

## Media Briefing - Western Mail

<b>Date and time</b>	Tuesday 31 <sup>st</sup> January
<b>Interviewer and organisation</b>	Redacted – Section 40
<b>Length</b>	30 minutes
<b>Format</b>	1+1 interview face to face
<b>Location</b>	Ty Hywel (5 <sup>th</sup> floor office)
<b>Press officer</b>	Redacted – Section 40
<b>Brief summary</b>	<p>Interview with Redacted – Section 40 at the Western Mail focusing on the constitution.</p> <p>Topics to include tension between the Welsh Government and UK Government on constitutional issues, what WG wants to see change under the current arrangements, and what the Welsh Government thinks could change with a change in government in Westminster.</p>
<b>Key messages</b>	<ul style="list-style-type: none"> <li>• Wales’ future should lie in a reformed Union, involving the resetting of relationships across the UK.</li> <li>• The final report Independent Commission on the Constitutional Future of the UK will be important in determining Wales’ constitutional future. I encourage everyone to engage with the Commission and ensure its conclusions are truly reflective of the people of Wales.</li> <li>• Devolution is established and it is supported by people here in Wales. It must not be pulled back by the whims of a Westminster Government. The UK’s aggressive unilateralism must end – its willingness to act in devolved areas and ignore the democratic mandate of devolved governments.</li> <li>• Labour is serious about devolving and decentralising power to communities across the UK. I look forward to a constructive relationship with a UK Labour Government before too long; we will be united by a shared project, a shared vision of how the UK is run.</li> </ul>

## **Possible questions and lines to take**

### **Do you think Wales' future should lie in the Union?**

- Yes, we are committed to the future of the Union – but some things will have to change.
- Institutions, processes and above all its culture will have to change.
- We need to reset relationships across the UK. We need proper, respectful relationships that recognise that sovereignty is dispersed across four parliaments, in which we choose to pool it for common purposes.
- Devolution is established and it is supported by people here in Wales. It must not be pulled back by the whims of a Westminster Government.
- The UK Internal Market Act is an unacceptable and unconstitutional encroachment into the established devolution settlement – in particular its financial assistance powers usurp functions within the competence of the Senedd and Welsh Government.
- The Union will have its strongest future if it's a UK where people want to be here, rather than being instructed to be here.

### **What are some tangible examples where you believe the UK Government has not respected devolution?**

- The power grab of devolved powers following Brexit is precisely the type of thing that will undermine the future of the Union. The UK Internal Market Act is an unacceptable and unconstitutional encroachment into the established devolution settlement – in particular its financial assistance powers usurp functions within the competence of the Senedd and Welsh Government.
- The Internal Market Act, levelling-up fund and shared prosperity fund add up to no less than an assault on devolution.
- The repeated overriding of the Sewell convention must end.
- The UK's aggressive unilateralism must end – its willingness to act in devolved areas and ignore the democratic mandate of devolved governments.
- Devolution is established and it is supported by people here in Wales. It must not be pulled back by the whims of a Westminster Government.

### **What did you set out in Reforming our Union?**

- We've set out 20 ideas to make the UK stronger.
- We need respectful relations between governments, with regular opportunities to work together and manage disputes properly.
- A new independent public body should oversee how funding arrangements are made in the UK, instead of the UK Government.
- The House of Lords should be reformed to better reflect the make-up of the UK, including giving the upper house the specific job of protecting the constitution and devolution.
- Justice and policing should be devolved to Wales – as it already is to Scotland and Northern Ireland.

### **Has the review of intergovernmental relations changed anything?**

- We welcomed the package of reforms announced last January. We believe deeper and more meaningful engagement at the highest level is needed to support effective intergovernmental working.
- Since the review was published there have been frequent changes within Ministerial responsibility at every level within UK Government – progress on implementation of the has not been as fast as we would have liked as a result.
- It has potential to advance the objectives we set out in Reforming our Union. This will only happen if the spirit and content as set out in the package is translated through into consistent approaches and actions, based on respect, parity of participation and parity of esteem, and a desire to reach agreement through discussion (and indeed compromise) not imposition.
- We will do what we can to ensure the structures the review proposed are put into place and properly embedded into our ways of working. A period of stability and cooperation is needed to support this process.
- The test of good intergovernmental relations is not the number of meetings held, but the quality of the engagement.
- There is still significant room for improvement, and deeper and more meaningful engagement is still needed to resolve a series of ongoing issues.

**If the UK Government simply doesn't listen to what you're saying, if they carry on as they have been, what next? Does independence become an option?**

- It is in the UK Government's interest to make this work. Reforming our Union wouldn't just improve things here in Wales, it would improve things across the UK.
- This Government does not support independence nor believe that independence is a magic bullet to resolve all of our problems.
- We are very clear that Wales' future is best served with strong devolution, and by being an equal partner in a strengthened United Kingdom.
- We've said repeatedly that we believe in a strong and durable Union. Working in partnership is good for Wales, and the UK benefits from having Wales as part of it.
- Let's not forget that Plaid and Adam Price put independence front and centre of their campaign at the last Senedd election – they ended up losing votes. It is not a priority for the vast majority of people in Wales.

