

Talking about the Future of Wales

Final Report on the Constitutional Future of Wales 2024





Hello!

All over Wales, people have joined in a conversation about the future of Wales, because how our nation is governed makes a big difference to our lives.

i To govern means to rule over and have the power to make decisions.

Wales is a devolved nation

Devolution means that instead of all power being with the UK Government, some powers have been transferred to the governments of Scotland, Northern Ireland and Wales.

It means some laws and decisions are made in Wales by politicians elected by the people of Wales.

Senedd Cymru — Welsh Parliament

Wales has its own Senedd (Welsh Parliament) and Welsh Government with a First Minister chosen by the elected members. The Senedd makes laws for Wales and holds the Welsh Government to account.

The Welsh Government makes decisions, proposes new laws and makes sure they're implemented. It decides the budget for the NHS, local authorities and other organisations.



The Senedd and Welsh Government are responsible for these matters in Wales:

- Health and social care
- Education and training
- Local Government (Councils)
- Agriculture, forestry and fisheries
- Transport
- Some taxes
- Sports and the arts.



Some things are controlled by the UK Parliament and Government:

- Public spending and taxes
- Justice and policing
- Defence
- Foreign affairs
- Immigration
- Trade policy
- Constitution
- Broadcasting.

The future of Wales

In 2021, the Welsh Government set up an **Independent Commission**. The Commission has reviewed the strengths and weaknesses of devolution, found out what people think, and explored the options to improve the future of Wales.

i A commission is a group of people trusted by an organisation or government to investigate something.



This final report tells you about some of our findings and our recommendations.



About us

This Independent Commission is led by Professor Laura McAllister and Dr Rowan Williams. It also includes nine commissioners from different backgrounds, who all have different views. We are all committed to working together and run a fair investigation.

Our aims

- To find out what people think about how Wales is governed.
- To understand the structures of government across the UK nations and how they work.
- To see how devolution works in Wales.
- To find ways to strengthen democracy in Wales.
- To explore options for change that will improve people's lives.

Timescale

In 2021 — Independent Commission work began.

March 2022 — We started collecting evidence and engaging with people across Wales.

December 2022 — We published our first report.

In 2023 — We collected more evidence and engaged with more people across Wales.

January 2024 — Our final report and recommendations.

Our values

All our work is based on:



Agency: everyone has the power to influence policies and decisions in as many ways as possible.



Equality and Inclusion: everyone is treated fairly and has the same opportunities to be involved.



Accountability: everyone can see how decisions are made and hold the government to account.



Subsidiarity: decisions are made as close as possible to the people affected.

The Commissioners



Involving people

We wanted to give people as many opportunities to contribute as possible.

So, we started a 'national conversation'.



In 2022, we set up an online consultation called Dweud eich Dweud: Have your Say. There were over **2,500** responses.

In 2023, we ran another online consultation about the options for change in Wales. There were over **1,025** responses.



We set up **8** citizens' panels across Wales. Each panel had people from different backgrounds and with different viewpoints.



We talked to professionals and experts.



Almost **5,900** answered our surveys and opinion polls.



We ran workshops with different groups and forums.



We held **17** sessions to collect evidence.



We talked to groups, members of civic society, professionals and academics.



We partnered with **11** community groups across Wales.



We looked at research and evidence from Cardiff University and the University of Edinburgh.

1,596 people aged 16+ took part in an online and telephone survey by Beaufort Research.



There were engagement events at **72** different places across all of Wales:

- **3,545** people took part
- **2,327** completed a short survey
- **600** gave their email for further information.



The Welsh Government set up an Expert Panel to advise us. They are a group of professionals who are experts in government, finance and law. They investigated key issues for us and checked our work to make sure we didn't miss anything important.





Main findings from the National Conversation

Many people didn't feel confident enough or informed enough to join in the debate about changing Wales.

Most people are interested in change, especially in areas that affect their lives — the NHS, education, and other public services.

