

## **CABINET GOVERNMENT: COLLECTIVE DECISION -TAKING AND THE ROLE OF THE CABINET**

### **A paper by the Better Government Initiative**

1. There has been recent discussion in the media, stimulated by the publication of the memoirs of several of those involved in the Blair administration, about the nature and effectiveness of Cabinet Government. The Better Government Initiative believes that important decisions are best taken collectively by Government and that the Cabinet itself has a part - but only a part - to play in this. This paper states briefly the case for collective decision-taking by Government and considers how this is best organised, in particular the place of the Cabinet itself in such a system. It also considers whether there should be exceptions.

### **The case for collective decision-taking**

2. There are at least five reasons why important Government decisions are best taken collectively:

Collective responsibility: All British Governments since the early 19<sup>th</sup> century have adhered to the convention of collective responsibility in which all Ministers defend the Government's decisions even if they argued for something different in private. If this arrangement is to work, it follows that there must be a mechanism for members of the Government to participate in its key decisions;

Avoiding presidentialism: We do not in the UK have a presidential system of Government and the Prime Minister, not being directly elected, is formally *primus inter pares* amongst his colleagues. Because our Governments share collective responsibility, we do not expect all decisions to be taken by the Prime Minister and his entourage. Moreover, the UK lacks the formal separation of powers which in most systems of presidential Government (including, most notably, the USA) provides an essential safeguard against the concentration of too much power in the hands of one person;

Cohesion: Governments which take decisions collectively are more likely to be cohesive than those which do not. This does not mean that such Governments will be cohesive, still less that they will be successful, but merely that cohesion is more likely to be achieved if the more senior Ministers have had an opportunity to influence the Government's decisions;

Joined-up policy-making: The major policies that affect the business of only one department are few. Public policy is inter-connected and the

actions of one department can have an impact on the responsibilities of others. Often the interactions are not obvious. Also some of the most difficult and intractable social problems straddle the responsibilities of a number of departments. These connections are more likely to be made if decisions are taken collectively: indeed, our system of collective decision-taking is designed *inter alia* to provide a safety mechanism to identify collateral effects of proposals of which the originating department may not have been aware and it frequently does this;

The need for challenge: No one has consistently good judgment and we are all influenced by our own experience and prejudices. We all make mistakes. Decisions taken collectively are more likely to be soundly based than those taken by a single Minister - including by the Prime Minister. This doesn't mean that all decisions have to be taken collectively or that those that are will invariably be better than those that are not, merely that bringing several minds to bear on the more important decisions is likely to produce a better outcome because there will be a degree of challenge.

3. Giving proper effect to collective responsibility is especially important in a coalition Government. Collective decision-taking in such a Government increases trust and cohesion, both of which are critical to a successful coalition.

### The scope of collective decision-taking

4. The Ministerial Code (May 2010) provides that two kinds of issues should be put to the Cabinet or its Committees for decision:
  - a) *Questions which significantly engage the collective responsibility of the Government because they raise major issues of policy or because they are of critical importance to the public;*
  - b) *Questions on which there is an unresolved argument between departments.*

The same formulation was used in preceding documents, including 'Questions of Procedure for Ministers'.

5. This requirement has been interpreted in the last decade or more as meaning that Ministers should seek their colleagues' agreement, through the Cabinet Committee system, to any significant change of policy, including those affecting only the Minister's own department. The text of all White and Green Papers and of other important consultation documents or statements of new Government policy should be cleared with colleagues. Draft primary legislation and any proposed Government amendments should be similarly cleared. Once a policy has received clearance, questions arising from its detailed implementation need not be

cleared so long as the proposals are consistent with the principles agreed at the outset.

### **The *modus operandi* of Cabinet Committees**

6. Most policy decisions are taken by, or at least ratified by a Cabinet Committee: this has been true of all modern administrations, without exception. A Minister obtains collective agreement by writing to the Chairman of the relevant Committee (or, exceptionally, to the Prime Minister as the Chairman of the Cabinet), with copies to other members of the Committee. Clearance is usually obtained by correspondence.
7. For the more important issues a meeting of the Committee may well be needed, to which the originating Minister submits a paper. Rarely, other affected departments may also put in papers. If there are cost implications, the Treasury should be given the opportunity to set out its views in writing. In the case of particularly complex issues affecting several departments, the Secretariat may also submit a paper, in effect an annotated agenda for the meeting.
8. If an issue is important or controversial, a Minister will do best to take colleagues with him from the outset, seeking an early discussion on the overall approach to be adopted before developing detailed proposals, rather than springing a fully worked-up proposition on them shortly before the intended date of announcement.
9. If a Cabinet Committee cannot agree, on the recommendation of the Chairman and with the approval of the Prime Minister the matter may be put to the Cabinet for decision. In practice, it has been more usual for the issue to be settled by the Prime Minister himself.
10. These rules are often breached, usually because a department omits to clear a proposal before announcing it or seeks clearance only at the last moment. The reason is often that the Minister wishes to 'bounce' his colleagues. Policing the system requires vigilance by the Secretariat and a willingness on the part of the Cabinet Secretary to take significant breaches up with Permanent Secretary colleagues. The system works best where the Prime Minister makes it known to colleagues that he expects them to observe the rules and where he himself does so.

