



Llywodraeth Cymru  
Welsh Government

PUBLICATION

# The Co-operation Agreement: mechanisms

How the Welsh Government and Plaid Cymru will work together during the Co-operation Agreement.

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# Principles for relations

The Welsh Government and Plaid Cymru's joint objective is to deliver an agreed, shared programme of work through a Co-operation Agreement over a three year period.

The parties will rely on good will, trust and agreed procedures to facilitate the delivery of the shared programme of work while respecting each party's distinct identity.

Only the business of the Welsh Government and the Plaid Cymru Senedd Group covered by the Co-operation Agreement forms any part of these arrangements.

Close and regular consultation between the First Minister and the Leader of Plaid Cymru, and other designated members from the two partners, will be the foundation of the agreement's success.

This political working arrangement agreed between the First Minister and the Leader of Plaid Cymru will be undertaken according to the following principles:

1. maintaining positive, trusting relations based on mutual respect
2. effective internal and external communication
3. sharing information on a 'no surprises' basis and respecting confidentiality
4. resolving disputes promptly according to an agreed process

This Co-operation Agreement is not a coalition and Plaid Cymru will not be represented by Ministerial or Deputy Ministerial appointments in the Welsh Government.

The legal and formal accountability arrangements for the exercise of powers and commitment of resources continues to rest entirely with the Welsh Government. However, at the political level, the Welsh Government agrees to take decisions jointly with Plaid Cymru across the agreed range of co-operation.

# Machinery

The Welsh Government and Plaid Cymru agree to work together, to make policy decisions, and oversee their delivery, jointly through the Co-operation Agreement. We will always aim to proceed through consensus, and to resolve disagreements promptly. The Co-operation Agreement will be supported by a civil service unit known as the Co-operation Agreement Unit.

This will be led by a senior civil servant whose line management will continue to be through the usual civil service channels. However, the Co-operation Agreement Unit will work even-handedly with the two partners to ensure effective delivery of the agreed work programme.

The functions of the Co-operation Agreement Unit will be to:

1. support joint decision-making as described in the Co-operation Agreement
2. provide logistical and organisational support
3. support effective delivery of policy commitments under the Co-operation Agreement
4. provide administrative support
5. serve as a gateway into the Welsh Government civil service and the provision of advice by officials in relation to the Co-operation Agreement
6. promote dispute avoidance through effective communication and governance structures, at official and political levels
7. ensure that agreed processes are respected and followed
8. oversee communications of joint policy announcements arising out of the Agreement

On a day to day basis, business will be conducted by the respective nominated officials in charge of the policy areas and those with the appropriate expertise to deal with the issues.

The First Minister will appoint two Special Advisers to help provide day to day support for the range of areas covered in the Co-operation Agreement, including (i) high-level oversight, delivery and co-ordination of the Agreement; (ii) policy development and engagement; (iii) budget and financing; (iv) communications

and presentation of policy outputs; (v) Senedd business; (vi) Group/party liaison and consultation.

Additional specialist advisers with appropriate expertise may be appointed to support the Co-operation Agreement by the mutual agreement of the First Minister and the Leader of Plaid Cymru. The specialist resource and capacity within the Welsh Government to support the shared programme of work will be reviewed on a six monthly basis.

Welsh Ministers and Plaid Cymru's designated members will, at the political level, jointly agree matters within scope of the Agreement, while recognising that formal and legal responsibility for those decisions still rests with Welsh Ministers.

Committees comprising Welsh Ministers and designated members of the Plaid Cymru Senedd Group will be established to meet regularly and reach agreement by consensus on issues covered by the Co-operation Agreement.

## **Overall accountability**

Overall accountability for the Co-operation Agreement rests with the First Minister and the Leader of Plaid Cymru. Formal structures will be established to facilitate collaboration and to achieve consensus on agreed issues and other areas of mutual interest. The Permanent Secretary will retain responsibility and accountability for Civil Service staffing matters and for discharging his role as Principal Accounting Officer for the proper use of public money across all areas, including those covered by this Agreement.

