

GOVERNING WELL

Recommendations from the Committee of the Better Government Initiative

BACKGROUND

This paper contains recommendations for improving the quality of Governments' policy decisions and service delivery.

The recommendations reflect the reports produced for the Better Government Initiative (BGI) Conferences at Ditchley Park in April and October 2007 and the discussions there, as well as information from other sources¹. Both BGI conferences were attended by Parliamentarians from the three main parties and both Houses, as well as by academics, former civil servants and others experienced in Government. There was a large measure of agreement at both Conferences and this shapes our recommendations.

The recommendations (set out in bold type and numbered R1-R48) are grouped as follows:

GENERAL RECOMMENDATIONS [R1-5]

SPECIFIC RECOMMENDATIONS:

<i>Parliament and the Executive</i>	[R6-25]
<i>Conduct of Cabinet Business</i>	[R26-32]
<i>National Security</i>	[R33-35]
<i>Government Departments</i>	[R36-41]
<i>Training of Ministers</i>	[R42]
<i>Ministers and Officials</i>	[R43]
<i>Local Government</i>	[R44-49]
<i>Participatory Democracy</i>	[R50]

None of our recommendations affects Scotland, Wales or Northern Ireland.

We do not expect any Government to accept all of our recommendations, and some of their purposes, especially perhaps those affecting Parliament, may well be achievable by alternative means. But we believe that the bulk of our recommendations need to be acted on. If not, the quality of the output from Parliament and the Executive is unlikely to improve enough for voters to be persuaded that they are "governing well".

¹ Material considered by the BGI, in the form of Working Group reports and other occasional papers, and a review of the October Conference proceedings are on our website: www.bettergovernmentinitiative.co.uk.

We believe that the recommendations fit in well with the aims of the Green Paper “The Governance of Britain”². In July 2007 the BGI Organizing Committee warmly welcomed the Green Paper, which said that the Government aimed to “rebalance power ... and give Parliament more ability to hold the Government to account”. This was part of helping to “renew trust and confidence in democratic institutions.” We pointed out then, however, that few of the Green Paper proposals would deal with the problem described in our paper “Parliament and the Executive” (May, 2007):³

...“despite some successes in policy and performance, the combined output of the Executive and Parliament contains too many disappointments and failures: policies that are not practicable or do not achieve their aims, legislation that is not operationally necessary, and projects ... that go ... wrong.”

Our recommendations are intended to address this problem and help to restore trust by improving the quality of the regular non-crisis work of the Executive and Parliament.

GENERAL RECOMMENDATIONS

Our general recommendations are:

- **R1: The capacity of Parliament to scrutinise the proposals of the Executive and to hold it to account for its decisions should be strengthened. Parliament should provide for more rigorous initial analysis of policy proposals; and retrospective review, after a suitable period of time has elapsed, of the costs and outcomes of policy and legislation actually achieved against those in the initial proposals.**
- **R2: Before policy decisions are taken by the Government, proposals should be thoroughly tested by objective analysis, by drawing on the experience of politicians in Parliament and in Government and of officials (including people familiar with delivery), and by wider consultation.**
- **R3: The Government should establish a better balance between the strategic role of the Centre of Government in determining the overall policy framework and the operational role of departments in framing policies and delivering services in their specialist areas of responsibility.**
- **R4: Service deliverers – such as executive agencies, non departmental public bodies, the NHS and local authorities - should be set clear objectives against which their performance will be monitored, but they should not be micro-managed by Departments or by the Centre of Government. Stability of structures and of instructions from the Government is clearly desirable.**

² *The Governance of Britain*, CM7170, July 2007

³ See www.bettergovernmentinitiative.co.uk.

- **R5: Pressures from the media should be handled consistently in a way that avoids responses, let alone policy commitments, before the Government is ready. This intention should be explained to the public and to the media themselves.**

SPECIFIC RECOMMENDATIONS

The specific recommendations are designed to ensure that the processes of Parliament and Government meet these requirements.

Parliament and the Executive

We understand that the Government as yet has no active plans to promote relevant changes in Parliament and in the Executive's relations with Parliament. Several proposals in "The Governance of Britain" might be seen as improvements, but they will not transform the present unsatisfactory performance.

