

**David Richards**

Cyfarwyddwr Llywodraethu a Moeseg  
Director of Governance and Ethics



Llywodraeth Cymru  
Welsh Government

Salima Budhani  
Acting Solicitor  
Independent QC Investigation

By email: [Salima.Budhani@IQCI.org.uk](mailto:Salima.Budhani@IQCI.org.uk)

12 June 2019

Dear Ms Budhani,

### **Independent QC Investigation**

Thank you for your letter of 3 May in response to mine of 9 April. I have shown your letter to the First Minister and this response contains the points which he has asked me to convey to Mr Bowen QC via yourself.

The First Minister had no previous involvement in this case before taking up his current role. He recognises that the participants in this process – most importantly the family themselves of course, but also including Mr Bowen QC – have views about how the process should be taken forward.

The First Minister believes that the best and the most orderly way of progressing matters is to take them in sequence and that approach was reflected in the recent statement which he made to the National Assembly. Following the judgment of the High Court the First Minister wishes to have as one of the options available to him an Operational Protocol which has been amended so as to be consistent with the judgment. This does not necessarily mean that it will be the intention of the First Minister to proceed on this basis.

Jonathan Jones QC's role, in determining the terms of the Operational Protocol in light of the High Court's judgment, is to complete the preparatory work for the Investigation referred to in the former First Minister's original press statement of 10 November 2017.

It is not within Jonathan Jones QC's remit to consider wider representations about the purpose, objectives or form of the Investigation. Any such representations will, as the First Minister has made clear, be considered by the First Minister in due course, and in consultation with the Sargeant family and other interested parties (including the Investigator) after the Coroner's inquest has been concluded and the Coroner's report



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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding

published, and after the leak inquiry report has been released. Only at that stage, the First Minister believes, will all parties be in a position to make properly informed representations and, subsequently, will the First Minister be in a position to take a decision about the next steps.

The First Minister believes that approaching the process in this sequential manner will allow the family, once the matters referred to above have been completed, to reflect upon the extent, if any, to which their concerns might have already been aired and answered and which issues might still remain as needing to be explained or explored. The First Minister believes that no-one, including himself, will be in a position before then to take a properly informed view on what should happen next.

The First Minister has noted what Mr Bowen QC has said about believing that as the Independent Investigator and under the terms of the Operational Protocol as it stands, it is up to Mr Bowen QC himself to decide upon the timing of re-starting the Investigation and that it is the intention of Mr Bowen QC to begin preparatory steps now, subject to any representations which he might receive from interested parties. The First Minister shares Mr Bowen QC's concern about the time which has elapsed since Mr Bowen QC was first commissioned by the Welsh Government to undertake his Investigation. But the First Minister also hopes that Mr Bowen QC will reflect upon the points which the First Minister made in his statement, and which are also conveyed in this letter, about the steps to be taken along the way to a decision by the First Minister on the way forward. The First Minister would not wish significant further public money to be expended in the meantime which may turn out to be nugatory if, in the event, the First Minister were to subsequently decide that the Investigation were to proceed in a different way, or to a different remit. The view of the First Minister, therefore, continues to be that it would be better, in essence, for the Investigation to remain in suspension until these other matters have been determined and he hopes that Mr Bowen QC will reconsider his position in the light of this letter and of the statement made earlier by the First Minister about what he sees as the way forward. The First Minister appreciates that Mr Bowen QC might want to put in place some preliminary administrative steps to ensure that the Investigation, if it is to proceed as envisaged, can be re-started swiftly. But he would not wish Mr Bowen QC to incur significant expense or to actively re-start proceedings at this stage.

I am copying this letter to Neil Hudgell and to Carwyn Jones, and also to Jonathan Jones QC.



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