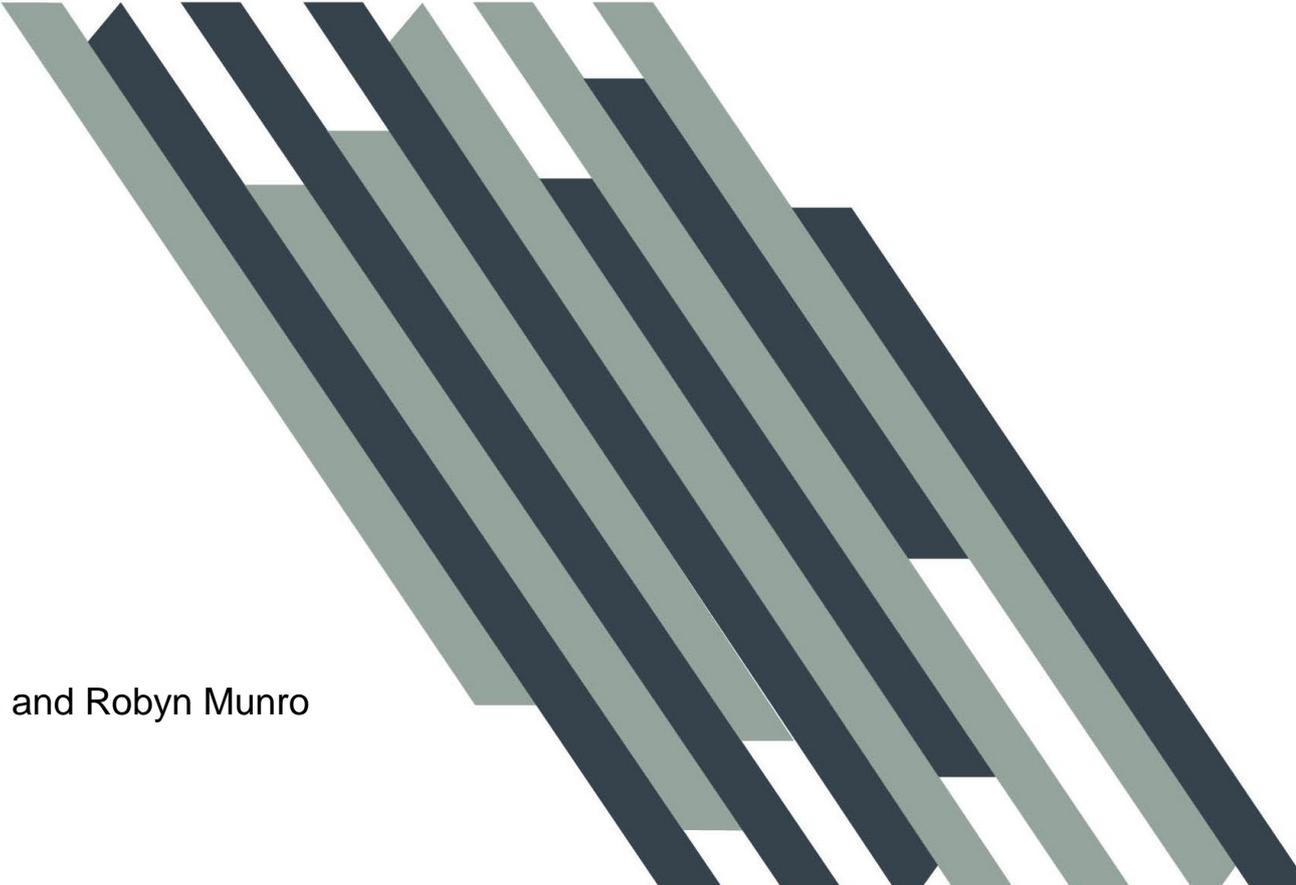


Separate Space: The Final Year of the Scottish Coalition, 1999-2007
Whitehall in Year Five of the UK Coalition: Lessons from Elsewhere

Akash Paun and Robyn Munro



About the authors

Akash Paun is a Fellow of the Institute for Government, and is leading the project on final-year challenges for the UK Coalition, of which this paper forms one part. He has been involved in a series of research projects exploring challenges faced by the coalition government, and has also led work on the accountability of the Civil Service, the functions of select committees and the selection of parliamentary candidates. His most recent major publication was *Accountability at the Top: Supporting Effective Leadership in Whitehall*.

