

Ministers Reflect

Alun Michael



14 September 2018

Biographical details

UK parliamentary history

1987–2012: Labour and Co-operative Member of Parliament for Cardiff South and Penarth

UK government career

2005–06: Minister of State for Industry and the Regions (Department of Trade and Industry)

2001–05: Minister of State for Rural Affairs (Department for Environment, Food and Rural Affairs)

1998–99: Secretary of State for Wales

1997–98: Minister of State (Home Office)

Welsh Assembly history

1999–2000: Labour Assembly Member for Mid and West Wales

Welsh government career

1999–2000: First Secretary for Wales

Alun Michael was interviewed by Akash Paun and Tess Kidney Bishop on 14 September 2018 for the Institute for Government’s Ministers Reflect project.

Alun Michael reflects on the first year of devolution to Wales, the importance of joining up policies at the local level and the ongoing lack of understanding of devolution at Westminster.

Tess Kidney Bishop (TKB): If we can go back to 1999, what do you remember about the time between the first election and when you were formally appointed as First Secretary? It was First Secretary rather than First Minister then.

Alun Michael (AM): There’s no difference: actually, the change in name was purely that Rhodri [Morgan, First Minister of Wales, 2000–09] chose to be called First Minister. The title is First Secretary, and a secretary of state outranks a minister of state, so the language was purely about public perception, not about anything real. I think Rhodri was trying to say that actually it’s the same type of role as the one in Scotland. The significant thing, though, was the change in 2006, which separated the Welsh Assembly from the Welsh Government. Prior to 2006, the way that Ron Davies [as Secretary of State for Wales] had set up the organisation was effectively like a large county council, as a single body. That creates all sorts of constitutional difficulties, which were the problems that I ran into fairly quickly in the first year or so.

TKB: After the election, you had to go through a formal confirmation process in the Assembly. What did that involve?

AM: There was a confirmation process but bear in mind that I was already Secretary of State [for Wales]. I held both roles until July, and therefore the management of the transition wasn’t a problem. Then Paul Murphy took over as Secretary of State from that point onwards.

I think the problem in the run-up to the first election was the fact that officials in the Welsh Government had had no previous association with the type of organisation that the Assembly was to become. I remember some months in talking to an old journalist friend; he and I had worked together when I was a reporter on the *South Wales Echo*. I asked him what he thought of the show so far, and he said it was pretty obvious that most officials who served in the Assembly after serving in the Welsh Office had not had the sort of experience that you would expect from even junior officers in the smallest of our district councils. They’d had no experience of dealing with elected representatives, no experience of dealing with journalists and no experience of dealing with the public. And of course, all these things came straight at them very publicly with the glare of interest in the Assembly’s committees, the plenary sessions, and so on.

The second thing, in terms of the preparation, was that fairly early on I asked for a brief on the way the election and the arrival of Assembly Members was being prepared. They said: “We realise that they’ll need equipment and they’ll need their offices, and we’re hoping to get computers to them by October, by the time the Assembly comes back from the summer recess”. And I said: “That’s absolutely no use. If you don’t ensure they’ve got computers on the Friday after the election on the Thursday, they will start to use paper systems. And they’ll have casework that they’ve had to deal with during the election, which those who are elected will then carry into their fresh offices.” That is exactly what happens with a new Member of Parliament: you start day one, and you’ve already got a backlog of three weeks’ work of cases and things people have told you on the doorstep. So actually they got their first computer on the weekend after the election. I think it may have been the Monday rather than the Friday, but the point was that you went straight in. That made the Assembly at that time a much more computer-literate and computer- rather than paper-based set of elected representatives [compared to other parliaments].

Akash Paun (AP): What other teething problems did the new institutions face?

AM: We’d transferred statutory instruments in respect of Wales so they would fall to the Assembly to agree, not to Westminster. The officials worked out that, if there were three hours allowed for the ratification of every statutory instrument, we would have to have the Assembly sitting five days a week, 51 weeks of the year. And I said: “That’s not going to happen.” What politicians do is focus on those statutory instruments that are controversial or require scrutiny. If the statutory instruments are purely implementing what the primary legislation says, and purely dealing with dotting of i’s and crossing of t’s, it’s not going to be controversial, it’s not going to take long at all. So we went for a plenary session on the Wednesday afternoon and Thursday morning as being proportionate. I think what officials in the Welsh Government hadn’t understood is that a lot of what elected representatives do is not just about what’s in the chamber, it’s about the work in committees, it’s about the work in cross-party groups, it’s about meeting representatives and constituents. The idea that they were going to be 100% sat in the Assembly listening to each other talk was just nonsense. So the period of adjustment was quite challenging for that reason. I still felt that we were probably over the top in terms of the amount of time in plenary, rather than the amount of time devoted to committees on the Wednesday morning, Thursday afternoon and on the Tuesday. That pattern has worked pretty well, but that was one of the problems, that you actually need a really good understanding of what elected representatives are for, what ministers are for, and what the role of officials is. There are still rough edges at Westminster to be frank, never mind in the Assembly and Welsh government, on how to make those work best.