We recommend measures to improve the quality of policy proposals and to strengthen Parliament's scrutiny of them. Most would not require legislation. Several of the recommendations are expressed as broad principles; arrangements for monitoring and enforcement would need detailed consideration by Parliament. One approach might be for the Liaison Committee to monitor compliance with the Parliamentary Resolution to ensure that legislation entering Parliament is complete, of acceptable quality, and properly explained.

- **R6: In order to raise the quality of legislative and policy proposals, Parliament should pass a Resolution which sets standards for thorough preparation by the Executive. (*An illustrative draft Resolution is at Annex 1.*)**

Parliament itself is best able to decide how the passage of such a Resolution should be handled.

- **R7: The Resolution should ask the Government for a public response setting out how it will ensure that its proposals will meet the required standards; and ask Select Committees to check compliance before the Government's individual proposals reach the floor of the House.**
- **R8: Pre-introduction tests should be required to ensure that legislation is operationally (as opposed to presentationally) necessary and that the intended results of proposals are specified clearly enough to be used as criteria in post-implementation assessment.**
- **R9: Select Committees should routinely conduct post-implementation reviews of legislation and major policy proposals after 2-3 years to assess their costs and effects against the initial proposals.**

An alternative mechanism to supplement Select Committees or replace them in this task might be a new joint committee of both Houses of Parliament.

The present weakness, by international standards, in Parliament's scrutiny of the Executive's tax and spending proposals should be corrected.

- **R10: On tax, there should be a genuine Green Budget, separating changes in tax rates from new taxes and providing draft clauses on new taxes, all reaching Parliament at least as early as the present Pre-Budget Report and preferably earlier.**
- **R11: On expenditure, Parliament should be involved at an early stage in the broad issues of Comprehensive Spending Reviews. In the annual process the relevant Select Committees should provide a commentary which the House would have when it considered the Executive's proposed plans for total spending and its allocation.**
- **R12: The "Red Book" – effectively a White Paper on the Government's budgetary plans – should be made available to Parliament in advance of the debate**

Public Service Agreements (PSAs) are now the key mechanism for allocating resources to Departments, but they are complex, poorly understood, and sometimes based on only limited consultation.

- **R13 We recommend that, given the current importance of PSAs in determining policy and expenditure, it would be appropriate if departmental Select Committees had the resources to scrutinise more closely the PSAs for which their Department had the lead role.**

We recommend measures to strengthen the Select Committees, improve the effectiveness of their scrutiny and make them more independent of the Executive.⁴ Some will have significant resource consequences.

- **R14: The selection of Select Committee chairs and members should be freed from control by the party whips.**

The Houses should decide how they might best be chosen. Suggestions include election by backbenchers, by party, and by a secret ballot by the whole House. The whips would still agree the proportions of members from each party and the allocation of select committee chairs by party. But they should not control the selection of individual chairs or members.

⁴ We are also attracted by proposals in a recent Constitution Unit report ("The House Rules? International lessons for enhancing the autonomy of the House of Commons" by Meg Russell and Akash Paun, October 2007) that there should be a weekly 30 minute slot in the Chamber for a Select Committee chair to introduce a new report, and that Committees should be empowered to propose substantive motions for debate and their own bills. The appetite of backbenchers for Select Committee work is likely to be greater if the influence of Committees is strengthened in these or similar ways.

- **R15: Once this has been done the extra pay received by MPs who are Select Committee chairs should be increased from £13,459 to at least the amount for a junior minister, £30,280, or perhaps closer to the pay of a Minister of State, £39,893. Consideration should also be given to whether Committee Members in either House should receive a stipend for committee work.**
- **R16: Select Committees should have more effective powers to call for papers, for example business cases and risk assessments**
- **R17: The volume of legislation should be reduced, and the quality of scrutiny (especially in the Commons) thereby increased, through stronger pre-introduction tests.**
- **R18: the numbers and range of skills of staff supporting Select Committees should be increased so as to improve the speed, depth and range of their investigations.**

Few Select Committees manage to deal with all their core tasks. The Governance Green Paper and some of our recommendations would add to that burden. Their capacity could be increased by giving greater priority to scrutiny, making more use of joint committees with the Lords, and providing more professional staff. Committees might be encouraged to report annually on the core tasks they have concentrated on and those they cannot cover well unless they have more, or different, professional staff.