## **Governance framework / Oversight arrangements**

Plaid Cymru's designated lead member for the Agreement will play a key role in overseeing progression and coordination of the Agreement.

Joint Policy Committees will be established to progress matters within scope of the Agreement. These will be convened jointly by Welsh Government ministers and Plaid Cymru's designated members to consider issues within the Co-operation Agreement. The Joint Policy Committees will develop agendas, agree ways of working, meet regularly and reach agreement by consensus. The frequency of meetings will be determined jointly by the principals according to the rhythm of business over time.

## Joint Oversight Board

The Joint Oversight Board will be convened jointly by the First Minister and the Leader of Plaid Cymru and will have a strategic focus. They will be supported by their colleagues and officials as required. The board will meet around monthly but more or less frequently if the parties agree. The Joint Policy Committee(s) will be accountable to the Joint Oversight Board.

The Joint Oversight Board will undertake the following functions:

1. to provide strategic direction to the Joint Policy Committees and to remit actions to them
2. to agree timelines and targets for progress on the delivery of commitments contained in the Co-operation Agreement
3. to resolve disputes/disagreements or blockages which may arise and which cannot be resolved elsewhere
4. to receive progress reports from Joint Policy Committees and to oversee the delivery of the Agreement as a whole
5. to receive regular budget updates
6. to consider Senedd business handling related to the Agreement as required
7. to provide a forum for sharing wider strategic information which may have implications for the Agreement

Meetings will be chaired by the First Minister in close consultation with the Leader of Plaid Cymru.

The Joint Oversight Board and any committee(s) established to support it will be supported by the Co-operation Agreement Unit:

1. Determining dates, agenda, location of meetings, with the agreement of the both parties;
2. Commissioning papers for discussion as directed;
3. Recording minutes of meetings and agreed actions;
4. Promoting transparency and accountability to both parties;

The Co-operation Agreement Unit will:

1. Be accountable to the Joint Oversight Board;
2. Serve both parties equally;
3. Co-ordinate and prepare statements on activity arising from the Co-operation Agreement to be presented to the Senedd.

## The Civil Service

The agreement will respect the Civil Service and its obligations, together with the statutory, legal and accountability framework within which the civil service is obliged to operate. Subject to that framework, the Welsh Government civil service will work constructively with Plaid Cymru to enable the successful operation of the Agreement.

Any Special Advisers appointed by the First Minister to help support the agreement will be required to work within the provisions of the Welsh Government Special Advisers Code of Conduct. As with all Special Advisers, they will have no authority to instruct the civil service. Special Advisers appointed under this agreement will have access to information which is necessary for them to perform their role effectively in relation to the policy areas of the Agreement.

Special Advisers work with Ministers and civil servants as part of considering and deciding on preferred options for delivery and implementation. Special Advisers will contribute to prioritisation of delivery and implementation, which is likely to be an important consideration during the Agreement given other pressures and competing priorities.

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Plaid Cymru designated members will not have access to civil servants beyond the machinery agreed by Ministers.

The First Minister and the Permanent Secretary expect the civil service to work constructively with Plaid Cymru designated members in accordance with the terms of this agreement. Plaid Cymru designated members will have the same responsibilities as Welsh Government Ministers to respect the political impartiality of the civil service, the arrangements for management of the civil service by the Permanent Secretary and the provisions of the Civil Service Recruitment Code and the **Governance Code for Public Appointments (on GOV.UK)**. They will not ask civil servants to do anything which might be contrary to the **Civil Service Code**, or to use public resources for party political purposes. Plaid Cymru designated members, as Ministers do, will treat the civil service with professionalism, courtesy and respect and can expect this to be reciprocated by the civil service.

When working under the provisions of this agreement or when participating in activities under this agreement, the Leader of Plaid Cymru, Plaid Cymru designated lead member, and other Plaid Cymru designated members, will be bound by the Code of Conduct at Annex A, which reflects the analogous sections of the **Ministerial Code** and the standards and behaviour to which Ministers are expected to adhere.

