**THE BETTER GOVERNMENT INITIATIVE**

**Executive Committee**

**Minutes of the Meeting held at the Fabian Society on 3rd November 2015**

**Present:** Richard Mottram (Chair)

Paul Britton

Robin Butler

Roger Dawe

Christopher Foster

Peter Owen

Aaron Ritchie

Adam Sharples

**Apologies:** Penny Boys

Geoffrey Chipperfield

Alun Evans

Tom Legg

Leigh Lewis

Peter Makeham

Barbara Moorhouse

Martin Stanley

Phillip Ward

**Minutes of the Meeting on 6th October 2015 and matters arising**

The minutes were agreed.

Robin Butler had asked a written question seeking information on directions given by ministers to permanent secretaries in recent years. There was clearly a problem of lack of follow-up by the PAC who relied on questioning of officials and seemed reluctant to cross-examine ministerial colleagues even though the issuing of a direction formally transferred responsibility from officials to ministers. The NAO appeared to believe that simply drawing attention to the issuing of a direction was sufficient. It was agreed that Robin Butler would write a letter to the Times on behalf of BGI drawing attention to the lack of effective accountability to Parliament for expenditure authorised by ministerial direction.

Revision of the third sector paper was in progress. It would include a reference to Kids’ Company as an example of ministers being won over by the personality of the charity’s director.

**Updates**

It was agreed that Richard Mottram’s letter to Tom Watson should be circulated for information.

In discussion of the meeting with Sir Bob Kerslake on his review of the Treasury the following main points were made.

* There were two main issues to consider: the Chancellor’s moves towards personally promoting policy development in areas where the Treasury did not have lead responsibility and the weakening of the Treasury’s capacity to challenge the effectiveness of proposals for public expenditure.
* It was arguable that the latter was increasingly left to auditors, but they could only operate retrospectively after the policy decisions had been made and implemented.
* The Treasury should focus principally on the envelope of spending, leaving departments to draw on their expertise in their own policy areas so as to secure the best value from the funds available. However the Treasury needed to ensure that departments had the necessary systems in place to carry out this role, to question unjustified political pressures and to provide an outside perspective on priorities.
* Detailed Treasury intervention in departments’ policy decisions had begun with Gordon Brown and now seemed to be gathering momentum again.
* We should seek to establish what Sir Bob Kerslake’s approach to the inquiry would be. It had been commissioned by the Labour Opposition but he had made it clear that he intended it to be an independent expert review.

It was agreed that Richard Mottram, Robin Butler and Adam Sharples would attend the meeting at the House of Lords on 23rd November at 1.30 pm.

**Revised code of conduct for SPADs**

Peter Owen said that the issue had been raised by Bernard Jenkin in an interview with Civil Service World where he had drawn attention to the reference in the revised code to SPADS passing on **instructions** by ministers; he feared that this might signal a return to the period when Alastair Campbell was free to instruct officials.

In discussion the following main points were made.

* It was hard to argue that SPADs should be forbidden to pass on a minister’s instruction if that was genuinely what was being done. The difficulty arose when SPADs misrepresented their own views as an instruction from a minister.
* If a SPAD was in charge of an operational unit including civil servants it would be necessary to be able to instruct them. That might be relevant in relation to Extended Ministerial Offices. Peter Hennessey had mentioned that four were now being set up. Robin Butler would ask him for further details.
* The code was poorly drafted. It was not clear or consistent in differentiating between permanent civil servants and SPADs.
* An important purpose of the code was to protect ministers; there had been cases where junior ministers had been effectively sidelined by SPADs

It was agreed that the main points discussed should be passed on to Bernard Jenkin.

**Contacts with potential fund raisers: state of play**

Peter Owen said that the paper briefly reported the stage that had now been reached. Robin Butler had spoken to Lord Haskins and had concluded that approaches to individual peers were unlikely to be productive. In contrast the proposal for a dinner with representatives of major charitable organisations had been taken up enthusiastically by Andrew Barnett, the director of the Gulbenkian Foundation, though it could not be held until mid-January. Robin Butler, Richard Mottram and Leigh Lewis would attend the dinner. Alun Evans would be following up suggestions for other contacts with major fund raisers but had been delayed by family illness.

In discussion it was agreed that the Gulbenkian dinner would provide a good opportunity to find out who might be interested in financing the BGI and what they wished to achieve. It would be important to establish exactly what those present at the dinner might expect the BGI to do. We could not operate as a lobbying organisation, but we could provide insight into the way government works.

It was agreed that our line-to-take should be discussed at the next Executive Committee meeting.

**FOI Act Review: call for evidence**

Peter Owen said that the FOI Act Review was a topic on which the BGI would be expected to comment, but we had little time to prepare a response to the difficult questions raised; replies were requested by 20th November.

In discussion the following main points were made.

* We should focus our response in particular on civil service advice to ministers.
* One of the BGI’s key aims was transparency in government, in particular making factual information on which decisions were based freely available.
* The knowledge that advice to ministers might be published might have a salutary effect in persuading ministers not to ignore it.
* It had been argued that the possibility of publication might inhibit civil servants’ willingness to give frank advice to ministers and truthful recording of decisions. Civil servants had however long been accustomed to providing written advice in terms that would not cause difficulty if it was leaked. More controversial issues were often raised orally. It was believed, however, that written records had sometimes been suppressed.
* Publication of advice by civil servants to a previous administration might prejudice their impartiality by giving the impression to an incoming government of a different persuasion that they were not to be trusted.
* Publication of risk analysis could distort decision making if press and politicians seized on the most extreme example.
* SPADs had also occasionally needed protection from release of documents under the FOI rules.
* Some newspapers were imposing excessive demands on the FOI system.
* It was evident that sensible considered reflection on decisions to be taken would be thwarted if all advice, even at the earliest and most tentative stages, was instantly made freely available. Ministers and their advisers needed some safe space to develop their ideas before their conclusions were made available for public scrutiny. This was the original intention of the Act, but it had been progressively eroded.
* Some curtailment of the present time limits on the release of some categories of information might be appropriate.

It was agreed that Peter Owen should prepare an initial draft of evidence reflecting the points made in discussion.

**Other business**

Richard Mottram will invite Ursula Brennan to join the BGI.

The next meeting will be held at 10.15 am on Tuesday 1st December.

4th November 2015