**EC0421n2\_British government**

**SYNOPSIS OF “BRITISH GOVERNMENT IN CRISIS”**

**Note by Peter Owen**

Chris Foster has prepared the attached outline of a possible revised edition of his publication “British Government in Crisis” for consideration by the group.

It contains frequent references to the work of the BGI and in several sections, indicated in the text, would draw directly on our publications.

17th April 2015

Synopsis of British Government in Crisis (revised edition) 1900 words 15.4.15

 + notes ++ in note form

\*Rough draft \*\* Second draft \*\*\* second draft ( but to be shortened)

PART 1 INTRODUCTION

1. Preface\*\*
	1. Book’s purpose: to describe how one might re-achieve a democratic, evidence-based form of government in Britain using collaborative procedures to reach and implement its decisions
	2. Relation of this 2nd to 1st edn
	3. Connection with BGI
	4. Acknowledgements
2. Executive Summary\*
	1. Of chapter length
	2. Roughly each book chapter has a para in ES

 000 Introduction\*\*

1. What is good government? Draws on BGI definition in *Good Government* Never perfect
2. Failures and Successes of Codified Constitutions to adapt (brief)
3. Adaptability of the British Constitution: Successes and Failures

Chapters

1. Accountability of Executive to Parliament \*\*
	1. Long-lasting fundamental principle of British government
	2. Advisability of re-achieving and maintaining it

PART 2 THE REGIME IN THIRD QUARTER OF THE 20th CENTURY

1. Ministerial decision-making in 1960s\*\*
2. Law making “ “ \*\*
3. Cabinet Government “ “ \*\*
4. Constitutional Functions of the Civil Service\*\*
5. The 1970s: two not unrelated crises\*
	1. Long-term relative economic decline and misuse of Keynesian economic policy
	2. Precipitate severe economic crises Failure of government system at last to adapt to cope with crises and almost continuously growing and increasingly complex government business.

PART 3 REVIVAL AND DECLINE

1. Margaret Thatcher \*\*
	1. A great prime minister with many achievements but
	2. Increasingly moved by political conviction, example, the poll-tax
	3. Collective responsibility of cabinet and constitutional capability of civil service diminished
	4. First modern prime ministerial government
2. Major\*\*
	1. A return to cabinet government attempted
	2. Why, despite successes, it was not re-established
	3. At the same time a decline in record-keeping and factual accuracy
3. Blair \*\*
	1. The return of prime ministerial government
	2. Its development: successes and failures
	3. The decline in the importance of departmental ministers and Parliament
	4. Decline in thoroughness and factual accuracy in policy and lawmaking continues
4. Brown\*\*
	1. The third modern British prime ministerial government
	2. Because of differences in personality and other reasons each worked very differently.
	3. Drawbacks of PM government
5. The 2010 Coalition and the Continuing Importance of News Management ++
	1. Drawing principally on Scottish and Commonwealth experience, as holding together as a coalition it had considerable administrative success throughout its life.
	2. It tried to unify the centre of government managerially and to initiate and implement financial and other government strategies, but frequently found it difficult.
	3. The PM’s, DPM’s(?) and the centre’s greatest success was in news management
	4. Recurrence of coalition government probable
	5. **How post-election negotiations (JE), effective cabinet government (PB) and the impartial services provided by CS need to be further strengthened with prospect of two or more parties in coalition.**