Plaid Cymru designated members will pay due regard to the advice from the civil service which they receive and, in particular, the advice of the Permanent Secretary as Principal Accounting Officer (or his representatives) on the proper use of public funds. Any conflicts which may arise with the responsibilities of the Principal Accounting Officer would need to be resolved through dialogue and, if necessary, by means of a Ministerial Direction.

Designated members will not divulge the content of advice received from officials, whether written or oral, nor any official documents received or seen by them in the course of their roles. They will also respect the GDPR requirements upon the Welsh Government. In addition, any legal advice of the Counsel General or the Director of Legal Services and their staff should be regarded by Members as carrying legal professional privilege and should not be disclosed or referred to elsewhere whether given orally or in written or electronic format.

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# Budget

The Co-operation Agreement will be resourced as agreed and oversight of the delivery and budget allocations for it will be jointly monitored through a Finance Committee whose membership shall include the Welsh Minister responsible for Finance and the relevant Plaid Cymru designated member. The frequency of the meetings shall be determined but they will be regularly convened in the period leading up to the Senedd's annual Budget procedures, and any discussions on supplementary budgets and on end of year underspends / adjustments.

A three year budget cycle underpins this Agreement. Any additional resources would be jointly identified and considered on a year by year basis by Plaid Cymru and the Welsh Government around the issues in the Co-operation Agreement.

The Welsh Government commits to consultation and collaboration with Plaid Cymru throughout the development and scrutiny of all stages of the annual budget process.

On the basis that the above commitment will result in appropriate funding for the shared policy programme and influence on other budgetary matters, Plaid Cymru agrees to facilitate the passing of Annual and Supplementary Budgets for the duration of this agreement.

The Welsh Government has well established procedures for monitoring and reporting the use of funds allocated through the budget process. These procedures will apply equally to funds allocated under this agreement. The responsibilities of the Permanent Secretary as Principal Accounting Officer will continue to extend to the entirety of Welsh Government expenditure.

# Communication

The Welsh Government and Plaid Cymru commit to effective and timely communication with each other, with a joint aim of a “no surprises” relationship in

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relation to statements and comments on the Co-operation Agreement. Both parties agree to respect the confidentiality of their discussions and to transparency, openness, fairness, and consistency in the conduct of relations.

A full-time experienced member of staff will be appointed to be responsible for the press and communications aspects of the Agreement at official level. They will be based in the Welsh Government communications team, but will work closely with the Co-operation Agreement Unit and the relevant special advisers to ensure effective coordination.

The Co-operation Agreement covers the agreed policy areas where the Welsh Government and Plaid Cymru will work together over the next three years. It is important that these are clearly communicated, and that the involvement of Plaid Cymru is recognised as part of normal government communications. This will require effective co-operation and communication between all those involved in the delivery of this Co-operation Agreement. This reflects the 'no surprises' principle, and the need to maintain consistent and agreed messaging between the Welsh Government and Plaid Cymru in the areas relevant to the Co-operation Agreement.

The Civil Service Code makes clear that government resources cannot be used for party political purposes.

Government-produced communications content within the scope of the Co-operation Agreement can reflect Plaid Cymru designated members' contribution in a factual way, although no content should be released which could be construed as providing a platform for promoting Plaid Cymru as a party in the same way as this applies to Welsh Labour. Regular press conferences led by the First Minister and the Leader of Plaid Cymru in Cathays Park or a suitable alternative location to communicate the Co-operation Agreement will be held. An annual report presented by the First Minister and the Leader of Plaid Cymru mapping progress on delivering the agreement's programme will be produced.

# Senedd Business

Each party will make its own business management arrangements to ensure the support within the Senedd necessary to deliver the commitments contained within the Co-operation Agreement.

Both parties to this agreement respect the independence of the Senedd committee system and the distinctive roles and functions of the respective parties within the Senedd.

