

Ministerial Responsibilities of the Welsh Government

May 2016

The First Minister

The First Minister will answer general and specific questions on the following topics, as well as on any matter falling within the responsibility of another Welsh Minister:

- Exercise of functions by the Welsh Government;
- Constitutional Affairs;
- Strategic and corporate planning in the Welsh Government;
- Strategic Communications;
- The Legislative Programme;
- Policy development and coordination of policy;
- International Affairs, including strategic direction on EU policy matters, international relations and Welsh Government presence abroad;
- Overall responsibility for openness in Government, including Freedom of Information;
- Civil Contingencies, including chairing the Wales Resilience Forum;
- Oversight of the Welsh Government's relationship with the Wales Audit Office;
- Staffing including the terms and conditions of Special Advisers and Welsh Government civil servants but not members of the Senior Civil Service;
- Overall responsibility for public appointments (i.e. ensuring that public appointments made by the Welsh Government are made in accordance with the Commissioner for Public Appointments' Code). Other Ministers will be responsible for public appointments issues within their portfolio area;
- The Ministerial Code;
- Tribunals.

Cabinet Secretary for Communities and Children

- Children's and young people's rights and entitlements, including the UN Convention on the Rights of the Child, the Children's Commissioner for Wales;
- Childcare;
- Legislation relating to the removal of the offence of Reasonable Chastisement;
- Flying Start Initiative for children 0-3;
- Families First and play policies;
- Adoption and fostering services in Wales;
- Children and young people's advocacy, including complaints, representations and advocacy under 1989 Children Act in relation to Social Services;
- Information sharing under the Children Act 2004;
- The Children and Family Court Advisory Support Service (CAFCASS);
- Communities First;
- Welfare Reform;
- Financial inclusion, including credit unions;
- Regeneration, including Strategic Regeneration Areas; legacy regeneration; and provision of sites and premises, derelict land and environmental improvements relating to regeneration;
- The housing and housing-related activities of Local Authorities and housing associations, including housing management and the allocation of social and affordable housing;
- Supply and quality of market, social and affordable housing;
- Homelessness and housing advice;
- Matters relating to housing provided by the private rented sector, including regulation of registered social landlords;
- Aids and adaptations, including Disabled Facilities Grants and Physical Adaptation Grants;
- The provision of housing-related support (but not the payment of Housing Benefit);
- The regulation of commercial tenancies let by Local Authorities;
- Co-ordination of issues relating to gypsies and travellers, asylum-seekers, immigration, migrant workers and community cohesion (except where they relate specifically to other portfolios and counter terrorism measures);
- Crime and Justice policy, including Youth Justice;
- Community Safety, including relations with the Police and Crime Commissioners, Police and other Criminal Justice Agencies, civil contingencies, resilience and counter-terrorism issues;
- The Fire and Rescue Services including community fire safety;
- Lead on policy in relation to the Armed Forces in Wales and Veterans;
- Anti-slavery, domestic abuse, gender-based violence and sexual violence;
- The Voluntary Sector and Volunteering;
- Lead responsibility for monitoring Post Office and Royal Mail matters in Wales.

Cabinet Secretary for Economy and Infrastructure

- The provision of support and advice to assist the establishment, growth, modernisation or development of business in Wales;
- The promotion of Wales as a location for business and investment;
- The promotion of Welsh exports;
- Entrepreneurship, enterprise and business information;
- Finance Wales;
- Development Bank;
- Steel;
- Environmental improvements in relation to industrial and commercial developments;
- Economic advisory panels;
- Social enterprise and the social economy;
- Management of property assets held with the Economy Development portfolio and supporting the delivery of property infrastructure (sites and premises);
- National Infrastructure Commission;
- Transport policy, including the development of an integrated transport system in Wales;
- Road Safety including provision of safer routes to Schools, transport for children and young people and regulation of pedestrian crossings and on-street parking;
- Road transport, including construction, improvement and maintenance of the motorway and trunk road network in Wales, except those parts of the Second Severn Crossing and the approaches thereto which are situated in Wales (not devolved) (NB roads other than trunk roads are the responsibility of Local Authorities);
- Delivery of passenger rail services through the Wales and Borders franchise;
- Funding and administration of programmes to Local Authorities and other bodies designed to deliver a range of transport schemes and services;
- Ports policy;
- Tourism in and to Wales, including the marketing and promotion of Wales as a tourist destination and regulation of the tourism industry;
- Major Events;
- Elite Sports;
- National strategy and policy for the historic environment in Wales;
- National strategy and policy for culture in Wales;
- National Botanic Garden of Wales;
- Creative Wales;
- Non-devolved cultural property legislation and tax relief schemes;
- Oversight of the distribution of Lottery funding within Wales.