PART 4 CONSEQUENCES OF DECLINE

1. Blunders++
	1. Examples of blunders, not only legislative, from the past
		1. English Poor Law
		2. Poll-tax
		3. Rail privatization
	2. Their recent increase in number (with reference mainly to King and Crew, Bacon and Hope, NAO)
	3. Give examples of failure and success from which lessons can be drawn (?)
	4. **Greater thoroughness required to reduce their likelihood of failure and that of other significant proposals (NM)**
2. Agencies\*\*\*
	1. Historically the creation and alteration of public bodies was long haphazard, not well-defined in law
	2. An attempt was made to systemize it in the late 19th century and after WWII but there were always exceptions
	3. Another was the Hibbs Report which led to many excellent reforms but again there were exceptions.
	4. Their effect on the efficiency and accountability of the executive through ministers to Parliament is discussed
	5. The need for clearer definitions and less precipitous, more regulated changes
3. The Civil Service\*\*\*
	1. Changes in the use, power and appointment of civil servants under Thatcher and subsequent administrations
	2. The part technology, Spads, reduced numbers, increased churn and other factors had in altering CS’ constitutional and other roles
4. Decline of Parliament [Gutting, Evisceration of]\*\*\*
	1. The decline in its ability to hold the executive to account is not plausibly because of a decline in the quality of parliamentarians. Moreover the Wright and other reforms have improved its capability
	2. While Parliament’s ability to hold the executive has never been perfect, the executive’s willingness to be held to account has succumbed to too many pressures, especially since the 1990s. Hence the much reduced ability of Parliament to hold the Executive to account
	3. While there have been other achievements, those of the PAC and NAO have been significant because almost alone they have the freedom and the resources to scrutinize the executive with penetration
	4. **This consideration justifies the approach (NM) that under various heads, including legislation, the standards of thoroughness in preparation not only for legislation but for other specified matters the executive should be required to meet should not only be re-established, but extended, by Parliamentary Resolution or in some other way**
5. Summarising the Revolution\*\*
	1. Summary of the problems to which solutions are suggested in the rest of this book.

PART 5 SOLUTIONS

1. The Desirability of restoring trust based on truthfulness\*\*\*
	1. Of government to Parliament and the public
	2. Within government between ministers and departments within the cabinet system and elsewhere
	3. By restoring Civil Service’s constitutional role
	4. Or by other means which experience in other nations suggests would generally have to be by extending judicial review
	5. Likely consequences of not doing so: decline in Rule of Law, even corruption
2. Better Standards of Preparation, Fewer Blunders (based on Nick Monck’s work) **(RD) \*\***
	1. Nature of Decline
	2. Values and Principles required for Better Legislation
	3. Their applicability to changes not requiring legislation: in policy, the machinery of government and otherwise
3. Justifying Change: Impact Assessments \*\*
	1. The need for well done and therefore plausible IAs
	2. Not only to justify legislative (and other major) changes
	3. But help make possible fiscal policies that (over the cycle) protect the value of the £. For many decades – certainly since WWII – all administrations have underestimated the disadvantages of (relative) devaluation.
	4. The importance of estimating benefits as well as costs
	5. **IAs should be provided and independently verified (by the Treasury or elsewhere) before a bill enters Parliament. Other changes/innovations to require comparable treatment**
	6. **The role of the Treasury (or new body with oversight of taxation and expenditure) to be defined (RB, AS)**
4. Justifying Performance: ++