Many people don't see a difference between the actions of the government and the system that gives it the power to govern Wales.

People's beliefs and political views influence what they think is the best way forward.

The rest of the report covers 4 main areas:

1. Improving democracy
2. Relationships with the UK Government
3. Protecting and strengthening devolution
4. Understanding the options for our future





1. Improving democracy

i A **democracy** — a country where the people can get involved and choose their government by voting for it.

Findings:

➔ People lack trust in democratic processes in Wales and the UK.

➔ Many people like what's happened in Wales since devolution, but think democracy needs to improve.

➔ Some people don't think there's enough engagement with citizens.

➔ People want to be better informed about how decisions are made, and how they can get involved.

➔ Turnout for Senedd elections is low.

➔ There isn't enough information and knowledge of democracy in Wales.

➔ Many people feel they don't have enough influence in government decisions.

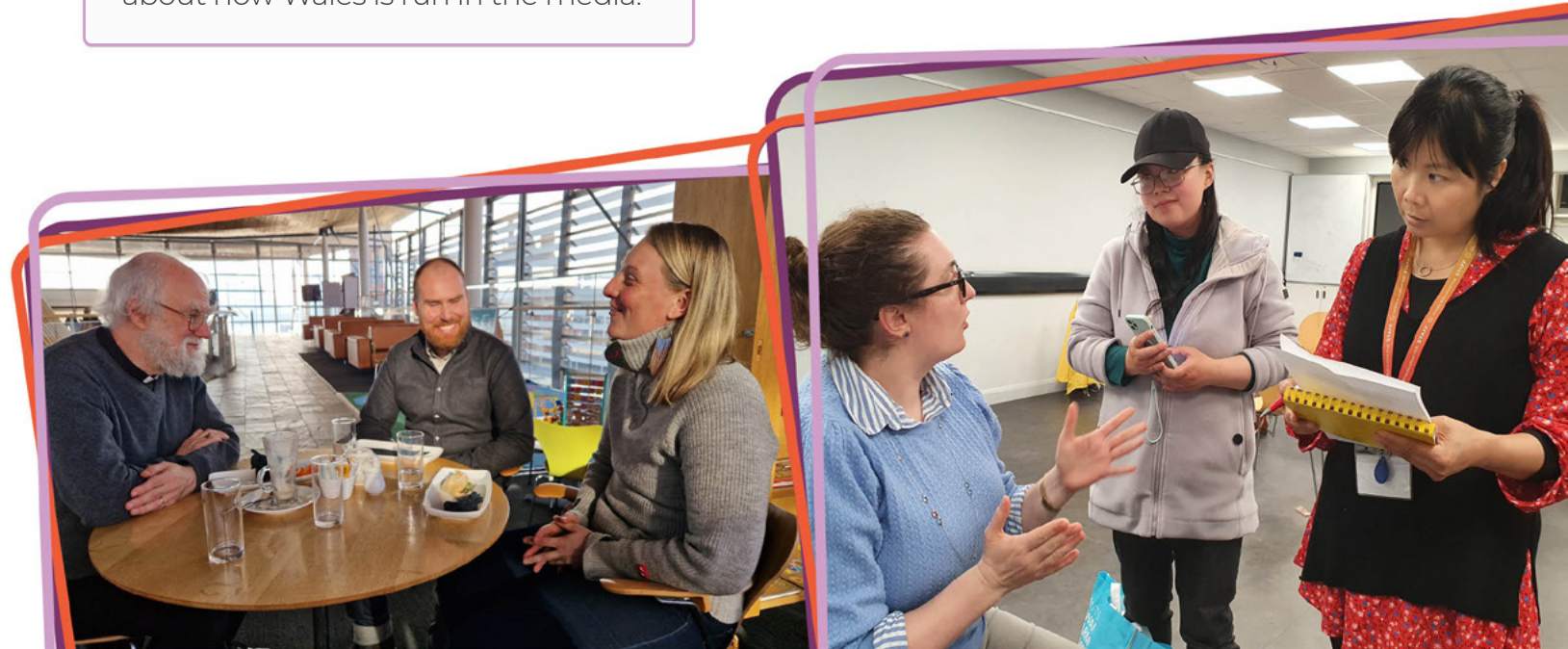
➔ Trust and confidence in democracy needs to be restored.