Minister for Skills and Science

- Apprenticeship and Skillbuild policy and delivery;
- Youth and adult employability policy and delivery, including Jobs Growth Wales, Essential Skills for Working Adults and the Skills Gateway;
- Work based learning providers;
- Sector skills including strategies, development funds and the Sector Skills Council;
- Wales Employment and Skills Board and the Commission for Employment and Skills;
- Workforce skills development, including the Wales Union Learning Fund core funding for Wales, TUC education and learning services;
- Core funding for Chwarae Teg;
- European Structural Funds relating to skills and employment;
- Simplification and integration of business skills and business development services;
- Science: development of science policy, including day to day liaison with the Chief Scientific Adviser for Wales and the National Science Academy;
- Research and Innovation, including research and development, knowledge transfer and commercialisation; maximising research and innovation incomes; and Research Centres of Excellence;
- Development, retention and attraction of higher level research students for Wales;
- Maximisation of economic benefits of higher education research and development;
- Digital infrastructure, including broadband and mobile;
- Digital service transformation for the Welsh public sector;
- Digital Inclusion.

Cabinet Secretary for Education

- School governance, organisation, and admissions;
- School standards, improvement and pupil attainment, including National Categorisation;
- Estyn work programme remit;
- Funding of schools;
- Current school curriculum, assessment and qualifications, 3-19 and the Welsh Baccalaureate;
- Development and implementation of future curriculum and assessment;
- Safeguarding and inclusion in schools, including internet safety;
- Complaints against Local Education Authorities and school governing bodies;
- Delivery and management of 21st Century Schools and education programme;
- Schools Challenge Cymru;
- Sponsorship of Qualifications Wales;
- Higher Education policy, strategy and funding, including sponsorship of the Higher Education Funding Council for Wales (HEFCW); tuition fee and student finance policy (including repayments) including sponsorship of the Student Loans Company (SLC) functions as they apply to Wales;
- Education workforce training and development, including initial teacher training;
- Medical Education (except for post graduate training).

Minister for Lifelong Learning and Welsh Language

- Early years;
- Foundation Phase;
- Additional learning needs, including needs of pupils with severe, complex and/or specific learning difficulties, disabled pupils, able and talented pupils;
- People of all ages with Dyslexia;
- Additional Learning Needs Bill;
- Further Education;
- Further Education (FE) student support: Education Maintenance Allowance (EMA) and Welsh Government Learning Grant (WGLG FE);
- Revenue funding of 6th forms, Further Education colleges, adult community learning;
- Development and Implementation of the Digital Learning Strategy;
- Welsh medium and bilingual education;
- Welsh Language, including oversight and coordination of general Welsh language policy, Ministerial functions emanating from the Welsh Language Act 1993 and the Welsh Language Commissioner;
- Vocational, key and essential skills qualifications for all ages;
- Implementation of the Credit and Qualifications Framework for Wales;
- Prisoner learning;
- Careers advice, including sponsorship and funding of Careers Wales;
- Broadcasting Policy.