### **Role of the Cabinet**

11. In modern times the Cabinet itself has generally not been a decision-taking body: it has not operated as the chief decision-taking body of any Government since the 1960s or 1970s. This recognises that Government has become too complicated for all decisions to be made or even ratified by one body (though the Cabinets of some other countries which organise Government on the Westminster model do purport to ratify all decisions

taken at subordinate levels in their systems). Also the Cabinet has grown in size to the point where it would be neither effective nor efficient to attempt to use that body to take many decisions: including non-Cabinet Ministers with attendance rights, Cabinets since 2000 have consisted of 25-30 people. Attempting to accommodate the views of so large a group would certainly result in impossibly long meetings and would tend to produce watered-down or lowest-common-denominator policy.

12. Rather the Cabinet, where it has worked well, has provided a forum where the most senior Ministers can:
  - a. consider the broad thrust of the Government's strategy;
  - b. discuss topical domestic issues on which the Government needs to take a position;
  - c. discuss progress of the Government's business in Parliament;
  - d. note decisions on the more important policy issues taken by Cabinet Committees or elsewhere;
  - e. consider developments in foreign affairs;
  - f. decide the content of the legislative programme;
  - g. decide the amount and allocation of public expenditure; and
  - h. be informed of the content of the Budget and Autumn Statement.
  
13. Cabinet is therefore a place where the senior members of the Government can discuss strategy and tactics and where they are kept informed about important developments in domestic and international affairs, including developments in the Government's own policies. It should give overall direction to the Government, with extensive input from the Prime Minister himself. It also helps to give the Government coherence and cohesion.
  
14. Although Cabinet is no longer primarily a decision-taking body, it does take some decisions. It notes and implicitly ratifies important policy decisions taken elsewhere in the system and may, exceptionally, change them. It is available - but is not often used - to settle issues which Cabinet Committees have not been able to resolve. It usually takes the final decisions on the legislative programme and on public expenditure, though both matters will have been the subject of intensive prior discussion in Cabinet Committees.
  
15. All Prime Ministers have used Cabinet to take some key decisions which were of particular sensitivity and for which it was politically necessary for the Prime Minister to have the formal support of the whole Cabinet - dipping hands in the blood, as it were. One would expect the Cabinet to discuss and decide - not just to ratify - the most important matters of domestic, economic and foreign policy, albeit that such issues will be few in number and will generally have been subject to prior discussion outside Cabinet, since no Prime Minister would want to go into full Cabinet consideration of an important issue without reasonable certainty about the outcome.

## Exceptions

16. Formally, the only major exception to the requirement that important policy decisions need collective clearance is by convention tax policy, decisions on which are for the Chancellor, consulting the Prime Minister. Even in the case of tax changes, some consultation with colleagues is normal where the change in question affects their policy interests but this is done bilaterally, not collectively.
17. Sometimes an exception has to be made in cases of urgency or sensitivity. In these cases one would expect the Minister to consult the Prime Minister and the Chairman of the relevant Cabinet Committee - together with the Chancellor if there are cost implications; and if the issue is important to write to colleagues collectively after the event for information or to validate what has been done.
18. Are Prime Ministers justified in taking important decisions outside the framework described in this paper - deliberately keeping an issue away from their colleagues? Most modern Prime Ministers have done so to some degree and it would be unrealistic to expect that this should never happen because one cannot and should not take the politics out of Government. There may be issues of such sensitivity that the Prime Minister does not wish to risk consideration in Cabinet or Cabinet Committee. If the Government is prone to leaks, as most are from time to time, this may be especially understandable. There may be other difficult issues in respect of which the Prime Minister is clear about the approach needed but on which the Government is divided and the dynamics of discussion in a body as large as the modern Cabinet would make it hard to get the right solution. In either case the Prime Minister might be justified in dealing with the issue outside Cabinet. But even in these cases one would expect him to consult his most senior colleagues; and this approach should be the exception, not the rule.
19. Rather than taking sensitive decisions outside the system, it is, of course, open to a Prime Minister to use the system to drive through controversial proposals. It has been normal for Prime Ministers to chair some of the key Committees of the Cabinet in order to be able to exercise influence or control on issues of the greatest importance to the Government. Some Prime Ministers have used ad hoc Cabinet Committees with a carefully selected membership to tackle specific issues, chairing some of these themselves (Wilson and Thatcher both made extensive use of these). This seems a preferable approach to the more informal arrangements discussed in the previous paragraph, even though it may be used to exclude the majority of the Cabinet from participating in a decision.

## Conclusion

20. This paper has attempted to describe briefly the case for collective decision-taking by Government and the role played by the Cabinet itself. It will be seen that we do not regard the choice as being between, on the one hand, a style of Government in which all important decisions are made by the Prime Minister and those around him and, on the other, one in which the Cabinet makes the decisions. Rather we believe that important decisions are best made collectively through a well-developed and sophisticated system - which has applied in the UK for most of the last century - in which all Ministers can participate to some degree and of which the Cabinet itself is just a part. We believe that the Prime Minister has a pivotal role to play in this system. We also accept that all Prime Ministers have found it necessary to take some key decisions by other means. We believe, however, that side-stepping the Cabinet system is something which Prime Ministers should do only in exceptional circumstances.

**Better Government Initiative  
December 2010**