AP: It sounds like there were basic questions about how the new institutions would operate that hadn't really been thought about before the election. Did you feel under pressure to take decisions that would then set a pattern?

AM: It was the classic example of feeling that you were changing the wheels on the car when the race was already underway. There was a shortage of people [working in the Welsh Assembly] with experience elsewhere. I think there are still issues in that sense, though there are some very good people in the Welsh Government and people who have got experience elsewhere. The classic one would be June Milligan, who became a director general. She's actually now the Chair of the Human Rights Commission for Wales. She became a Welsh Office civil servant after being a prison officer and through secondments she'd had experience in the European Office of the UK Government, in the Treasury and in the Foreign Office as well. So she brought to her work as an official within the Welsh Government a much better understanding of the way things worked in other governments, as well as having a good understanding of Whitehall.

Jon Shortridge was the Permanent Secretary [of the Welsh Assembly] fairly soon after the election. His predecessor left the Assembly in a rush at a very inconvenient moment to become a permanent secretary in Whitehall. The problem in relation to Jon was that he'd always been the person to turn to when there were problems. On a couple of occasions, he'd been meant to go and have experience elsewhere on secondment and it hadn't happened because there was a crisis and Jon was the person to deal with it. So he was absolutely the right person for maintaining the smooth passage from the Welsh Office to the Welsh Assembly Government, and arguably subsequently to the Welsh Government. But he wasn't necessarily the person to provide the wider leadership and to understand why people ought to get out more.

Another problem was that there are a lot of people [who] hadn't had experience outside the constraints of the Welsh Government. Previously you had very wide-ranging portfolios. You had the secretary of state and a parliamentary under-secretary of state [in the Wales Office]. During my time we also had a minister of state, which was Peter Hain. Each of those ministers had a wide-ranging portfolio. What you now have is eight cabinet secretaries and three ministers, each of whom has a relatively narrow portfolio. That isn't so much of a problem, because ministers do talk to each other, but as you go down, the officials are narrower and narrower in their experience. There is an awful lot of detailed stuff that is isolated in very narrow areas of the Welsh Government.

I don't want to exaggerate the degree of isolation of decision making in the Welsh Government. But far too often a minister will say that we really need to tackle this issue, an official will be assigned to lead on it, and they'll pull over a fresh piece of paper and start to write a policy rather than starting with what needs to be done in order to increase efficiency. It's rarely what ministers intend or expect, but I don't think that all officials have the confidence to go out and ask people in local government, agencies of government, and in the wider community how exactly it is working on the ground now,

so they can try to put things in place that help. And, at the more junior level, they haven't got the authority and there are difficulties in escalating issues in case it's seen as a sign of failure. I found that as a Member of Parliament, and certainly as Police and Crime Commissioner too – the difficulties of talking in a joined-up way about issues that are cross-cutting.

One of the things I was very keen to do, once we'd stabilised the organisation, was to get a very ambitious scheme of secondment into Welsh government and out of Welsh government into place, in order to expand the experience and the quality of joined-up decision making, rather than decision making being too based on paper-based policy considerations. Some of that happened.

I think that Welsh Government has made real progress: the Future Generations Act [2015], which seeks to get people to be cross-cutting at the local level, is actually maturing really well. This is a very far-seeing piece of legislation, absolutely superb in the principles and with lots of activity at the local level. [In my current role] as Police and Crime Commissioner, I couldn't be required to be a part of that, but both myself and the Chief Constable were statutory invitees, so we got vigorously involved. We work very well with our local government partners and others. The problem is that there is another far-seeing piece of legislation, the Social Care and Wellbeing Act [2014], which also starts off on the basis of a needs assessment. But the needs assessments were required by the Welsh Government to be separate from the ones being done for the Public Services Boards [PSBs] under the Future Generations Act. But I think officials are increasingly willing to understand the need to join things up at that local level.