Cabinet Secretary for Environment and Rural Affairs

- National strategy and policy for Natural Resources Management, including oversight and implementation of the Environment (Wales) Act and Natural Resources Wales;
- Cross-cutting measures of mitigation and adaptation in relation to climate change, including water; land drainage; flood and coastal risk; and control of marine and air pollution;
- National strategy and policy for water;
- Sustainable resource and waste management in Wales;
- Energy policy including small-medium scale energy production, domestic energy, energy efficiency and the reduction of fuel poverty;
- Access to the countryside, coast and rights of way and Areas of Outstanding Natural Beauty and National Parks;
- Biodiversity policy, including implementation of the Nature Recovery Plan;
- Forestry policy and legislation, including re-stocking, tree health and forest reproductive material;
- Inland, coastal and sea fisheries: policy regulation and enforcement, including Common Fisheries Policy and the management of fishery harbours;
- Marine and fresh water planning, biodiversity, conservation and licensing;
- Oversight and implementation of the Planning Acts and all aspects of planning policy and the determination of called-in planning applications and appeals;
- Planning gain – Section 106 Agreements contained in the Town and Country Planning Act 1990;
- Developments of National Significance: determination of planning applications and connected consents;
- All aspects of Building Regulations;
- Wales Spatial Plan and the National Development Framework;
- Strategic lead on allotments and urban green infrastructure;
- Local Environment Quality, including litter, fly-tipping, noise policy and regulation;
- The Rural Development Programme;
- Common Agricultural Policy Direct Payments and responsibility for cross-compliance;
- Agriculture sector development, including wages and skills;
- Developing agri-food sector, associated supply chains, promotion and marketing of food and drink from Wales;
- Animal health and welfare;
- Bovine TB Eradication Plan;
- Policy on livestock, artificial insemination, poultry, companion animals, equines, and bees;
- Livestock identification and movement policy;
- Holding Registration Policy (CPH);
- The protection and management of wildlife in Wales, including control of pests, injurious weeds and vermin and the regulation of plant health, seeds and pesticides;
- Genetically Modified crops;
- The power to require provision of information about crop prices;
- Best and Most Versatile Land policy, mineral site restoration advice and Agricultural Land Classification and implementation of the EIA (Agriculture) Regulations.

Cabinet Secretary for Finance and Local Government

- Provision of strategic financial direction and management of the resources of the Welsh Government;
- Development of a Welsh Treasury function;
- Tax policy including local taxes (Business Rates and Council Tax) as well as devolved taxes;
- Provision of strategic direction for administration and operation in relation to devolved and local taxes, including sponsorship of the Welsh Revenue Authority;
- Publication and consultation on the Welsh Government's budget proposals;
- Strategic investment decisions in line with the Wales Infrastructure Investment Plan;
- Invest to Save Fund;
- City Deals;
- General oversight of financial accounting and audit;
- In year budget monitoring and management;
- Ensuring value for money and effectiveness of spend across the Welsh Government's budget
- Operation and development of the devolved funding settlement and the Statement of Funding Policy;
- Value Wales and the National Procurement Service;
- Oversight and implementation of the Well-being of Future Generations (Wales) Act and liaison with the Future Generations Commissioner for Wales;
- The Location Strategy and acquisition, maintenance and disposal of property and other assets;
- The co-ordination of National Statistics and the Census in Wales;
- Policy on and administration of EU structural funds, related programmes except the CAP;
- Strategic approach to the delivery of devolved public services, performance management, digital and data driven transformation, workforce matters, collaboration, audit, inspection, regulation and public involvement;
- Structural, democratic, financial and constitutional reform of Local Authorities, including co-ordination of regional delivery models and their coherence with Local Government Reform;
- The Local Government Partnership Council;
- Local Government constitutional matters, scrutiny arrangements, cabinets, elected mayors, the role of councillors, their diversity, conduct and remuneration;
- Local Government electoral arrangements, sponsorship of the Local Democracy and Boundary Commission for Wales and the timing of Local Authority elections;
- Local Government finance policy and the un-hypothecated funding of Local Authorities and Police and Crime Commissioners through the Local Government revenue and capital settlements;
- Financial governance, financing and accounting relating to Local Government;
- Local taxation, including Council Tax, non-domestic rates, council tax reduction and the Sponsorship of the Valuation Office Agency and the Valuation Tribunal Service;
- Local Government workforce matters (principally arising from reform) and the sponsorship of the Public Services Staff Commission;
- Equality covering the protected characteristics under the Equality Act 2010 and human rights in relation to UN and EU Conventions.