Robyn Munro joined the Institute for Government as a Researcher in August 2013. Her work at the Institute has focused on coalition governments and how the Civil Service works with political parties. Prior to joining the Institute she worked for a public affairs consultancy advising clients from the social housing, green energy and property development sectors. She has a BA in History from the University of Oxford and an MSc in Public Policy from the University of Bristol.

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Summary

This report examines the system of 'separate space' developed in Scotland during the Labour-Liberal Democrat coalition of 1999-2007. Separate space allowed all major parties to request and receive confidential information and costings from government officials to help inform their pre-election policy development. It enabled the coalition parties to develop future policy plans confidentially from their government partner, and allowed opposition parties to access civil service information and expertise. Our focus is on the version of separate space that operated for the six months prior to the election of May 2007, although a more limited version of this system was also set up before the 2003 election.

Why separate space was created

The decision to set up the separate space system in the final six months of the coalition was taken in the context of concerns that the coalition parties were becoming reluctant to share their future policy ideas within government, due to a desire to keep their plans secret from their coalition partner. Perhaps ironically, this became a problem due to the strong convention in the Scottish coalition of sharing information and civil service advice between the two parties.

For the Civil Service, the fear was that they would be unprepared for the next term if they were shut out from the parties' thinking. For the parties, the concern was that their manifestos would suffer in quality from not having had civil service scrutiny.

The expectation at the time was that a further coalition would emerge after the election. In this context, an additional motivation behind the creation of separate space was a desire to avoid repeating what were seen as the mistakes of 2003, when flawed policies were entrenched in a highly prescriptive programme for government.

Alongside this, there were existing conventions surrounding confidential pre-election contact between the Civil Service and the Opposition, a facility that the coalition parties would not normally have recourse to. In this context, it was decided to create a single, integrated system for all governing and opposition parties to access civil service support on similar terms.

How separate space worked

The design of separate space built on two sets of conventions – those relating to pre-election contact with the Opposition, broadly based on Whitehall practice, and those relating to civil service support to parties involved in post-election coalition negotiations, as had occurred in Scotland after both the 1999 and 2003 elections. This demonstrated that it was possible to develop separate channels of advice to all parties, without the content of those interactions becoming more widely known, and without civil service impartiality being called into question.

The essence of the separate space system was that governing and opposition parties could submit requests – usually in the form of questions – for information about specific policy ideas they were considering for inclusion in manifestos. The type of information provided was more limited than conventional civil service advice to ministers; it would typically include the likely costs, implementation and legal challenges, but would not comment on the merits

of the idea itself or suggest alternatives. However, officials could use the system to encourage parties to think through their plans in more detail – for instance, when requests were vaguely defined, the Civil Service could ask the party to clarify its thinking.

The separate space system was tightly coordinated by the centre of government, through the office of the Permanent Secretary (the head of the Scottish Civil Service) and the Strategy Unit. Requests for information were submitted via the party leaders to a single official at the centre, who sent them on to the head of the relevant department, who then passed them on to appropriate policy officials.

The process was strictly confidential; officials were not told whom the request was for. They were instructed to complete the work themselves – without speaking with ministers or advisers – and to send their responses back ‘up the chain’ through their departmental head, and then on to the centre to pass back to the party. Documentation relating to separate space requests was filed separately from ordinary government information systems, to ensure that parties’ policy plans were not leaked to any of their rivals.