That separation down from Welsh government into agencies isn't conducive to addressing the opportunities and the challenges at the local level. For instance, when you're working with PSBs and people involved at that local level, whether in the youth offending team or other partnership boards, the biggest problem is getting the health board at the table, at a decision-making level, so that we can join up the bits.

AP: And some of the powers are held at Whitehall anyway?

AM: They are, but that's less of a problem in Wales because we all work in a devolved environment and we can join up the dots at the local level. It's more that there's a tendency for ministers in the Welsh Government to think that if they want to deal with something that is not devolved, they need to talk to somebody in the Home Office. They don't: they need to talk to chief constables and commissioners, because actually the independence of the chief constable in terms of operational stuff and of the commissioner in terms of appointment, engagement and all the rest of it means that the Home Office is not going to be able to deal with the things that need to be joined up at the local level very effectively. You can call it devolved decision making, or perhaps better delegated. The Ministry of Justice has also shown an understanding of how non-devolved services need to operate differently in a devolved environment and that helps

too. The All Wales Criminal Justice Board is proving a good vehicle for effective partnership working between devolved and non-devolved agencies.

So, instead of arguing over devolution of policing, devolution of youth justice, devolution of the courts in isolation, as an argument about devolution and an academic issue, you say: "Well, what would help it to work better?" That's what we've been doing by setting up institutions which are held together by goodwill and relationships and an understanding of the environment we work in, rather than by legislation and top-down diktats.

TKB: So that's clearly something that you've done a lot of in your current role. But in 1999, how were you trying to organise your own office, to make sure your civil servants worked across the different departments and local government?

AM: I think it depends what experience you've come to a new office with. My experience had been as a youth worker, a councillor and Chair of the juvenile court in Cardiff before I became an MP. And in those roles I was very much concerned about joining up things at a local level to be more effective. So I'd taken that into my role as an MP, as a shadow minister – I was the Shadow Welsh Office Minister, and then for five years a Shadow Home Office Minister. The legislation I brought into place [as UK Minister of State for Home Affairs] in 1997 and 1998, the Crime and Disorder Act, required local community safety partnerships, local youth offending teams and things like that. Those are things which really sought to join up the dots at the local level. That was an England and Wales piece of legislation, but because it was going through at the same time as the devolution legislation, it also respected the fact that there would be a Welsh Assembly and therefore Welsh government institutions that would deal with those in the longer term. So all of that is respected from day one.

Coming from the Home Office to be Secretary of State for Wales, I was already wanting to join up the bits across government departments and I was able to continue that through. It had become very fragile after Ron Davies resigned [as Secretary of State for Wales] because of the walkabout on Clapham Common. The whole atmosphere was very febrile in Wales for a period. The thing I regret is that, because of the political pressures at that time, I wasn't able to carry that consistency through over a longer period of time. The fortunate thing for me was that I subsequently had other ministerial offices in which I was able to help join up the dots. I had responsibility for the regions when I was at DTI [the Department for Trade and Industry], so that had a link into the Welsh Government. At Defra [the Department for Environment, Food and Rural Affairs], I had responsibility for legislation that again had an impact on Wales, but had to be joined up in the decision making post-legislation.

So when I then came back to a role in Wales as Police and Crime Commissioner, I had a pretty good understanding. A senior civil servant, not talking about Wales, said to me on one occasion that it's interesting that the most effective of the commissioners from day

one have been those who have had ministerial experience. The difference as Police and Crime Commissioner, is that you pull a lever, and you can see whether anything happens. You have a stronger relationship with the doer, which is the Chief Constable and the Chief Constable's team. There's a very, very clear line about operational responsibility, but you can see how to join up the dots and the two roles are really very complementary.

I think the challenge for Whitehall and for the Welsh Government is actually having a real understanding, not just of what you want to do and what the problems are, but of how you create solutions, from legislation to practical requirements and the deployment of resources that actually make a difference on the ground. And it's a challenge to ensure that it's the *intended* difference, rather than having *unintended* consequences. For example, those two pieces of legislation, the Future Generations Act and the Social Care [and Wellbeing] Act, are absolutely right and far-seeing in terms of what ministers intended, but they don't join up on the ground in the way that the ministers intended or that those that are working at the local level would wish.

TKB: When you became First Minister rather than Secretary of State, did your priorities change much?

