

GOVERNANCE PROJECT



Annex 6 – Areas for further consideration

A.6.1. In our work we considered a number of areas which are not the subject of current Recommendations, but which would be high priorities for further consideration. We did not address them in detail for various reasons including their potential complexity, the need for wider consultation, the fact that they would take time to implement and due to limitations on our own resources¹.

A.6.2. These areas include:

- I. Lobbying** In interviews carried out with experts for the purpose of this Report, we regularly heard the view expressed that lobbying is a big area where there are real problems, and which needs reform. This was felt to include lobbying by overseas governments and various other forms of overt and surreptitious lobbying. The view was expressed that Think Tanks should be obliged to disclose their sources of funding, that the making of an untrue statement in a lobbying context should constitute a criminal offence, that the lobbying Code should be statutory and should be more broadly drawn; the clear view was that the current terms fail to catch the wide range of activities.
- II. Internal audit** The Government does not have an effective internal audit function, with the capability to investigate governance failures. The National Audit Office could, potentially, take on this role but does not currently have the resources to do so and there would need to be a re-definition of its priorities, and possibly its powers.
- III. Continuous improvement** It is not clear who in the UK Government has responsibility for ensuring good governance in the UK, and certainly not in practice. Ultimately, that should fall to the Prime Minister, supported by the Cabinet Secretary, or possibly the Public Administration and Constitutional Affairs Committee, but they do not have the capacity or resources to address the issue systematically and it is not clearly identified as a responsibility. Should a body, either within the system proposed in this report, or a committee of Parliament, have a responsibility for monitoring and making proposals to ensure the continuous improvement of governance in the UK?
- IV. Change control on projects** Change control on projects and initiatives would be a normal feature of most organisations. It involves the reassessment and possible refocussing of activities when assumptions or operating conditions change and undermine the original decision to proceed as well as preventing inappropriate change and mission creep. It is not clear how that control functions in UK Government, beyond a limited review function within the Treasury.
- V. Quality of Decision making** This is critical. There seems increasingly little consistency or rigour in how critical decisions are made – although recognising that any processes should not unduly adversely impact the effectiveness of Government and that time pressures need to be accommodated. Thought should be given to formalising, improving and recording the processes for decision making, as well as delegation for implementation and the processes for review.

1. These areas are in addition to those noted in Annex 4 which were excluded because they: (a) are already the subject of detailed consideration and reports elsewhere; (b) carried substantial political and historical baggage; or (c) were difficult to bring to a conclusion, and implement, promptly. Those areas were principally: (a) devolution (and Westminster's relationships with the devolved administrations); (b) House of Lords reform (other than as regards HOLAC strengthening); (c) electoral reform; and (d) constitutional reform (and the issues associated with a written constitution).

- VI. Record keeping** Allied to this, the quality of record-keeping has deteriorated dramatically, not least with the use of private messaging systems such as WhatsApp. In many cases, there is no, or no sufficient, public record. This means that it may not be clear who actually took a decision (as opposed to who should have taken it), for what reasons, on what advice and having considered what issues. This encourages sloppy decision making and a lack of responsibility. Moreover, it destroys accountability. There needs to be a review of the nature and effectiveness of the Governments systems for record keeping in the digital world. In our Civil Service Recommendation, we provide for Permanent Secretary accountability for effective application of the Public Records Act; the proposed Royal Commission would assess whether this change, if implemented, is in practice sufficient. A linked question relates to the accessibility of such records; we have received a significant weight of expert opinion suggesting that greater transparency would be both appropriate and would contribute to better decision making over time.
- VII. Data** In an increasingly data driven world, there needs to be a systematic re-think of the role of data in Government and how to link together data systems and contents to support effective analysis and decision making.
- VIII. Civil Service skills and recruitment** Relatedly, it is clear that the Civil Service will need continuing reform to be able to support Government, in terms of possessing the necessary range of skills (including technical and data); having the right balance between specialist knowledge and generalism; being of sufficient size; offering appropriate remuneration to ensure people of the right calibre, experience and ambition; avoiding operating in silos; and with the flexibility to reconfigure on a short and medium term basis to address cross-cutting issues etc.
- IX. Amendable Statutory Instruments; a Sifting Committee** both of these suggestions have been strongly advocated to us in the context of our researches and interviews in relation to the current challenges in the area of secondary legislation. We think that there is sufficient merit in both suggestions to justify further analysis.
- X. Further Electoral Commission points** Certain additional, background material for the Electoral Commission Recommendation is available on the website for the Commission (<https://www.ukgovernanceproject.co.uk>). This material includes a note of certain additional matters which the Commission considered carefully but decided not to include in the body of the Recommendation. These include additional elements relating to: (i) funding of political parties and elections; and (ii) transparency as to the assets of political parties, as well as certain other items which the Commission believes are worthy of consideration but which we left out of the main Recommendation lest it become too lengthy or cluttered. However, we believe that these specified items also merit consideration and further analysis.