Cabinet Secretary for Health, Well-being and Sport

- Day to day oversight of all aspects of NHS delivery and performance in Wales, including: performance against targets set out in the NHS Outcomes and Delivery Framework, which include measures of quality, referral to treatment times, cancer, cardiac, delayed transfers of care, accident and emergency, ambulance response times, public health and mental health indicators;
- All aspects of the National Health Service (NHS) in Wales, including contracts with the primary care contractor professionals, other than (i) oversight of the medical professions; (ii) policy on surrogacy, xenotransplantation, embryology and human genetics; and (iii) licensing of medicines (these matters are not devolved);
- Delivery of the new outcome measures;
- Delivery plans;
- Scrutiny of NHS organisations' performance against their three-year plans (Integrated Medium-Term Plans);
- Oversight of the escalation procedures in the NHS;
- Charges for NHS services, including prescription, dental and ophthalmic and optical charges;
- The provision of services in Wales to the mentally ill;
- Receipt of, response to and direction of reports from, the Health Care Inspectorate for Wales;
- Oversight of the Wales Audit Office's activities so far as relating to the National Health Service in Wales;
- Research and Development in health and social care;
- Post-graduate medical education.

Minister for Social Services and Public Health

- Policy and oversight of the provision of all social services activities of Local Authorities in Wales, including the issue of statutory guidance;
- Policy on care in the community;
- Oversight of the Care Council for Wales;
- Regulation of residential, domiciliary, adult placements, foster care, under 8` s care provision and private healthcare in Wales;
- Inspection of, and reporting on, the provision of social services by Local Authorities in Wales (via the Care and Social Services Inspectorate for Wales), including joint reviews of social services and responding to reports;
- The Older People's Commissioner for Wales;
- Public Health Wales Bill;
- All aspects of public health and health protection in Wales, including food safety and the fluoridation of drinking water;
- National strategy and policy for community sport, physical activity and active recreation in Wales, including sponsorship of the Sports Council for Wales;
- Promotion of walking and cycling, including the Active Travel (Wales) Act;
- The activities of the Food Standards Agency in Wales;
- Genetically-modified food (but not the cultivation of genetically-modified crops);
- Responsibility for the Prison Service health service, other than private contracts;
- Substance misuse;
- Armed Forces and Veterans' Health.

Leader of the House and Chief Whip

- Manage Government Business in the Assembly in line with Standing Orders;
- Delivery of the weekly Business Statement;
- Represent the Government in Business Committee;
- Liaison with other Parties on the Government's Legislative Programme (but not individual Bills which remain the responsibility of the lead Cabinet Secretary).

Counsel General

The Counsel General's statutory responsibilities are set out under the Government of Wales Act 2006. The main ones are:

- (a) Like the Welsh Ministers and the First Minister, the Counsel General may make appropriate representations about any matter affecting Wales. (s 62)
- (b) If the Counsel General considers it appropriate to promote or protect the public interest, he may bring, defend or appear in legal proceedings, in the name of the Counsel General. However, the proceedings must relate to matters in respect of which Welsh Ministers or the Counsel General have functions (s 67).
- (c) The Counsel General may refer to the Supreme Court a question of whether a provision of an Assembly Bill is within the Assembly's legislative competence (s 112).
- (d) The Counsel General may bring legal proceedings to have a "devolution issue" decided, or may defend any such proceedings brought by other Law Officers in the UK. "Devolution issue" is defined in paragraph 1(1) of Schedule 9 to GOWA 2006. It includes (among other things) questions of whether an Assembly Act is within competence or whether the Welsh Ministers have particular functions. The Counsel General can also require devolution issues to be referred to the Supreme Court for a decision.

Provision of legal advice to, representing and overseeing the representation of the Welsh Government in legal proceedings;

Relations with the judiciary, members of the legal profession, law officers and other involved in the administration of justice;

Improvement of the accessibility of devolved legislation in Wales for the legal profession and other members of the public, including considering the future consolidation of existing legislation;

Response to Law Commission and other (for example, UK Government) proposals or consultations where appropriate.

Statutory Responsibilities

It should be noted that the Counsel General also has functions under other legislation.

Legal advice and representation to the Welsh Government, and Discussions with Law Officers

There are constraints on the Counsel General's ability to answer questions about these matters.

Consultations about proposed changes to the law

In many cases these will be considered and responded to by the Cabinet Secretary or Minister with portfolio responsibility for the subject area to which the law relates.