**The Gender Recognition Bill has been a constitutional flashpoint recently. What were your thoughts on that? Was it concerning that the UK Government blocked devolved legislation in that way?**

- We were surprised by UK Government's reaction. Here in Wales we stand with all our LGBTQ+ communities and believe the process for obtaining a gender recognition certificate should be simplified to support trans communities.
- Gender recognition obtained in many countries and territories outside of the UK are currently recognised in England and Wales. These include some nations that have a system of self-declaration, or self-ID, similar to the one proposed in Scotland. A number of those countries use the same self-declaration process to be used in Scotland. When we have a system that recognises certificates from other parts of the world, it seems very odd that the UK Government is not prepared to recognise a certificate that is created in another part of the United Kingdom.

- Gender Recognition is not devolved to the Senedd and the Welsh Government do not have functions in this area which currently rest with the UK Government Equalities Office.
- Our Programme for Government includes a commitment to trigger a request to devolve Gender Recognition and support our Trans community.
- Officials are exploring the options for initiating negotiations around devolution of relevant powers.
- As part of this work there is a need for detailed consideration of closely-related competencies. In particular, the implications concerning powers related to birth certificates, the birth register, and the Registrar General for England and Wales.
- Gender recognition obtained in many countries and territories outside of the UK are currently recognised in England and Wales. These include some nations that have a system of self-declaration similar to the one proposed in Scotland. I see no reason to not accept a Scottish GRC in Wales.

**If Scotland becomes independent, does that change your thinking about Welsh independence?**

- Decisions on the constitutional future of Wales are a matter for the people of Wales. We established the Independent Commission on the Constitutional Future of Wales to engage with the Welsh public and consider options for Wales' future governance.
- We believe Wales' interests are best served by being a part of the United Kingdom and we will continue to make the case for a reformed UK
- There is not a majority in Scotland for a referendum or independence, neither is there a majority for the status quo. There is a majority in Scotland and across the UK for change.
- I entirely agree that change is best achieved by electing a Labour government across the UK; The only way to get rid of the Tories at Westminster is through electing a Labour government – not supporting nationalists. I think we see that reflected in Scotland where support for independence has fallen as support for Labour has increased.

- At the last Senedd election, the overwhelming majority of voters supported parties committed to the Union. There is absolutely no appetite for independence in Wales.
- Plaid Cymru put independence at the forefront of their campaign at the last Senedd election – and they ended up losing votes.

**What do you hope the independent commission on the constitutional future of Wales will achieve?**

- We established the Commission with two broad objectives – to consider and develop options for fundamental reform of the constitutional structures of the United Kingdom in which Wales remains an integral part, and to consider and develop all progressive principal options to strengthen Welsh democracy and deliver improvements for the people of Wales.
- The Commission's interim report is a substantial one, supported by public outreach and consultation. While it is a staging post in its work, it nevertheless draws a key conclusion – the status quo “is no longer a stable basis for the future”.
- I would encourage everyone to engage with the Commission and help ensure its conclusions are truly reflective of the people of Wales.

**What is your reaction to the findings of Gordon Brown's Commission?**

- Labour is the party of devolution and this report shows that only Labour is thinking urgently about the future of the United Kingdom.
- The report put forward important ideas about how power can be devolved and shared throughout the country to create a stronger union.

**The Welsh Government has long supported the devolution of justice to Wales, but the Brown Commission rejected that didn't it? Surely that was disappointing?**

- We welcome the Brown Review's recognition that there is no reason of principle why matters which are devolved in Scotland could not be devolved in Wales, including justice and policing.

- The Brown Commission suggests starting the process of justice devolution with the devolution of youth justice and probation.
- We agree with this phased approach - in Delivering Justice of Wales, we were clear that “we do not see reform of the justice system in Wales being a single event, but rather a process of change over time, prioritising those areas where we can most improve outcomes for Welsh citizens”
- But the Brown Commission also rightly says that it is for people in Wales, through the Senedd, to determine the right level of devolution for Wales, which must include the timing and sequencing.
- Policing is another area where devolution has been advocated as long ago as the Silk Commission, and the Senedd voted in favour of devolution of policing this March.
- I know that Gordon Brown was keen not to undermine the work of the McAllister/Williams Commission and I’m sure that will also have some important things to tell us about how we improve justice outcomes for the people of Wales.

**Reforming our Union recommendations**

Redacted – not in scope for relating to misinformation, public messaging strategy, or reputational risk