

Navigating Whitehall

We are now near the end of the policy process, but you still have to steer your excellent and innovative solution through the Whitehall machine. Scylla and Charybdis have nothing on the traps that can befall you in this part of the process. I return to the subject of innovation later on, but it is worth mentioning here that the main obstacles to an innovative solution will be as follows:

- P** Because the Government works in an adversarial environment, new ideas are swiftly attacked, improvements are regarded as evidence of past failure, and debates about the merits of particular proposals are seized upon as signs of division within Government.
- P** We work within quite distinct Government departments, with quite distinct budgets, and for Ministers who are usually in competition with their colleagues in other departments. This encourages an over-exaggerated loyalty to the organisation, to our staff, to our budget and to our Ministers, and elementary game theory teaches us that, if no-one else is co-operating, it is not in our interests to co-operate with them.
- P** It is a firm rule that the Treasury have to be consulted before we commit resource to anything 'novel or contentious'. And if that doesn't stop us in our tracks, a colleague will soon remind us that our Permanent Secretary is directly accountable to Parliament for the way in which we spend public money. You will not be encouraged to innovate in a way which could cause him or her to have to defend you in front of the Public Accounts Committee.
- P** Common sense, bolstered by the doctrine of collective responsibility, means that it is necessary to consult, often quite widely, before becoming committed to any significant new policy. Colleagues will inevitably express various concerns and, although it might be possible to address each of them, the effort of doing so can be quite daunting.

There is no easy or simple route between these obstacles, but some lessons seem to have general applicability.

First, you need to put real effort into building a strong partnership with your Minister, backed by the Secretary of State. Private Secretaries and Special Advisers can be very helpful here.

Next, involve colleagues from other departments, including the Treasury, at the earliest possible opportunity, and try to build loyalty to the project, as distinct from natural loyalty to departmental Ministers. Remember that 'joining up' becomes more difficult the more you involve Ministers and senior officials, so tackle this problem early, not late. Encourage your opposite numbers in other departments to get their bosses and their Minister on board, and get your Minister to talk to theirs, assuming the two of them get on reasonably well. Seek at all times to ensure that the initiative is seen as cross-departmental.

Tackle the resources issue up front. Many Ministers do not like to get involved in resource allocation, believing that civil servants should sort this out. But the absence of resources – whether staff or money – can be a big problem. Don't whine to your Minister, of course, but put up a lean project plan with necessary resources clearly identified, and get it backed. You will have to get your finance people to comment on your plans – and if they say that they cannot be afforded then your Minister will have to decide whether to fight for new money. But let that be the Minister's decision, not yours, and not your finance branch's. Don't let Ministers complain that you never deliver, if the truth is that they will not find the money.

Plan your consultation and media strategy with particular care. It is usually a very bad idea to be secretive. It is much better to start discussing the idea, in a non-committal low-key way, with key interest groups, with academia and with the specialist press. This allows you to confront the problems very early on, and gets buy-in from key stakeholders. And such openness then makes it more difficult for the national press later to run shock-horror stories.

Keep colleagues – and especially senior colleagues – well informed. None of them like surprises, so tell them about the initiative, and assure them that there is strong Ministerial support. Also tell them whenever another key group or opinion-former comes on board. They will be glad to be associated with success, and less likely to cause problems.

Build a strong, diverse team, and try to involve outside stakeholders as much as possible. Build partnerships not only within government but also with local authorities, the private and voluntary sectors, with other EU member states and so on. And make sure that a good proportion of your team have strong inter-personal skills, for these are necessary if these partnerships are to be truly effective.

Keep the thing moving. It can be difficult to regain lost momentum, and there are real lost opportunities, and real costs, associated with delay, even if they do not fall on your budget.

Will you need Ministers to take a Bill through Parliament? If so, plan ahead. There is quite a queue!

Above all, have a clear, written strategy and project plan, kept up to date (for it will often change) and available to all those involved. If you can publish it on the Internet, so much the better.

The Final Stages

The key things to think about are collective agreement (of which more below), legislation, guidance material and presentation, including media handling.

If you need primary legislation – that is a Bill which becomes an Act of Parliament - then you need to build this into your timetable right from the start. You need drafting authority before Parliamentary Counsel can be set to work, and you then need specific collective agreement before your Bill finds its way into the programme. It is all complex but well-trodden ground, beyond the scope of these notes. But there are plenty of people who are willing to help, and plenty of high quality guidance material, which you ignore at your peril.

Explaining your new policy or initiative to the public, should be straightforward if you have successfully involved stakeholder groups who will have stopped you making everything too complex. But do prepare draft guidance material well in advance of final announcement, for you will find that the process of seeking to explain your decisions will quickly identify where you have made mistakes.

Presenting your new policy, including media handling, should also be fairly straightforward, if you have followed the advice in this book and considered presentational issues right from the beginning of the policy development process. It also helps if you have managed to avoid the worst of the obstacles to innovation summarised earlier in this chapter. But don't forget that your Minister will certainly want a launch of some sort, which you and your Press Office should jointly organise.

Gaining Collective Agreement

Ministers take a great many different types of decision, and the majority of these are of interest to Ministers in only one or two departments, often including the Treasury. However, Ministers need to gain the collective agreement of every department if their proposals:

- are likely to attract significant Parliamentary, media or other attention, e.g. from lobby groups, and/or
- are unwelcome to Ministers in another department, and/or
- require primary legislation, and/or
- need to be trailed in a Green or White Paper.

If you are embarking on this process for the first time then you should look at the voluminous written guidance, and there is also much to be said for mimicking the style and structure of letters and papers prepared previously. Collective agreement is obtained through Cabinet committees, usually through correspondence or, in particularly difficult cases, in meetings. The impartial Committee Secretariats will tell you how best to proceed but, in the case of correspondence, the process usually involves your Minister writing to the Chair of the appropriate committee and copying the letter to all other committee members. Your Minister's Private Secretary should extract replies, or nil returns, from all committee members and you should then contact the Secretariat to

confirm that the correspondence is complete. If all goes well, the Secretariat will get the Chair to write to confirm the collective decision to go ahead, perhaps on certain terms. Otherwise, you or your Minister will have to resolve points of disagreement, before writing round again with a collectively acceptable proposal.

It is vital that both correspondence and papers should (in the case of significant, novel or contentious expenditure proposals) contain the views of the Treasury and (in the case of proposals impacting significantly on the private or voluntary sectors) contain a statement agreed with the Regulatory Impact Unit in the Cabinet Office.

If a dispute cannot be settled through inter-departmental correspondence and discussions, the Secretariat will arrange for the committee to meet and consider a paper which you will prepare, consulting those colleagues in other departments who have strong views on the issue. The paper should not be too long – three to five sides (plus annexes) is quite long enough – and it should outline the proposal, the main considerations that Ministers need to bear in mind, and a precise statement of the decisions sought. Any inter-departmental disagreements should be summarised in a neutral way.