 Accounts

* 1. A past failing has been insufficient ability to give enough attention to departmental and non-departmental performance
	2. Problems come more from there being too many bodies, too many machinery of government changes and the over-complication of objectives and other criteria by which it is intended they should be judged.
	3. Use of financial criteria alone as in the private sector is rarely an appropriate way of assessing the performance of public bodies. Neither is the use of targets
	4. Despite estimation difficulties, the same cost-benefit criteria as are used for impact assessment of changes are usually, though not always applicable, here. There is often more agreement than one might expect between (advanced) nations on how this should be done. Workable simplicity should usually trump excessive complexity
	5. Shortcomings in over-stressing that ministers and the centres of departments concentrate on policy .
	6. **The role of the Treasury, Parliament and the NAO (RB, AS)**
	7. **Overcoming various interests’ reluctance to take the making and use of financial records (and IAs) sufficiently seriously**
1. The Civil Service of the Future, Spads and Agencies
	* 1. t**he Civil Service of the Future (PW: a New Civil Service) \*\***
		2. **Spads.**  A code needed?
		3. **How agencies might be better systematized, become accountable to Parliament and give more value for money. (AS, RM)**
2. Resilience of our Political Institutions: Government
	* 1. To stress comparative unhelpfulness of most institutional and constitutional change as such. To concentrate instead on changes judged helpful in overcoming the problems already identified
		2. Shortcomings of presidential government\ Ditto in Australia, Canada and NZ
		3. Ditto US
		4. Beyond what has already been described as desirable for effective cabinet government no additional changes are recommended to strengthen, the centre of government,
		5. However there is a need to consider how to confirm principles like the rule of law, natural justice, no political advantage and conventions regarding what ministers need to refer to other ministers and the cabinet system, as well as what they should announce or be ready to submit to Parliament
		6. **Concludes by making the case for preferring cabinet government (PB)**
3. Resilience of Parliament+
	* 1. Argues that the Wright and a few other reforms have reconstructed a parliament capable of holding the executive to account. The principal problem is to persuade the executive to be so held. Arguably it is the most important resilience needed
		2. **The desirability of Parliament passing a Parliamentary Resolution setting down its requirements before a bill or comparable change proposal enters Parliament (NM)**
		3. **Ditto setting down the financial (and cost-benefit) information required to assess its proposed expenditure from each Department, including non-Ministerial Departments, annually and in less detail some years ahead**
		4. Otherwise the expectation is that provided they receive the appropriate material from the Executive, parliamentary select committees should be able to do the scrutiny required, helped by a reduction in the volume, and improvement in the quality, of legislation and comparable changes.
		5. **An exception following the example of the NAO might be to employ more people able to engage in surveillance, not only financial, of departments and other public bodies in depth**
4. Federal Devolution ++
	1. There are many reasons for devolution. Among them is to lighten the workload of Parliament and central government, enabling all collectively to be more thorough. Not this book’s intention to discuss other reasons why greater autonomy might be desirable.
	2. A long history of anti-federalism in Britain, more than almost any other democratic nation
	3. The need to be federal (as defined by Wheare). Otherwise central institutions can always persuade/force local or regional government to do what it wants. The illusions of Devo Max. Our tendency instead to create separate nations with separate political interests and media within the Commonwealth and recently in Scotland, Wales and N Ireland. Law and Policymaking, not well integrated, as for example, in Germany
5. Strengthening the Constitution+
	1. Refer back to earlier statement that there should be no (constitutional) changes without a clear understanding, presented to Parliament, of what problems they are meant to solve. Modern constitutions are frequently huge, inchoate and frequently altered.
	2. **Explain why being required to present complete, well explained bills (and other initiatives intended to effect major changes) as well as performance accounts might be thought to require constitutional change. But this could be done either by Parliamentary resolution (NM) or a change in the law, rather than by use of the royal prerogative.**
	3. **Any form of federalism re-establishing regional or local powers which cannot simply be overridden by central government will need those powers to have some degree of constitutional protection.**
6. Continental and World Government \*\*\*
	1. One can already see that many of the most difficult problems of the future, as of the present, will have to be negotiated with other nations, singly or collectively, many being autocratic.
	2. The importance of re-building strong, knowledgeable foreign and defence departments; and defence forces
	3. The importance of the Executive and Parliament spending more time on such matters, including the EU
7. Conclusion
	* 1. List conclusions reached

14 April 2015

**ANNEX**  BGI Blogs - to be included/reflected in 2nd edition text (?)

 (Apologies if any blogs (or attributions) omitted and for mistakes)

Ch 11 The 2010 Coalition...

[**Thoughts for an incoming Government: coalition**](http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-coalition/)

*Posted on:* September 19th, 2014 J Elvidge

[**Impasse in a coalition – and how it should be resolved**](http://www.bettergovernmentinitiative.co.uk/impasse-in-a-coalition-and-how-it-should-be-resolved/)

*Posted on:* March 25th, 2015

Ch 14 Summarising the Revolution

[**Main themes from the BGI’s HYPERLINK "http://www.bettergovernmentinitiative.co.uk/main-themes-from-the-bgis-ditchley-conference-sir-richard-mottrams-summary/"DitchleyHYPERLINK "http://www.bettergovernmentinitiative.co.uk/main-themes-from-the-bgis-ditchley-conference-sir-richard-mottrams-summary/" Conference: Sir Richard HYPERLINK "http://www.bettergovernmentinitiative.co.uk/main-themes-from-the-bgis-ditchley-conference-sir-richard-mottrams-summary/"Mottram’sHYPERLINK "http://www.bettergovernmentinitiative.co.uk/main-themes-from-the-bgis-ditchley-conference-sir-richard-mottrams-summary/" summary**](http://www.bettergovernmentinitiative.co.uk/main-themes-from-the-bgis-ditchley-conference-sir-richard-mottrams-summary/)

*Posted on:* July 8th, 2014 R Mottram

Ch 17 ...Restoring Trust based on truthfulness

[**Recruitment for the civil service should preserve political independence**](http://www.bettergovernmentinitiative.co.uk/recruitment-for-the-civil-service-should-preserve-political-independence/)

*Posted on:* February 17th, 2014

[**Evidence to PASC on civil service impartiality**](http://www.bettergovernmentinitiative.co.uk/evidence-to-pasc-on-civil-service-iimpartiality/)*Posted on:* March 24th, 2014