AM: In the new role, there were things that we were able to do. For instance, Wales was the first to put the requirements of sustainable development in place for everything that went through the Welsh Assembly. Of course, that still continues now, and that's been a significant driver for the way that the Assembly does its work.

TKB: And you set that up in your early months as First Secretary?

AM: Yes, that was brought in in the early months in a policy document.

The great thing about the way the Welsh Government works now is that, because it's closer to the ground, because it has that range of responsibilities, it is able to be more joined-up across its areas of responsibility. You can talk to people who are in non-devolved agencies and respect the nature of devolved government and the environment in which you work. Of the big partners that policing works with, probation is not devolved and neither are the courts. But bearing in mind the principles set down by Sir Robert Peel right at the start of policing: the first responsibility of the police is to prevent crime, and success in policing is measured by the absence of crime, not the presence of activity. I would say that characterises policing in Wales more than policing across England and Wales generally. Certainly in South Wales, which is virtually half the population and certainly half the crime, as far as the Chief Constable and myself are concerned, joining up with the devolved bodies is key to the effectiveness of the way the police do their day-to-day work. Even things that are requirements from the Home Office, like the strategic requirements that are set by the Home Secretary, are all translated into that devolved environment, and translated by non-devolved bodies. I

think you will find, for instance, if you talk to a prison governor, that they will say: “I can get things done more easily if I've got a problem within the health service in Wales, because I can get to the institutions and they're just down the road, I can pick up the phone. I'd have no chance of talking to the relevant official in Whitehall.”

AP: During those early days, were there examples of devolution creating challenges for how central government developed policy?

AM: Absolutely. One example: there was one point, during the build up to the Assembly elections, I was still Secretary of State at this point, there was legislation for the Youth Service which David Blunkett [then Education and Employment Secretary] was bringing in. He was very keen on addressing the needs of the individual and moving the work of the youth service closer to that of the careers service. So it was very much an individual model, rather than a community model. I had a discussion with David at that time and said: “Look, David, I really don't want to go down that line.” I said I knew the youth service in Wales. So what David said to me – he and I have always been good friends, even though we've disagreed on some things – was: “You want to do it differently in Wales? Why don't you have a separate section in the bill for the youth service in Wales? I'll respect what you want to do.” So it was pre-devolution respect for the fact that we were moving to a devolved arrangement. That's one particular bit that I'm quite proud of because it set foundations on which others have built through Extending Entitlement. Professor Howard Williamson who is now Professor of European Youth Policy in the University of South Wales has written about the way these issues were pursued.

A few years later in 2004, when I was Rural Affairs Minister, I was given responsibility for the Clean Neighbourhoods Act, as it became. The implementation was going to be done by the Welsh Government, and the Welsh Government did a statutory instrument that wasn't exactly the same as the one for England. It respected things like the sustainable development principles in a more explicit way. So there was a transition period going on then.

I've given you a very positive example with David Blunkett, but most of it was bloody difficult, because officials in Whitehall didn't get the fact that devolution had now happened, and that in doing this piece of legislation you will need to allow for separate subsidiary legislation for Wales, you will need to respect the decisions of the Welsh Government, rather than creating requirements that jar...

AP: Were there particular departments that stood out as not having done it well?

AM: I would say all of them! And I would also say that we still have a lack of understanding of devolution. If you talk to chief constables, not just to [police] commissioners, we have massive frustration, we're always in this position, whether we're at the Association of Police and Crime Commissioners, the National Police Chiefs Council or a meeting with ministers. For instance, the Policing Minister for England and

Wales is also the Fire Service Minister for England, and we're constantly in a meeting where he says something and I have to go: "Excuse me, Fire Service in England? That doesn't apply in Wales."

AP: Westminster seems to confuse whether it's talking about England or England and Wales, or the UK as a whole.

AM: Well, they talk about what they understand, for instance, the health service in England. They won't recognise that the health service in Wales is different. That's not just a fact for the health service professionals in Wales, it's a fact for all of us that have to work with the health service in Wales. In general, as long as it's recognised, it's not actually an obstacle; it actually enhances our capacity. There are some policies like the ones I have mentioned which are much more progressive in Wales. Wales has had much more of a public health approach, a preventative approach, an epidemiological approach to understanding the causes of the things they want to tackle. The obsession in England of counting beans and measuring outputs rather than outcomes was massively frustrating. If you're only comparing waiting times and not what's actually being done, we get the constant echoes of inappropriate comparisons between England and Wales. In some things, Wales is doing much better than the English health service. And it drives you potty, because the ministerial oversimplification at national government level doesn't help relationships between non-devolved bodies and devolved bodies.