Appropriate procedures and processes are in place inside the Welsh Government, Senedd Labour Party and Plaid Cymru's Senedd Group to ensure that any issues that may arise in relation to Senedd business can be addressed and resolved.

## Areas outside the Cooperation Agreement

The Welsh Government and Plaid Cymru committed to working together on an ambitious and far-reaching policy programme.

It is likely there will be occasions over the lifespan of the agreement where either the government's work or the Plaid Cymru Senedd Group's work may impact on the specific policy areas covered by the agreement.

To reduce the possibility of friction developing in the relationship between the two partners, it will be important to build trust between the two partners and develop appropriate formal and informal processes to enable information to be shared for this purpose.

## Distinctive Identities

For matters which lie outside the Co-operation Agreement the Welsh

Government and Plaid Cymru recognise the legitimacy of each other's distinctive political identities in the Senedd and elsewhere. For this reason, all issues outside the Agreement will be handled in the normal course of political engagement.

## Relationship to other agreements

The Welsh Government agrees not to enter into agreements or relationships with any other party or Member(s) in the Senedd that are inconsistent with this agreement.

## Status

This agreement is not justiciable and is a political agreement between the Welsh Labour Government and Plaid Cymru.

## Commencement, review and termination of the Co-operation Agreement

The agreement is for a period of three years from the signing of this document, with annual review and renewal.

Either the First Minister or the Leader of Plaid Cymru may terminate the agreement earlier by given written notice to this effect.

After three years both parties may decide to renew the terms of the current agreement, deepen the collaboration further or bring the agreement to an end.

Any decision to widen of the scope of co-operation in this agreement in the interim and any other amendment to it may be made by the joint agreement of the First Minister and the Leader of Plaid Cymru.

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# Annex A: Code for Plaid Cymru Designated Members Participating in the Cooperation Agreement

Note: Designated members are those Members of the Plaid Cymru Senedd Group appointed by the Leader of Plaid Cymru and whose names are provided to the First Minister. A list of designated members will be published on the Welsh Government website. Those names may change from time and time and all changes will be reported as soon as practicable to the First Minister. Members of the Plaid Cymru Senedd Group are only bound by this Code during the period of their appointment as designated members.

## Introduction

1. This Code is for Plaid Cymru designated members (“Designated Members”) when they are participating in activities covered by participation in the Cooperation Agreement and is based upon the relevant sections of the Ministerial Code. The intention is that Designated Members agree to be bound by the same standards and expectations as are placed upon Welsh Government Ministers, insofar as they are relevant and adaptable to the circumstances of the Co-operation Agreement. For the avoidance of doubt, this Code is applicable only when Designated Members are engaged in activities in relation to matters covered by the Co-operation Agreement and nothing in this Code is intended to go beyond the obligations already incumbent upon Welsh Government Ministers.

## Conduct

2. Designated Members are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety when undertaking activity in matters relating to the Co-operation Agreement, as they are expected to do in their role as MSs. Designated Members should be professional in all their dealings and treat all those with whom they come into

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contact with consideration and respect. In particular, they are expected to observe the Seven Principles of Public Life.

3. The First Minister and the Leader of Plaid Cymru, in consultation, are the ultimate judge of compliance with this Code.

## **Designated Members and their Wellbeing**

4. Both the First Minister and the Leader of Plaid Cymru recognise that at times the pressure upon Designated Members, as upon Ministers, may be considerable, and they will have regard to the wellbeing of Members engaged in the Co-operation Agreement.

## **Appointments**

5. Designated Members do not have any formal role in public appointments but will be consulted by Welsh Government Ministers for those appointments that relate to the Co-operation Agreement.

6. Civil Service appointments are made in accordance with the Civil Service Commission's Recruitment Principles and the Civil Service Code. Public appointments are made in accordance with the requirements of the law and, where appropriate, the Governance Code on Public Appointments under which the Commissioner for Public Appointments carries out his regulatory role. Public appointments follow Welsh Government Public Bodies Unit procedures and reflect and champion the principles of the Welsh Government's Diversity and Inclusion Strategy for Public Appointments. Members, like Welsh Government Ministers, have a duty to ensure that influence over civil service and public appointments is not abused for partisan purposes.

