

Report of an Investigation under the Ministerial Code

1. On 12 December 2023 the First Minister was asked by the Deputy Minister for Arts, Sport and Tourism to initiate a Ministerial Code investigation into allegations made about her by the MP for Gower. The First Minister agreed to this request and asked me to undertake the investigation with the following terms of reference:

"To consider the conduct of the Deputy Minister for Arts, Sport and Tourism against the Ministerial Code in light of reported media comments by the MP for Gower in connection to the recent independent review of the WRU"

2. This investigation has been carried out independently and objectively by me and in accordance with the values of the Civil Service Code. I am grateful to the Deputy Minister and to the MP for Gower, both of whom were very helpful and co-operative during the course of the work and who both made space very quickly to allow me to speak to them. I am also grateful to the colleague from my team who assisted me in the work.

The Background

3. The Deputy Minister gave an interview to Politics Wales which was broadcast on 10 December last year. As part of that interview the Deputy Minister responded to a number of questions in relation to the WRU and whether she should have intervened sooner, particularly in response to information given to her by the MP for Gower. Following that interview, the MP for Gower issued a statement on 11 December and subsequently gave an interview to Radio Wales Breakfast in which she expressed the view that the Deputy Minister had not told the truth in her interview about the exchanges between them both.

The Behaviour Expected

4. The Ministerial Code says that:

"Ministers of the Welsh Government are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety.... in particular, they are expected to observe the Seven Principles of Public Life"

The relevant principle here is Honesty, which says that:

“Holders of public office should be truthful”

Methodology

5. I conducted this investigation by reviewing the transcript of the interview by the Deputy Minister, the statement issued by the MP for Gower and the transcript of the interview which she gave to Radio Wales Breakfast. I also reviewed the exchanges which the Deputy Minister had with the Culture, Communications, Welsh Language, Sport and International Relations Committee on this matter. I interviewed the Deputy Minister and also the MP for Gower. Each of them voluntarily shared with me copies of the relevant WhatsApp exchanges between them which subsequently gave rise to the concerns (these were private and personal exchanges which were helpful to my investigation but have not been retained). I interviewed three officials in the Culture, Sport and Tourism Directorate of the Welsh Government and reviewed the relevant official correspondence between the Deputy Minister and the MP for Gower, together with the official advice which the Deputy Minister received at the time.

The Allegation

6. The issue is whether the Deputy Minister was truthful in what she said in her BBC interview about the exchanges which she had with the MP for Gower, initially through WhatsApp and then in written correspondence. The exchanges were about the emerging situation in the WRU and, in particular, women who were personally affected by sexist behaviour.

7. What the Deputy Minister said in her Politics Wales interview broadcast on 10 December on about those exchanges was this:

“When you're a backbench MP or a backbench MS,. You can do an awful lot more in terms of rattling cages and making noises...when you're a government minister you have a different responsibility...What I would say is if somebody brought to me evidence that was if you like supported by some kind of statement, even just a letter”

“what Tonia was telling me was in very general terms...”

“...I needed something more than just a kind of sense that there was a problem that couldn't be pinned down. So I did offer this to Tonia was for her to let me have the details of who it was what the details of their complaints were, that they could provide that to me in confidence. I would not be divulging that to anybody but it would give me the assurance, if you like, that what was being said was actually was real and was happening to these individuals. That never materialised. I never got that...those individuals subsequently went to the BBC. Had they come to me a year earlier and said to me “this is me. This is my story. This is what happened” I would have been in a very different situation.”

8. Following the interview by the Deputy Minister, the MP for Gower issued a statement on her website about it which included the following:

“Contrary to the statements in her (the Deputy Minister’s) interview, I provided her with contact details of several women across the WRU who were willing to speak with her about their experiences.....I first raised concerns regarding sexism and misogyny at the WRU with Dawn in early 2022 and she indicated that she was happy to speak with any of the women involved. I followed this up on multiple occasions, sharing the contact details of the women affected who were willing to meet with Dawn, as well as making her aware of the emotional impact this was having on these women....This was prior to the release of the BBC Wales documentary and there is a record of all of this correspondence that I’m happy to share....I am still unclear as to why Dawn chose not to contact these women.”

9. The MP for Gower was also interviewed on BBC Breakfast Wales on 12 December when she said the following:

“It’s distressing to hear that that was being said about me and that I never gave those details. When I knew, and when I was party to the information, I looked for ways to do it without blowing any doors off, without causing too much trouble, but looking for the most effective way to make change happen for the women that I spoke to. And I tried to do that, I was given evidence...I had a whiteboard in my office..

