

Evidence Submission to House of Lords Constitution Committee inquiry into the Cabinet Office

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Summary

The Cabinet Office suffers from institutional schizophrenia. Over the course of its existence it has taken on multiple personalities, which can contradict one-another. This condition gives significant cause for concern, not least because of its constitutional implications.

An arrangement whereby the office of government responsible for supporting Cabinet, the Cabinet Office, is at the same time charged with assisting the Prime Minister in any role other than that of chair of the Cabinet is incompatible with the UK constitutional principle of collective government. The task of managing the Civil Service is a further distraction from what should be the primary function of the Cabinet Office.

The confused objectives of the Cabinet Office undermine its chances of effectiveness – and indeed make its performance difficult to assess; as well as creating problems for Parliament in its attempts to hold to account ministers responsible for the Cabinet Office.

Supporting the Prime Minister and managing the Civil Service are necessary functions – but both should be performed somewhere other than in the Cabinet Office.

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1. For some time we have both been engaged, separately and jointly, in the analysis of the centre of government from an historical and political-science perspective. Currently we are in the process of writing books on the premiership and on prime-ministerial aides. We draw on both for this submission.
2. We are pleased to learn that the House of Lords Constitution Committee is conducting an inquiry into ‘the contemporary workings of the Cabinet Office and the centre of government’. This subject is central to the UK constitution and consequently apt to be addressed by the Committee. We believe that, if it is fully to be understood, the role of the Cabinet Office must be approached through analysis of both the Office as comprised at present and its historical development. Where we refer to the Cabinet Office in this paper, we treat it as separate from the Prime Minister’s Office, an associated but distinct body, although for some organisational purposes the two may be grouped together.
3. **Primarily, we wish to address Question 8, ‘What constitutional issues are raised by the recent changes at the centre of government?’. After discussing this question we address some of the others more briefly.**

Question 8 What constitutional issues are raised by the recent changes at the centre of government?

4. **The Cabinet Office suffers from institutional schizophrenia. Over the course of its existence it has taken on multiple personalities, which can contradict one-another. This condition gives significant cause for concern, not least because of its constitutional implications.**
5. The traditional purpose of the Cabinet Office, which grew out of the secretariat that David Lloyd George attached to the War Cabinet he established upon becoming Prime Minister late in 1916, was to give institutional expression to a fundamental constitutional principle of the UK – collective government by a group of senior ministers, amongst whom the Prime Minister was first amongst equals. Its purpose was to service the body that, by convention, was the supreme organ of UK government, the Cabinet (or, in its early years of gestation, the smaller War Cabinet). Lloyd George probably saw this new secretariat in part as a way of imposing his personal will upon government and the outside world, but its purpose was to serve the War Cabinet, not him personally.
6. Viewed from this perspective any support premiers receive from the Cabinet Office should be only in their role as chair of the Cabinet. Lord Wilson of Dinton, the 1998-2002 Cabinet Secretary and Head of the Home Civil Service, summed up the traditional position when speaking to the House of Commons Public Administration Select Committee (PASC) in 2003. In his words ‘the role of the Cabinet Office is to serve the Government collectively and the

Prime Minister as Chairman of the Cabinet; and as long as you have collective government you need a Cabinet Office that provides that service’.