- **R19: The Government should undertake that it will only move amendments to its own bills, other than in response to other amendments or on a genuine change of circumstances, where there is exceptional cause, justified as such.**

A further incentive to good bill preparation would be to allow either House to refuse the carry-over of bills from one session to another if poor preparation had led to delay and allow a select committee or bill committee to ask for a vote on the floor of either House in such circumstances.

Parliament cannot perform its function of holding the Executive to account unless it is provided at a formative stage with a full written statement and analysis of the problem the Government wishes to remedy and options for action and, at the implementation stage, with a full explanation of the basis on which decisions have been taken. The length of these papers will vary with the complexity of the issue but they can often be short.

- **R20: The Government should commit itself to provide Parliament with full and timely written explanation of its legislative and major policy proposals, normally in the form of Green Papers and subsequent White Papers.**

When dealing with particularly complex issues it may be necessary to proceed by stages, with a further consultation paper before the final White Paper is issued.

- **R21: Major changes in the machinery of government should be accompanied by a written explanation and a business case from Ministers on which there should be a debate and a vote⁵.**
- **R22: Similar arrangements should apply when other significant changes are proposed in the delivery structure for public services or in Government guidance to public service providers.**

Wider measures to enhance the position of backbenchers should be introduced, consistently with the Government's expressed wish to get away from "old sterile party divides" and increase cooperation across party lines. A limited, but important, advance would be a backbench business committee to control the use of non-Government time. A further advance would be to allow Opposition parties a say on what clauses in bills should be scrutinized in committee. An additional step would be to establish a House Business Committee to control the allocation of time on Government business.

- **R23: The party whips should ease their control so that MPs can behave more independently, and the "usual channels" should be replaced by a more transparent and inclusive House of Commons "Business Committee" as in Scotland and in the House of Lords.**
- **R24: The Opposition should have a greater say in the timetabling of consideration of Bills so that it can ensure that matters of key concern are fully explored.**
- **R25: Recommendations 6-24 should be implemented in parallel with the Constitution Renewal Bill proposed by the Government in "The Governance of Britain" and not after it.**

A framework for the conduct of Cabinet business

Collective consideration plays an important part in ensuring that policy proposals benefit from a wide range of political and operational experience within government. Except in circumstances of extreme emergency submissions should be made in good time and in a thoroughly prepared Cabinet or Cabinet Committee paper which, together with the note of the discussion, will provide a complete record of how decisions have been reached as a basis for future accountability.

It is not practicable to construct detailed rules on the categories of decisions that must be submitted for collective consideration and the framework should take the form of broad but clear principles.

⁵ This would implement a proposal put forward by the Public Administration Select Committee in June 2007. In this case, unlike our other recommendations, some amendment of the Ministers of the Crown Act 1975 would be needed. The business case should cover not only direct financial costs but also the possible loss, in the words of the PASC report, of "expertise, institutional memory and strategic focus".

- **R26: There should be a written framework for the conduct of Cabinet business that unequivocally states the personal responsibility of all Ministers, not excepting the Prime Minister, to submit important decisions for collective consideration by Cabinet or Cabinet Committees.**
- **R27: The framework should make it clear that the Cabinet Committee process is required for all issues that engage the collective responsibility of the Government because of their importance, or that cut across Departmental boundaries in a substantial way, or that require significant legislation.**
- **R28: The framework should be published, and the Government should explicitly state its intention to adhere to it and its readiness to be held to account by Parliament and the public for any failure to do so.**
- **R29: The framework should make it clear that the Heads of the Cabinet Secretariats, notwithstanding their new role as Advisers to the Prime Minister, remain responsible for ensuring that all Ministers are appropriately involved in structured collective consideration of matters in which they have a departmental interest.**

Ideally, the framework for the conduct of Cabinet business should have the support of all parties. There are several options for publishing it. It could for example be endorsed in a Parliamentary resolution or made available as Ministerial Guidance complementary to the ethical guidance in the Ministerial Code. Such guidance would need to make plain the duty of the Cabinet Secretariat to ensure that all members of the Cabinet are appropriately consulted. (*An illustrative draft of Ministerial Guidance is at Annex 2.*)

The substance of proposals in Departmental submissions to Cabinet Committees is of course a matter for their Secretaries of State. However, it is essential that all relevant information is included and that the arguments and recommendations are set out in terms that are readily accessible to busy lay readers. Similarly, when policy proposals are presented to the public the arguments and options should be clearly described in properly constructed Green and White Papers. This would help meet the requirements of the Parliamentary Resolution.