## **Relations with the Civil Service**

7. Designated Members are expected to be professional in their dealings with the civil service and to treat those with whom they come into contact with

courtesy and respect. Civil servants who have concerns about the conduct of Designated Members can raise those concerns with the Permanent Secretary, as they can in relation to Ministers. Similarly, Designated Members can expect the civil servants with whom they come into contact to treat them with the courtesy and respect due to their role. If Designated Members have concerns about the conduct of a civil servant then they should raise those concerns with the Permanent Secretary.

8. Where appropriate under the Co-operation Agreement, it is the responsibility of the civil service to provide Designated Members, alongside Welsh Government Ministers, with impartial, objective and honest advice which includes, to the best of their ability, all relevant information and analysis. Designated Members should pay due consideration to such advice and should not seek to direct civil servants on the advice which they receive, but neither, of course, are they obliged to accept and follow that advice.

9. In order to facilitate the provision of full and frank advice and discussion between Welsh Government Ministers, Designated Members and civil servants, all official papers and documents shared with Designated Members under the Co-operation Agreement, including recommendations and advice, should, unless informed otherwise, be regarded by Designated Members as being supplied in confidence and the contents should not to be shared elsewhere. Similarly, oral advice, policy discussion and debate should be regarded as being conducted in confidence and not for onward transmission. The privacy of opinions expressed and advice given should be maintained. In addition, Designated Members are expected to respect and abide by the GDPR responsibilities of the Welsh Government.

10. Any legal advice of the Counsel General or the Director of Legal Services and their staff should be regarded by Designated Members as carrying legal professional privilege and should not be disclosed or referred to elsewhere, whether orally or in written or electronic format.

11. On leaving their role in the Co-operation Agreement, Designated Members should not retain any official documents in their possession, whether electronic or hard copy.

## The Accounting Officer

12. The Permanent Secretary is the Principal Accounting Officer for the Welsh Government with responsibility for the stewardship of all public funds under its control. They have designated other members of Welsh Government staff as additional accounting officers to be responsible for defined areas of the Welsh Government's activities.

13. Accounting Officers and their staff are responsible for ensuring that all advice to Ministers and to Designated Members includes appropriate guidance on the proper use of public funds and draws attention to any possible conflict between the intention of Ministers or Designated Members and the duties of an Accounting Officer. An Accounting Officer cannot simply accept the aims or policies without examination. Designated Members should have due regard to the role of the Accounting Officers in the proper conduct of public business.

## Constituency or Party Interests

14. Facilities or support provided by the Welsh Government to Designated Members under the terms of the Co-operation Agreement should not be used for constituency activities or party activities outside the Agreement.

15. Where Designated Members are involved in decisions which might have a particular impact upon their own constituencies or electoral regions they must take particular care to avoid any possible conflict of interest or apparent conflict.

## Designated Members' Private Interests

16. Designated Members must ensure that no conflict arises, or could be perceived to arise, between their activities under the Co-operation Agreement and their private interests. This covers interests which may be financial or otherwise, such as links with organisations which might be funded by the Welsh Government and included in discussions under the Agreement. This also includes the spouse or partner of a Designated Member, as well as close family

members.

17. Designated Members should be open in Partnership Discussions to declare any relevant or apparent conflicts. The First Minister and the Leader of Plaid Cymru in consultation are ultimately responsible for deciding how a conflict or apparent conflict which a Designated Member might have is to be treated.

18. Designated Members can seek informal and confidential advice from the Permanent Secretary or Director of Governance and Ethics on identifying conflicts and the measures which might need to be put in place to manage them.

## **Acceptance of gifts and hospitality**

19. Designated Members should not accept any gifts or hospitality which might be perceived as putting them under an obligation in the way in which they discharge their roles under the Co-operation Agreement.

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