basis of the exceptional circumstances of Carl's tragic death and taking account of the scrutiny given to the actions of the FFM at the inquest.

I hope that this letter provides a helpful summary of my discussions with the parties. I hope too that my recommendations will be acceptable to you as the basis on which all the parties can draw this unhappy episode to a close.

Yours sincerely

A handwritten signature in black ink that reads "Brendan Barber". The signature is written in a cursive style. Below the signature is a short horizontal line.

Sir Brendan Barber

Cc Jack Sargeant, Neil Hudgell, Carwyn Jones