- **R30: The framework should also make explicit the duty of the Cabinet Secretariats to ensure that proposals are fully, fairly, accurately and clearly represented in submissions to Cabinet Committees; they should have authority to require amendments to, or reject, papers that do not meet the required standards.**
- **R31: Cabinet Committee papers and, where relevant, Green and White papers, must be expressed in terms that, however technical their content, enable the complete argument to be followed by non-expert readers.**

The quality of Cabinet business can be improved by a businesslike analysis by the Government of the effectiveness of past decisions which would complement the enhanced scrutiny by Select Committees proposed in R9.

- **R32: Proposals approved by Cabinet or Cabinet Committees that require fresh legislation or substantial resources should be subject to post-implementation reviews within the three years following introduction, in particular to assess the outcomes and costs actually achieved against those set out in the initial proposal.**

National Security

The emergence of international terrorism as a key concern of government and the consequent convergence of foreign, defence and home affairs policies in the area of national security have created an evident need for a reorganisation of this area of Cabinet business.

BGI welcomed the proposal to set up a new Committee on National Security (NSID), chaired by the Prime Minister, to co-ordinate and oversee the Government's national security policy and its wider European and international implications. We look forward to studying the Government's promised National Security Strategy when it is published and hope it will clarify the arrangements to be made in the Cabinet Office for adequate Secretariat support for future national security work in support of NSID. We are concerned that the new arrangements do not sufficiently clarify the difference between the strategic role of the Prime Minister and his immediate advisers and the direct responsibility of departments such as the Foreign and Commonwealth Office, the Ministry of Defence and the Home Office and the intelligence agencies for developing and implementing policy. We are also concerned that the arrangements might impose too heavy a load on the Prime Minister personally and risk politicising the Intelligence and Security Committee of Parliament which, despite its unusual status as a Parliamentary committee appointed by the Prime Minister, has hitherto worked well.

- **R33: Roles and processes should be defined more clearly to ensure that the major policy issues coming to NSID are meet the requirements of our earlier recommendations for thorough testing, full contributions from the Departments with relevant responsibilities and wider collective consideration.**
- **R34: The Joint Intelligence Committee (JIC) should continue to function as a common service for Departments, senior commanders of the armed forces and others. The Chairman of the JIC should attend meetings of the new Committee as an observer and adviser on the current conclusions of the intelligence analysts.**

We welcome the appointment of a full-time JIC chairman separate from the Director-General post responsible to the Cabinet secretary for security, resilience and intelligence co-ordination matters. It is important that the principle is upheld that the JIC Chairman should not be involved, nor appear to be involved, in the formulation of policy.

- **R35: The Intelligence and Security Committee should proceed by consensus, with individual dissenting positions reported by footnote or annex. Its staff should have**

previous knowledge of the work of the intelligence agencies, full security clearance and secure working accommodation.

The Intelligence and Security Committee cannot fully adopt the normal procedures of other Select Committees if it is to provide effective Parliamentary oversight over the work of the intelligence agencies.

Government Departments

The relationship between the Centre of Government (No 10, Cabinet Office and the Treasury) and Departments needs to be rebalanced. In recent years the Centre has been too closely involved in seeking to control and direct the operational activities of Departments and this has weakened the resolve and capacity of Departments to bring their specialist expertise to bear in their areas of responsibility.