7. This description of the Cabinet Office had already been to some extent superseded, undermining its ability to support a fundamental feature of the UK constitution: collective government. The Cabinet Office has for some time been moving increasingly into the ambit of the Prime Minister, a process that accelerated in the 1990s. In 1964 the Cabinet Office shifted headquarters to 70 Whitehall, connected to the back of No.10 by the famous adjoining door. Over the years prime-ministerial staff and teams have been based in the Office (physically, organisationally, or both), including the Efficiency Unit set up by Margaret Thatcher under Derek Rayner, and the various bodies created by Tony Blair.
8. The codification of departmental objectives introduced in the Blair period revealed an ongoing development of a prime-ministerial role for the Cabinet Office. In its Public Service Agreement (PSA) announced in December 1998, covering the period up to 2001-2, part of the ‘Aim’ of the Cabinet Office was ‘To help the Prime Minister and Ministers collectively’ in making and implementing decisions. Objective 1 was ‘To provide efficient arrangements for collective decision making’; while Objective 2 was ‘To support the Prime Minister effectively and efficiently in his role as Head of Government’.
9. This description accorded to some extent with the traditional purpose of the Cabinet Office (although the idea of aiding the premier as the ‘Head of Government’ was problematic). But in 2000 reference to ‘collective decision making’ was dropped from the Cabinet Office’s terms of reference as included in its PSA. The purpose of servicing Cabinet disappeared with the ‘Departmental Aim’ for the year ending March 2001. And with the Spending Review of 2002 PSA objective number one (of four) was established as being ‘To support the Prime Minister in leading the government’.
10. By this point the Cabinet Office had, if judged by its own terms of reference, nothing to do with Cabinet nor collective decision-making, and was charged in part with supporting an individual government leader. This arrangement contradicted an acknowledged constitutional principle of the UK; and it did not survive long. By 2006 ‘Supporting the Cabinet’ was once again described as a purpose of the Cabinet Office; and ‘Supporting the Prime Minister’ was listed without the words ‘in leading the government’ afterwards.
11. To date reference to ‘collective decision making’ remains omitted from Cabinet Office objectives since it was dropped in 2000; and the stipulation set out by Lord Wilson that the Cabinet Office supports the Prime Minister as chair of the Cabinet is not given expression. At present the Cabinet Office appears to be charged with combining contradictory roles – assisting both an individual, the Prime Minister, and a collective institution, Cabinet. In 2002 Lord Wilson’s incoming successor, Sir Andrew Turnbull, referred to a possibly more accurate description of the Cabinet Office as it had become configured, noting: ‘If you go to Australia they have a thing called PMC

(Prime Minister and Cabinet)’. The main barrier to a change of nomenclature in Turnbull’s view appeared to be that Blair did ‘not want to create the impression that this is only working for him’.

12. The role of the Cabinet Office is further complicated because since 1981 it has absorbed within it the primary responsibility for management of the Home Civil Service. This function has increasingly come to encompass responsibility not only for the organisation of Whitehall, but for bringing about the transformation of all public services, including those administered by local government, and the devising and implementing of specific performance targets and other objectives. History suggests that Civil Service management does not have to be based within the Cabinet Office. Until 1968 it was within the Treasury remit, and thereafter within a specially formed Civil Service Department until its abolition in 1981. This responsibility for the Civil Service has been exercised at the expense of the more traditional Cabinet Office purpose of facilitating Cabinet government. In 2003 Lord Butler of Brockwell told PASC that of his two posts, Cabinet Secretary and Head of the Home Civil Service (which have been combined since the early 1980s), ‘I think we all found that the role of Head of the Civil Service became a more important one for a significantly greater part of our time, and, within that, what I found myself concentrating on was delivery’.

We conclude:

- 13. An arrangement whereby the office of government responsible for supporting Cabinet is at the same time charged with assisting the Prime Minister in any role other than that of chair of the Cabinet, is incompatible with the UK constitutional principle of collective government.**
- 14. The confused objectives of the Cabinet Office undermine its chances of effectiveness – and indeed make its performance difficult to assess; as well as creating problems for Parliament in its attempts to hold to account ministers responsible for the Cabinet Office.**
- 15. Supporting the Prime Minister and managing the Civil Service are necessary functions – but the former should be performed somewhere other than in the Cabinet Office (except in so far as No.10 is organisationally attached to the Cabinet Office and should continue to support the Prime Minister); and the latter should be as well.**

We recommend:

- 16. The primary function of the Cabinet Office, applying to all units and staff within it should be defined as ‘To support collective decision-making by the Cabinet’. If any reference is made to assisting the Prime Minister, it should be as a subsidiary function to this pre-eminent purpose, and only in as far as the premier is chair of the Cabinet.**

17. Consideration should be given as to what is the most appropriate location within government for the function of management of the Civil Service.

Question 1 To what extent have the reforms outlined above changed the nature and role of the Cabinet Office?

18. The reforms outlined above have emphasised two roles to the detriment of the traditional – and most appropriate – function of the Cabinet Office. The task of servicing collective deliberation by ministers has been neglected at the expense of supporting the pursuance of prime-ministerial policy objectives and the implementation of unending waves of Civil Service reform. Another facet of the changing Cabinet Office has been an undesirable tendency to intervene in areas far beyond the appropriate remit of central government, including involvement in performance targets affecting such bodies as local authorities.

Question 2 The Cabinet Office’s mission statement is to ‘make government work better’. What has been the impact of the reforms in realising this aim?