AP: The powers of the devolved institutions have changed significantly over the last two decades. But you came in right at the start, when you had to constantly try to get Westminster to give you additional secondary powers. Was it apparent from the outset of that period that the settlement you had would need to be expanded, or did it feel like a workable first phase?

AM: There is the issue there of whether devolution is a journey that will end up in complete separation and independence, to which I would be completely opposed. I'm a passionate supporter of devolution. In the 60s and 70s, I edited Welsh Labour's newspaper, *Wales Radical Cymru*, which advocated the Labour Party's policy for devolution, against, it has to be said, people like George Thomas and Neil Kinnock [both Welsh Labour politicians] at that time, although Neil became the instigator of the push towards devolution during his time as leader [1983–92]. That's a very brief summary of some very complex changes in Welsh politics over the years. But as I say, I was always a passionate advocate of devolution, but a passionate opponent of separation. That's a very important strand of Welsh politics, with people like Cledwyn Hughes, and many others, who were very, very passionately Welsh, but not about separation. What we've seen is not a further journey towards separation. In fact, I think the interdependence is far clearer.

What it has been is a journey towards great clarity about those things where decision making needs to be more Welsh and subsequently local. Sometimes officials in the Welsh Government and sometimes even ministers don't recognise the need for that devolution to go to the local level of decision making. But I've referred several times to the Future Generations Act and the Social Care [and Wellbeing] Act, which are actually highly forward-looking in terms of promoting the need for devolution. And similarly I would point in England and Wales to the 1998 Crime and Disorder Act, for setting up local community safety partnerships and youth offending teams and recognising that local success aggregates to national success. Local success in Wales aggregates to Welsh success, contributing to the greater England and Wales or UK success.

Policing is a good example of that. The more we do things well within Wales at the local level, that will aggregate to success and people being safe in Wales. But it also contributes to the greater vision of community safety and excellence of policing across the whole of the UK. It's not separation in that sense, it's the old Catholic concept of subsidiarity, where decision making is best taken at the most local level that is capable of taking competent decisions. It's actually a very good EU principle, which is not always observed either by the EU or by the UK Government and, sadly, not always observed by the Welsh Government either.

TKB: From your experience as a minister, and since, what's your advice for ministers on how to be effective in their roles?

AM: I think it's to understand that you need to get out and listen to people who are doing things at the local level. There's a great temptation for anybody as a minister to be putting over the things that you're trying to achieve and therefore to do more speaking than listening. I'm sure I was as guilty of that as a minister as anybody else. But actually the more listening you do, the more you get a bit of light and insight on the things that officials will do and say.

I would say the Welsh Government ministers need to insist on officials spending more time outside government and on practicalities, and to combat the idea that writing a policy document brings about change: it doesn't. You need to understand what needs to happen at the local level and then try to reflect it. I was Minister for the Horse for four years and managed to do it without getting on one, but I did leave behind a couple of contributions, by understanding the environment I was trying to work with, by listening to horse people and so on. It was part of the responsibilities of the Minister for Rural Affairs, and I think I was the fourth person to have that sort of title. It was really interesting. The fact that I knew absolutely nothing about it turned out to be a strength, because I did the listening.

In terms of how best to approach these things, I would point to the '98 Act. Police still tell you that the 1998 Crime and Disorder Act was the best piece of policing legislation for more than a generation, and it's still respected. The reason for that was for five

years, as a Shadow Minister, I had to go around and listen to a lot of people, because I was helping local candidates to campaign in their areas on law and order issues. I suppose this is why it's really valuable for me now, operating at a local and Welsh level with a little bit of input to the national level through the Association of Police and Crime Commissioners, to have worked at each of those levels.

AP: Is the '98 Act the one that created ASBOs [anti-social behaviour orders]?

AM: Yes, absolutely, which is a great success story, although not always acknowledged. They've been replaced by different types of orders, but the whole point of the ASBO was that it was a preventative measure. Campaigners on youth justice, and I've shared platforms with them, would say: "The problems of the ASBO with teenagers weren't Alun's fault, because he created the ASBO as a mechanism of dealing with adult anti-social behaviour, not teenage anti-social behaviour." Teenagers don't have a sense of risk, so the ASBO could not work. That was David Blunkett who changed the age rules. So I'm very proud of it because it worked, and I saw it work in my constituency: it was used in Splott in Cardiff very effectively.

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