- **R36: The involvement of the Centre in Departments' day-to-day operations should be reduced to a demonstrably necessary minimum**

The PSA process is currently the main means by which policy is agreed between the Centre and Departments and expenditure allocated for the delivery of public services and other government activities. Each PSA has a lead Department

- **R37: The process of agreeing PSAs should be made more transparent and be more carefully explained to Parliament and the public.**

The need for balance between the Centre and Departments also applies to the relationship between Departments and service delivery agents, who need a clear and stable remit, a manageable pattern of accountability and freedom from interference by Departments in day-to-day operations.

- **R38: Ministers and Departments should not become too closely involved in the day-to-day operations of service deliverers. The numbers of staff overseeing them should be limited. Service deliverers need a clear and stable remit and a manageable pattern of accountability.**

There are currently severe problems of Ministerial overload which are exacerbated if Ministers are directly responsible for the minutiae of service delivery.

- **R39: The search for appropriate opportunities for Departments to outsource service provision to non-Government deliverers or to special-purpose agents within Government should be continued.**

The capacity of Departments to construct well-designed policies through the use of thorough, structured consultation and expert research and analysis has been eroded and needs to be restored. Departments with a policy development function should be centres of excellence in their field, with a strong technical capacity of their own and strong links to academics and practitioners

outside government and to overseas experts. Departments with a service delivery role should have the capability to undertake regular formal reviews of their service areas.

- **R40: Departmental expertise in relevant research, target setting and analysis of the performance of service deliverers should be strengthened.**

The Centre should increase its capacity to help Departments to improve the career management and training of key staff. Due weight should be given to factors affecting policy implementation and service delivery including, where relevant, contract management.

- **R41: Greater emphasis should be placed by the Centre on training and career development for the Higher Civil Service and its feeder grades, in particular in the skills needed by departmental staff who directly manage implementation and delivery and oversee delivery by bodies such as non-executive agencies, non-departmental public bodies, the NHS and local authorities and by the private and voluntary sectors.**

Training for Ministers

Ministers are increasingly drawn from a specialist political background with little experience of the management and operation of large organisations, but they are in a position of great influence in relation both to their own Departments and to deliverers of public services. They need appropriate training. Such training should also be available to potential Ministers within the governing party and to members of the Opposition and Select Committees.

- **R42: Appropriate training, in particular in the operation of large organisations, should be provided for serving or potential Ministers.**

Ministers and Officials

We welcome the proposal in “The Governance of Britain” to introduce legislation to enshrine the core values of the Civil Service.

- **R43: The Civil Service Bill should allow for evolutionary change in the way the Civil Service is run. It should be kept simple and concentrate on:**
 - **safeguarding the political impartiality of civil servants in the interests of candid analysis and advice;**
 - **requiring appointment and promotion of civil servants on merit;**
 - **putting the role of the Civil Service Commissioners on a statutory basis;**
 - **clarifying the position of special advisers;**
 - **placing a limit, in terms of cost or numbers, on appointments of special advisers**

Local government

We welcome the Government’s announced intention to reach a “concordat” between central and local government based on partnership and recognition of the value of local government for

democracy and for effective service provision. We await further details of how this approach is to be reconciled with the separate proposals in “The Governance of Britain” for regional Ministers and Select Committees.

- **R44: The concordat with local government should be based on three key principles:**
 - **the Government will determine the national policy framework for local services;**
 - **the Government may set minimum standards for services where consistency at national level is important;**
 - **within this framework, each local authority should lead in establishing a strategy for the future development of its area and local service priorities.**
- **R45: There should be a review of the actual working of the new arrangements and the extent to which their agreed objectives are being achieved after 2-3 years.**
- **R46: PSAs affecting local services should only be set or amended after full consultation between central and local government. Interim changes to PSAs should be kept to a minimum.**

Local authorities’ control over the financing of local services has been progressively reduced, limiting their scope for innovation and for allocating resources in response to distinctive local needs. This trend should be halted and, where possible, reversed.

- **R47: Specific grants to local authorities should be replaced wherever possible by general grant.**
- **R48: Consideration should be given to the scope for enabling local authorities to add to their resources through charging for services, securitisation of assets, and possibly additional local taxation within limits set by central government.**

Local electors need to be fully engaged in decisions on local issues. There is now a wide range of consultation mechanisms which, used appropriately, can provide accurate information on local views as part of the toolkit of local representative democracy.