19. It is hard to judge whether improvements have been achieved without a clear idea of what is being attempted, something often lacking. In 2004 Sir Andrew Turnbull told PASC that the purpose of ongoing public service and administrative change was ‘to produce better public services and...to produce a society that people are happy living in’. We are not qualified to judge whether the latter has been achieved. For the former the continuous stream of Whitehall reform programmes dating back at least as far as the Modernising Government White Paper of 1999 suggest that the government does not yet believe it has been fully successful. When asked about Modernising Government in 2005, Turnbull told PASC:

We have moved on from it really. We have absorbed most of the ideas. I think we felt that while it had a number of aspirations; it did not have a coherent narrative to it and I suppose it was replaced by the Prime Minister’s four principles of public service reform, which is in turn in the process of being replaced by a narrative about greater choice, personalisation and building the service around the customer.

20. We doubt whether the government will ever settle upon a transformational agenda it finds satisfactory. There should be a moratorium on all such programmes, to provide a breathing space after a long period of permanent revolution.
21. One change to the Cabinet Office of the Blair era, in the view of Butler Review Team investigating intelligence on weapons of mass destruction, did not appear to help make government work better. It noted that in 2001 ‘two key posts at the top of the Cabinet Secretariat, those of Head of the Defence and Overseas Secretariat and Head of the European Affairs Secretariat, were combined with the posts of the Prime Minister’s advisers on Foreign Affairs

and on European Affairs respectively'. The impact of this reconfiguration was 'to weight their responsibility to the Prime Minister more heavily than their responsibility through the Cabinet Secretary to the Cabinet as a whole'. It was 'a shift which acts to concentrate detailed knowledge and effective decision-making in fewer minds at the top'; and that had served to lessen 'the support of the machinery of government for the collective responsibility of the Cabinet in the vital matter of war and peace'.

22. Butler drew attention as well to the separation of the Security and Intelligence functions from the post of Cabinet Secretary in 2001, with the creation of a Security and Intelligence Coordinator. The Review noted the Coordinator was not part of the Cabinet Secretariat which supported ministers collectively; nor did he attend Cabinet; while the Cabinet Secretary, who was at the apex of the Cabinet system and was present at its meetings was 'no longer so directly involved in the chain through which intelligence reaches the Prime Minister'.
23. These two changes have enhanced the premiership at the expense of collective government.

Question 3 To what extent have the reforms improved the three core functions of the Cabinet Office to 'support the Prime Minister, support the Cabinet and strengthen the Civil Service'?

24. Contradictions between these functions render the effective performance of them all impossible. Consequently the operational premise of the Cabinet Office is at present conceptually flawed. Attempts to pursue a defective strategy ever-more rigorously can only aggravate existing problems.

Question 4 What has been the impact of the institutional and capacity building of the Cabinet Office, in terms of its relationship to No.10, the Treasury and other Whitehall departments? Are there clear examples of how the reforms have led to better policy-making?

25. As the Cabinet Office has been brought increasingly into the remit of No.10, the Cabinet Office, and the Treasury, have developed increasingly active roles in departmental policy formation. This trend causes difficulties from a democratic perspective. As well as undermining the constitutional principle of collective government, changes to the Cabinet Office have constituted a challenge to another fundamental tenet of UK governance – individual ministerial responsibility to Parliament. The extent, to which ministers –in whom statutory power is vested – have determined their own objectives, rather than the Cabinet Office, No.10 and the Treasury, is not always clear. Certainly the various mechanisms established at the centre of Whitehall have a significant role. Yet Parliament primarily exercises accountability through particular secretaries of state. If their status has been compromised by changes at the Cabinet Office, then so has the effectiveness of democratic processes.

Question 5 To what extent has the marked increase in central capacity based on

a programme of creating more units round the Cabinet Office and No.10 exacerbated the complexity at the heart of central government?

26. The contradictions inherent in the multiple personalities of the Cabinet Office have intensified.

Question 6 What impact have the changes had on other Government departments? How effective have the reforms been at improving communication and co-ordination with organisations beyond Whitehall's core and so improving policy delivery?

27. An important impact has been the erosion of the principle of ministerial responsibility for the policies implemented by the departments, through the more detailed involvement from the centre in the devising and implementation of objectives.

Question 7 Which set of actors/individuals – between those of ministers and civil servants - had a greater impact on shaping the reform process at the centre of government?

28. Ministers decide, on the basis of advice from civil servants and special advisers. We suspect that certain officials within Whitehall attuned themselves to the desires of senior politicians, whether realistically attainable or not, and presented themselves as able to deliver these objectives through administrative transformation. A third tribe – Whitehall outsiders, some special advisers and others subsequently converted into permanent civil servants – seem to have been major shapers of administrative change emanating from the Cabinet Office.