➔ The public don't see or hear enough about how Wales is run in the media.

Senedd Reforms

There are changes happening to the Senedd:

- In 2026 the Senedd will increase from **60** members to **96** to represent more communities and strengthen devolution.
- There will be changes to how members are elected.



Voting

The Welsh Government has made it possible for:

- citizens of other countries who have the right to live in Wales to vote
- 16- and 17-year-olds to vote in Senedd and local authority elections.

The UK Government doesn't allow this for UK wide elections, which can make it confusing for voters, but we think Wales' approach is better.

Systems to support democracy

Wales has many ways for people to have a say in decisions, but reduced budgets and austerity are affecting this.

Democratic innovations would improve democracy. They should:

- work with existing systems
- be easy to use for everyone
- empower people to get involved.

i Democratic innovations — new processes and ways for people to take part and have a say.

A constitution for Wales

The structure of the UK means we can't create a constitution for Wales. But it could be possible to produce a 'made-in-Wales' statement about how Wales is governed, by getting citizens involved. This could be a first step towards a constitution.

i A constitution — the principles and laws of a nation, its powers and duties and the rights of its people.

Recommendations:

- ➔ **1.** The Welsh Government should strengthen democratic innovation and community engagement.
- ➔ **2.** The Welsh Government should engage citizens in drafting a 'made-in-Wales' statement of governance principles for Wales.
- ➔ **3.** The planned review of the Senedd Reforms should focus on how the changes impacted voters.



2. Relationships with the UK Government

Findings:

➔ The UK Government doesn't always respect devolution and has made decisions affecting the Senedd's responsibilities without its agreement.

➔ The UK Government decides when and how they engage with the Welsh Government, which makes it hard to build trust and good relationships.

➔ Lots of people think it's important for the UK Government and the Welsh Government to work well together, but some people don't believe they can.

➔ In some areas, expanding devolution would improve accountability and service delivery.

➔ The UK Treasury rules make it difficult for the Welsh Government to manage its budget effectively.

➔ The UK Government and Parliament decides the powers and responsibilities of the Senedd and Welsh Government. Even if there is strong evidence for change, the UK Government can ignore it.

➔ Brexit has caused tension between the two governments and the devolution settlement feels fragile and unstable.

➔ The UK Government decides the budgets for the devolved nations, but this is based on the budget for England, rather than looking at what the devolved nations need.

➔ People want governments to work together — not 'political point-scoring' or 'being different for the sake of it'.



Shared Governance

There are systems to help the UK Government and the devolved nations work together and resolve issues fairly. Inter-Ministerial Groups support shared governance and build trust between the governments. But there are concerns:

- the lack of involvement from the Prime Minister
- the lack of commitment from some UK Ministers
- lack of preparation for meetings.

i Shared governance — working together to get the best outcomes for each nation and the UK as a whole.

The Sewel Convention

The Sewel Convention means if the UK Parliament wants to change a law in an area devolved to Wales, it shouldn't do it without the consent of the Senedd.

However, the UK Parliament is sovereign, so it can break the Sewel Convention and make changes anyway. Since 2016, this has happened several times. Lots of people think the Sewel Convention can't be restored unless it is made into a new law.

Funding and Tax

The UK Government decides the funding for the devolved nations.

The Welsh Government has to ask the UK Treasury if it wants to make changes to taxes or make a new tax for Wales. This can cause delays and stops changes that could benefit Wales.