- **R49: Local participatory machinery must be searching enough to identify accurately local preferences and priorities for the provision of services.**

Participatory Democracy

Like the Government, we believe that new consultative mechanisms cannot replace representative government. But, properly designed and used, they can contribute to policy development and implementation, notably in assessing local priorities. This is, however, a technically difficult field which requires a good understanding of which approaches are suitable for specific purposes. These procedures should never be used in an attempt to prove a point for presentational purposes.

- **R50: The Government should commission independent guidance to Departments and service deliverers on the way in which way different consultation techniques can be used to help representative democracy, at local and national level, work well.**

Conclusion

These recommendations are made by the Committee of the BGI. They are drawn either from the papers for the conferences at Ditchley Park or from the discussions there.

Many of the recommendations are about processes and this may be seen as a criticism. We answer in the words of Sir Michael Quinlan⁶:

“This salutary concern [with delivery] can....slide into a sense that outcome is the only true reality and that process is flummery. But the two are not antithetical....Process is care and thoroughness; it is consultation, involvement and co-ownership...; it is...legitimacy...; it is also record....and clear accountability. It is often accordingly a significant component of outcome itself; and the more awkward and demanding the issue...the more it may come to matter.”

4th December 2007

Sir Christopher Foster (Chair)
Sir Rodric Braithwaite
Lord Butler
Sir John Chilcot
Sir Geoffrey Chipperfield
Roger Dawe
Helena Djurkovic
Sir Andrew Foster
Paul McQuail
Sir Nick Monck
Sir David Omand
Peter Owen
Andreas Whittam Smith

⁶ “Hutton and Butler, *Lifting the Lid on the Workings of Power*, ed WG Runciman, p 128”, published by the British Academy, 2004.

Illustrative Parliamentary Resolution

The Precedent of the 1997 Resolutions

This draft builds on the 1997 resolutions following the Scott Report. The resolutions passed by the Commons and the Lords were largely identical. The Lords motion

“moved, that, in the opinion of this House, the following principles should govern the conduct of Ministers of the Crown in relation to Parliament:”

This was followed by five paragraphs. The first four said that “Ministers have a duty to Parliament to...” or “should ...” do various things in talking to Parliament or in instructing civil servants giving evidence before Parliamentary Committees. The fifth paragraph prescribed the interpretation of “public interest” by reference to statute and the Code of Practice on Access to Government Information (Second Edition, January 1997), and said that the duty of civil servants giving evidence to Parliamentary Committees should be in accordance with the Civil Service Code (January 1996).

The resolution could *either* specify the elements of thorough preparation; *or* it could refer to another document containing them, perhaps a report by the Commons Liaison Committee setting out a checklist of tests which Select Committees should apply to policy or legislative proposals presented to Parliament. The draft, which has not benefited from any expert advice, follows the former approach.

Draft

“Moved, that in the opinion of this House, the following principles should govern the Conduct of Ministers of the Crown in relation to Parliament:

Ministers have a duty to Parliament to ensure that their policy and legislative proposals to Parliament have been thoroughly prepared;

Ministers should respond to this resolution in a public document setting out how they intend to ensure that their proposals comply with this resolution;

The main elements of thorough preparation, which Parliamentary Committees will look for in considering policy or legislative proposals before they are considered on the floor of the House, are

- a. defining the problem and explaining why action is desirable or, in the case of legislation, why it is operationally necessary;
- b. analysing the costs, benefits, and risks of different options; and defining the purpose and intended effect of the proposal in terms suitable for use as criteria in post-implementation scrutiny;
- c. setting out principles and arguments which lead Ministers to the proposed option;
- d. considering whether the proposal is practical and showing that it is;
- e. carrying out consultation; and
- f. presenting a document to Parliament covering a-e and explaining how they support the proposed policy or legislation.

Draft Ministerial Guidance

THE CONDUCT OF CABINET BUSINESS

Guidance for Ministers

Foreword by

The Prime Minister

The Ministerial Code concentrates on ethical and procedural guidance. However the confidence of the public in the quality of government depends not only on the personal probity of Ministers but also on an understanding that major policies will be developed within a framework which ensures that they are thoroughly prepared and properly considered before they are introduced.