I wanted the Deputy Minister to be on the front foot, to know what was coming down the track later....I knew that I had to take responsibility for telling the people in the right places what was going on and

introducing the women, who could make that change happen to the women who wanted to speak out...I had shared all of the details and they were given to the Deputy Minister.”

The Evidence

10. The basic issue here is that the Deputy Minister said in her interview that what she was being told by the MP for Gower about inappropriate behaviour in the WRU was in very general terms and that she was not given the detail upon which she could have taken action. The MP for Gower, in response, has said that she did in fact provide the Deputy Minister with contact details of several women across the WRU who were willing to speak with her about their experiences and that the Deputy Minister could have taken action.

11. Both parties were very willing to share with me their exchanges on this subject and I have gone through these very carefully. The exchanges are amicable and constructive, and the concern of both individuals about the emerging situation in the WRU comes through clearly.

12. I have noted that during the course of the exchanges between March and May 2022 the MP for Gower did give the Deputy Minister the names and contact details for three women who, she said, had first-hand experience of inappropriate behaviour in the WRU. The MP for Gower encouraged the Deputy Minister to get in touch with the women in order to hear their stories at first-hand. The MP for Gower did not include details of their experiences. I have also noted that the Deputy Minister, for her part, said to the MP for Gower that what would really help the Welsh Government would be for someone to write to her formally and complain with some examples.

13. There was an exchange where the Deputy Minister said that as a Government Minister she could not go searching for complaints and that she had asked for evidence or statements. The MP for Gower responded that the women wanted private conversations to raise their concerns. The Deputy Minister's response was that they could write to her privately and in confidence but reiterated that she could not go searching for complaints. If she were presented with a dossier of evidence, then she could probably call for an inquiry but if that were to be held then the women in question would have to come forward. (the Deputy Minister did make efforts to speak to Amanda Blanc but as stated in her letter to the Culture,

Communications, Welsh Language, Sport, and International Relations Committee of 21 February 2023, Amanda Blanc did not wish to take up the offer of a conversation).

14. There was also a more formal letter from the Member for Gower to the Deputy Minister, dated 9 May, where the Member for Gower said that she had spoken to three people from within the WRU who shared her concerns about the organisation and asked the Deputy Minister to speak to them in confidence in order to corroborate the concerns expressed in the letter. In her response to that letter, dated 24 May, the Deputy Minister said that any individuals or groups wishing to raise complaints or concerns should follow the organisation's complaints or whistleblowing policies in the first instance, before deciding whether or not to escalate matters further; and that she had not received any direct representations on any concerns which were highlighted in the letter from the Member for Gower.

Conclusions

15. The Deputy Minister said in her interview that what she had received from the Member for the Gower was in general terms and that she had asked for names and details of the concerns. She felt that she needed evidence supported by a statement. It was not totally correct for her to say that that "never materialised" because she had, in fact, been given three names by the Member for Gower. But the Minister was correct in saying that she had not been given any details of the nature of their concerns, nor any statements from them.

16. I think that a lot of what this is about is two different understandings of the same set of facts. I am confident that the Deputy Minister is sincere in her belief, which she expressed in her interview, that there was not sufficient detailed information provided to her by the MP for Gower for her to be able to pursue matters with the individuals concerned, and that it would have been inappropriate for her as a government minister to seek to follow that up unilaterally. I am equally confident that the MP for Gower is sincere in believing that there was, and that the Deputy Minister should have followed up the detail.

17. I do not doubt the sincerity of either party and the commitment of each of them to combatting inappropriate behaviour in Wales came through clearly in the interviews which I had with them.

18. I think that the Deputy Minister should not have said in her interview that she had not been given names by the Member for Gower, since that was not correct. But I also note that this matter was only one of a number of matters dealt with in a fast-paced and wide-ranging interview. She had made clear in her exchanges that she did not believe that the information provided by the Member for Gower was sufficient for her to take action, given her position as a Minister. This view was endorsed by the official advice which she received once a formal approach was made by the MP for Gower.

19. In my view the misstatement from the Deputy Minister about names does not amount to untruthfulness or constitutes a breach of the Ministerial Code. I do not think that the Deputy Minister was deliberately trying to mislead and I think that the thrust of what the Deputy Minister said in her interview was an honest representation of the exchanges which she had with the Member for the Gower. I think that it might also have been helpful for the Deputy Minister to acknowledge a bit more that the Member for the Gower, like herself, was motivated by trying to protect the women involved and to bring about cultural change in the WRU. Given more time in the interview it may well have been the case that the Deputy Minister would have made both points. But I do not believe that the Deputy Minister was seeking deliberately to mislead or be untruthful in her comments and therefore that the Ministerial Code has not been breached.

David Richards

January 2024

Director of Propriety and Ethics