The Scottish Government had some changes made to their taxing powers, borrowing powers and funding levels so they have more control over their budget. The Welsh Government wants to make these changes too.

Recommendations

- ➔ **4.** The Welsh Government should propose to the UK, Scotland and Northern Ireland that Westminster Parliament embed shared governance systems into law.
- ➔ **5.** The Welsh Government should urge the UK Government to propose a law in the Westminster Parliament. This law would require the consent of the devolved nations for any changes to their powers. Exceptions would be agreed for reasons like international obligations, defence, national security, or macroeconomic policy.
- ➔ **6.** The UK Government should change some rules on Welsh Government budget management.





3: Protecting and strengthening devolution

There are more services that could be devolved to Wales but are currently the responsibility of the UK Government — Like these:

We looked at evidence, talked to experts and found people had different views on whether these should be devolved.

Findings:

➡ Some people think the UK Government has powers in too many areas that affect Wales.

➡ Most people are in favour of devolving more powers.

➡ Many people don't know what the Welsh Government is responsible for.

➡ Some people are against the devolution we already have.

➡ Some people think enhanced devolution won't deal with problems and we should focus on building relationships with the UK Government.

➡ If more areas are devolved, there will need to be enough funding from the UK Government to cover those responsibilities.



Broadcasting

The UK Government is responsible for broadcasting, but there are close links with sport, education, skills and the Welsh Language which are devolved matters. Lots of people and experts think Wales should have a stronger voice in decisions on broadcasting.

Employment rights and protections

The UK government is responsible for employment rights and protections. We found there isn't a strong view on this:

- trade unions are split on whether powers on employment rights and protections should be devolved
- the priority for the workforce is to protect rights and protections and make sure they are enforced.

Energy

There are lots of changes in the energy market and it's important Wales has a say in how it develops. We found the UK Government doesn't always keep the Welsh Government informed on important developments that affect Wales.

Justice and policing

Justice and policing are devolved in Scotland and Northern Ireland, but not in Wales. We found evidence that devolution could:

- deliver better outcomes for people
- bring better value for money
- increase transparency and bring more accountability.

With good planning, devolution wouldn't disrupt services.

Transport

The Welsh Government is responsible for road building and maintenance, and some parts of public transport.

But the UK the UK Government is responsible for:

- planes and air traffic
- some rail services and train networks
- shipping.

We found there are issues with the rail services. Some decisions made by the UK Government are not fair to Wales and make rail services worse than they could be.

Full devolution of rail services could improve public transport in Wales, as long as the funding was in place too.

Welfare benefits

The Welsh Government is responsible for some welfare benefits like Council tax benefit and free school meals.

The UK Government is responsible for the rest. They decide the level of payments people get and if they can claim them.

We found that:

- Scotland and Northern Ireland have more power over welfare benefits than Wales
- devolution could help people in Wales, but only if Wales has more power over its budget, its taxes and other funding options.

Recommendations

- ➔ **7. Broadcasting** — The Welsh and UK Government should agree ways for Wales to have a stronger voice.
- ➔ **8. Energy** — The Welsh and UK Government should set up an expert group to advise on updating the devolution settlement and shared governance of energy.
- ➔ **9. Justice and policing** — The UK Government should agree to the full devolution of responsibility for justice and policing to Wales.
- ➔ **10. Rail Services** — The UK Government should agree to the devolution of rail services, including infrastructure, with fair funding and shared governance on cross-border services.





4: Understanding the options for our future

We've been looking at the future of Wales and the 3 possible options of:

Enhanced devolution

Wales in a federal UK

An independent Wales

Government and society are changing in Wales, as they are in the other parts of the UK. There could be changes in Scotland and Northern Ireland that would affect us in Wales.

It's important we think about what we want for the future of Wales.

We didn't ask people about ending devolution, but some people raised this in our online survey. Most of the responses had issues with services or disagreed with decisions of the Welsh Government. A few were in favour of the Union and felt devolution undermines it.