This document complements the ethical and procedural guidance in the Ministerial Code. It describes the steps that need to be taken by Ministers, from initial concept to post-implementation review, to ensure that policies are soundly conceived and competently executed by subjecting them to objective analysis and the experienced judgment of Ministerial colleagues. The quality of Government policy and lawmaking will gain from well conducted collective consideration.

No process as complex as the conduct of Cabinet business can be reduced to a set of detailed rules. I commend the content of this document to Ministers as guiding principles to be conscientiously applied.

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| General principle | 1. Ministers of the Crown have a duty to ensure that proposals for major policy decisions are prepared on the basis of thorough objective analysis, fully reflect findings from consultation with those who will be affected by them or involved in initial and long-term implementation, and are subjected to examination and approval by Ministerial colleagues in Cabinet or Cabinet Committees. |
| Standards of preparation of policy proposals | <p>2. The presentation of policy proposals to Ministerial colleagues should clearly define the problem to be solved or improvements to be achieved and explain why action is desirable and, if legislation is proposed, why it is operationally necessary.</p> <p>3. Proposals should include consideration of different options for achieving the desired outcomes, a full analysis of their costs, benefits and risks (quantified where possible), and a definition of the intended effects, all set out in terms suitable for use as criteria in post-implementation scrutiny.</p> <p>4. Particular attention must be given to the practicalities of implementation, including where appropriate expert advice from all those who will be involved in the implementation process.</p> |
| Collective consideration | <p>5. All decisions that engage the collective responsibility of the Government must be submitted for consideration by Cabinet, Cabinet Committees or properly constituted ad hoc Committees whose conclusions are fully recorded as a basis for future accountability.</p> <p>6. As noted in the Ministerial Code, no definitive criteria can be given for issues that engage collective responsibility. However Ministers should ensure that matters that will reflect on the Government as a whole because of their importance, that cut across Departmental boundaries in a substantial way, or that require fresh legislation, are considered by Cabinet</p> |

itself or by Cabinet Committees.

7. All Ministers with a Departmental interest in a policy proposal must be fully engaged in its preparation before it is submitted for collective consideration. The Cabinet Secretariats must confirm that this has been done before papers are circulated.

8. Issues must be brought forward in good time and in a properly prepared form. Decisions should always (except in rare cases of extreme emergency) be based on Cabinet or Cabinet Committee papers circulated in advance of the meeting. The Cabinet Secretariats have a responsibility to ensure that proposals are fully, fairly, accurately and clearly represented in the papers and will require amendments to, or reject, papers that do not meet these standards.

Wider consultation

9. The agreement in principle of Cabinet or Cabinet Committees to pursue policies with a significant impact on members of the public should normally be followed by the publication of a consultation paper (green paper) and a subsequent policy statement (white paper).

10. Such green and white papers should be submitted for collective consideration by the appropriate Cabinet Committee. Their length will vary with the complexity of the issue. In many circumstances they can be short.

11. Green papers should contain a clear and complete statement and analysis of the issues to be dealt with, set out the main options for action and the principles and tests of practicality that will be applied in reaching a decision, and describe any prior processes of consultation with the public and with relevant experts including those who will be responsible for implementation.

12. White papers should explain the development of thinking within Government since publication of the green paper, including the outcome of any further consultations, and set out in some detail and with attention to practicality the option that has been chosen.

13. Some green and white papers deal with matters that involve detailed technical, scientific, economic, statistical or other expert analysis that is not accessible to non-specialists. They must nevertheless be expressed in terms that enable the complete argument to be followed by non-expert Parliamentarians and members of the public.

Preparation of legislation

14. Legislation should never be used for demonstrative or presentational purposes.

15. Submissions to Legislation Committee seeking approval for the introduction of a Bill must certify that the intended outcomes could not be achieved through existing legislation and that the practicality and resource costs of successful enforcement have been fully assessed.

Post-implementation review

16. All policy proposals approved by Cabinet or Cabinet Committees that require fresh legislation or substantial resources should be subject to post-implementation reviews within the three years following introduction to assess the outcomes and costs actually achieved against those set out in the initial proposal.