[**Trust on Trial**](http://www.bettergovernmentinitiative.co.uk/trust-on-trial/)*Posted on:* April 10th, 2014

Ch 18 Standards of Preparation

[**What chance a House Business Committee?**](http://www.bettergovernmentinitiative.co.uk/what-chance-a-house-business-committee/)(or ch 22) *Posted on:* July 19th, 2013

[**Lords, Lobbying and Legislative Standards**](http://www.bettergovernmentinitiative.co.uk/lords-lobbying-and-legislative-standards/)*Posted on:* November 7th, 2013

[**Liaison Committee should stick to its guns**](http://www.bettergovernmentinitiative.co.uk/liaison-committee-should-stick-to-its-guns/) *Posted on:* November 14th, 2013

[**Government determined to resist constructive PCRC proposals**](http://www.bettergovernmentinitiative.co.uk/government-determined-to-resist-constructive-pcrc-proposals/)*Posted on:* December 9th, 2013

[**High quality legislation?HYPERLINK "http://www.bettergovernmentinitiative.co.uk/high-quality-legislation-trust-the-government/" Trust the Government!**](http://www.bettergovernmentinitiative.co.uk/high-quality-legislation-trust-the-government/)*Posted on:* August 22nd, 2013

[**Thoughts for an incoming Government: a good start**](http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-a-good-start/)*Posted on:* August 22nd, 2014

[**Avoiding the HYPERLINK "http://www.bettergovernmentinitiative.co.uk/avoiding-the-omnishambles/"Omnishambles**](http://www.bettergovernmentinitiative.co.uk/avoiding-the-omnishambles/)*Posted on:* March 1st, 2015

Ch 19 Identifying change: impact assessments

[**Thoughts for an incoming Government: a good start**](http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-a-good-start/)*Posted on:* August 22nd, 2014

Ch 21 A Civil Service for the Future

[**Sleep-walking into politicisation**](http://www.bettergovernmentinitiative.co.uk/test-post-number-1/)*Posted on:* June 18th, 2013

[**Civil Service Reform – Hidden Dangers?**](http://www.bettergovernmentinitiative.co.uk/civil-service-reform-hidden-dangers/)*Posted on:* September 6th, 2013

[**Thoughts for an incoming Government: the Civil Service**](http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-the-civil-service/)*Posted on:* Sept 5th, 2014

[**Next Steps backwards?**](http://www.bettergovernmentinitiative.co.uk/next-steps-backwards/)*Posted on:* November 24th, 2014 A Sharples

[**Senior civil servants**](http://www.bettergovernmentinitiative.co.uk/senior-civil-servants/)*Posted on:* January 7th, 2015

**Two Cheers for Stable Government?** *Posted on:* January 30th, 2015

Ch 22 Resilience of Government

[**Fewer reshuffles and fewer ministers?**](http://www.bettergovernmentinitiative.co.uk/fewer-reshuffles-and-fewer-ministers-2/)*Posted on:* October 10th, 2013

[**BGI broadly welcomes the decision to combine the posts of Cabinet Secretary and Head of the Civil Service**](http://www.bettergovernmentinitiative.co.uk/bgi-broadly-welcomes-the-decision-to-combine-the-posts-of-cabinet-secretary-and-head-of-the-civil-service/)*Posted on:* July 16th, 2014

[**Thoughts for an incoming Government: a functional Cabinet**](http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-a-functional-cabinet/)*Posted on:* August 15th, 2014

[**Thoughts for an incoming Government: running a Government**](http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-running-a-government/)*Posted on:* August 29th, 2014

[**‘How to be a minister – a 21st century guide’**](http://www.bettergovernmentinitiative.co.uk/how-to-be-a-minister-a-21st-century-guide/)*Posted on:* September 6th, 2014 L Lewes

[**Thoughts for an incoming Government: a ministerial “cabinet” system for HYPERLINK "http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-a-ministerial-cabinet-system-for-britain/"Britain?**](http://www.bettergovernmentinitiative.co.uk/thoughts-for-an-incoming-government-a-ministerial-cabinet-system-for-britain/)

*Posted on:* September 12th, 2014

Ch 24 Devolution

[**Financing Scotland**](http://www.bettergovernmentinitiative.co.uk/financing-scotland/)

*Posted on:* December 19th, 2014