We don't recommend which option is best for Wales. That's up to the people of Wales and what they want for their future.





Option 1: Enhanced devolution

This would firmly fix and expand the Senedd's powers. It would make sure the powers Wales has to make its own decisions are protected.

This option **would**:

- give the Senedd and Welsh Government more authority and stability
- make sure more decisions affecting Wales are made by the Senedd and Welsh Government
- leave the major levers affecting the Welsh economy unchanged.

This option **would not**:

- need a referendum
- take a lot of resources or time to do
- solve everything that makes devolution vulnerable to change by the UK Parliament
- change the economic options for Wales.

Findings:

➡ Enhanced devolution is seen as the lowest risk option for Wales.

➡ This would be the next step forward from what we have.

➡ This would bring more decision making closer to the people who receive services.

➡ This could help make sure the powers of the Senedd and Welsh government are respected more by the UK Government.

➡ Some people see this as negative as it further embeds the Senedd and Welsh Government.

➡ Some people found it difficult to give an opinion because they felt they had a lack of knowledge about devolution.





Option 2: A federal structure

Changing the UK constitution so power is shared between the UK Parliament and the Senedd, Scottish Parliament and Northern Ireland Assembly.

This option **would**:

- involve changes to the constitution of the whole UK, and so needs the support of every part of the UK to happen
- mean the UK Parliament would only be responsible for federal matters, like defence or foreign policy
- need a separate Parliament and Government for England (or several for regions of England)
- mean changing how governments across the UK raised and allocated taxes
- need decisions on which government does what, which might be different from now
- keep the Union intact and maintain stability.

This option **would not**:

- be quick or easy to do
- cause too much short-term disruption to borders or the economy
- change all the factors that contribute to Wales's relatively weak economy.



Findings:

➔ Most people didn't like this option — it was seen as expensive and too complicated.

➔ At the beginning of our conversations with the citizens' panels this was popular, but as we went further into it, people didn't think it was possible.

➔ A federal structure would need all 4 nations to work together. The size of England compared to the other countries of the UK would impact how a federal UK might work.

➔ People had lots of different views as to how this might work and how powers could be split.

➔ People's views on the Union affect how they feel about this option. At the moment it doesn't seem to be what people in Scotland, Northern Ireland or England want to happen.



Option 3: Independence

Making Wales a sovereign state, independent from the UK.

This option **would**:

- make Wales a sovereign country that could apply to join the United Nations
- need Welsh taxpayers to fund all public services and government borrowing in Wales
- need Wales to set up new ways of working with the rest of the UK and the world
- need new agreements on borders and trade
- come with the highest level of risk.

This option **would not**:

- be quick or easy to do
- lead to short term rewards – it could take decades for improvements to be felt
- affect how the rest of the UK is run.

Findings:

➔ Most people who did the online survey were most comfortable talking about independence.

➔ Some people think it could improve Wales finances, some think it would make matters much worse.

➔ Some people think that independence is the best way to improve the economy of Wales and address matters like poverty, but that changes will take a very long time to have an impact.

➔ Most people understand what independence would mean but haven't considered it in depth, for example, the impact on borders, currency or funding.

➔ There are very strong views on independence, for and against.

➔ Some people support independence because:

- of their feelings towards the UK Government
- of how Wales has been treated in the past and is treated now.





Next steps

Our recommendations are things that need to be done now to make what we have work properly. This allows citizens to choose 'no change'.

We don't make a recommendation for the future. It's up to citizens to decide what their priorities are for Wales's future and what level of risk they want to take in reaching for the opportunities offered by each option.

Each option has **strengths, weaknesses, risks and opportunities**. They are not static. Each option might become more possible or less possible depending on what happens in the future.

It's important to keep talking and engaging with people across Wales so we can prepare for the future.

We want to thank everyone who took part and joined in the conversation.

You can read the full report here:

➔ gov.wales/independent-commission-constitutional-future-wales