Lessons from separate space

We identified a number of lessons from the operation of the separate space system:

- Parties trusted the confidentiality of the system, and were willing to share their ideas with officials, so the system succeeded in facilitating policy dialogue between parties and the Civil Service in the period before the election.
- Central coordination ensured that there were clear and consistent rules, and that all parties were fairly treated.
- Separate space strengthened relationships between the Civil Service and all parties, not least with the opposition Scottish National Party (SNP), which had not been in government before but which subsequently took office and has since worked well with the Senior Civil Service in Edinburgh.
- Although the 2007 election was not followed by another coalition, the separate space system paved the way for informed civil service facilitation of coalition talks between different combinations of parties.
- It is difficult to assess the impact of the system on the quality of policies in manifestos, but parties reported having found civil service input useful for their preparations.
- However, separate space did not permit officials to carry out full analyses or to prepare detailed implementation plans for more complex policy commitments, and so of course could not ensure that all policies put to the electorate were fully thought through.
- The starting date just six months before polling day may also have limited the impact of the separate space system, since manifesto development was already at an advanced stage by this point.
- Parties also used the system to request costings and analysis of opponents’ policies in order to generate political ammunition. Some officials saw this as misuse of the system, though it is not clear that the practice was a major problem, and it was not considered necessary to take specific steps to prevent it.
- A challenge for the Civil Service was that the system required officials to operate in two spaces at once – continuing to serve the government and implement policy until

the end of term, while also carrying out parallel but separate work for the two coalition parties. Support and guidance from the centre helped officials to deal with this unusual circumstance.

- The system did place new demands on civil service resources, both at the centre and in departments, though the spare capacity created as the coalition policy programme was winding down allowed civil servants to cope without great difficulty.

Overall, separate space appears to have benefited political parties and the Civil Service. Parties were able to access confidential information relating to their policy commitments, and officials were able to encourage parties to think more carefully about their commitments, and to flag potential challenges.

The separate space system is relevant to Whitehall for a number of reasons. First, because it was designed in the context of a fixed-term parliament, which Whitehall has not experienced before, and which allowed the Scottish government to specify in advance the precise point (polling day minus six months) at which parties should be entitled to request private support from the Civil Service. Second, separate space was developed to tackle two distinct challenges that Whitehall must confront over the coming weeks and months: how to clarify the rules relating to opposition contact with the Civil Service, and how to ensure that the two parties of coalition receive fair access to civil service support in the final year of the parliamentary term.

Introduction

For the first eight years in the life of the Scottish Parliament at Holyrood, Scotland was governed by a ‘partnership government’ of Labour and the Liberal Democrats. This government was the expected outcome at the dawn of devolution – the electoral system had been designed to favour coalitions, and Labour and the Liberal Democrats had worked hand-in-hand during the long campaign for home rule.

The first Scottish Parliament election, in 1999, duly delivered Labour and the Liberal Democrats a combined majority of eight seats, and a coalition was swiftly formed.¹ The first term of devolution saw some rough patches, including two changes of First Minister and controversy over the spiralling costs of the new parliamentary building, but there were few serious disputes between the coalition partners and little speculation about the possibility of an early split.

The two parties campaigned separately in 2003, but with a view to a renewed coalition if the voters allowed it. In the event, they were able to form a second coalition, though with a reduced majority of just three in the 129-seat parliament. This government was nonetheless able to survive a second full, four-year term up until May 2007, with parliamentary discipline remaining strong throughout.

In the run-up to the 2007 election, there was increasing expectation that a change of administration was on the cards. The SNP was polling strongly, and at the same time, there was a sense that the coalition could have run its course. On both sides of the coalition there was a degree of frustration and weariness at the difficulties of coalition government, along with some suggestions that an early dissolution of the coalition might be advisable.

The party leaders themselves resisted such calls and the coalition survived till election day 2007. Within the administration, however, steps were taken in the final months to enable each party to develop its own policy platforms in confidence but drawing on civil service resources. This was the so-called ‘separate space’ system, as part of which an equivalent offer was made to the major opposition parties, which were also able to seek civil service input into their manifesto development processes.

This paper tells the story of the operation of the separate space system, which offers one model for Whitehall to learn from as it prepares for the final period of the Conservative-Liberal Democrat coalition. Our focus is on the model of separate space developed in advance of the 2007 election, although a more limited version was in place prior to the 2003 election. The paper is primarily based on interviews with former ministers, advisers and civil servants from the period, conducted in September 2013 in Edinburgh.

Virtually no paper records of the separate space system could be found in the Scottish government files, despite the generous efforts of serving officials, so the research has relied predominantly on our interviewees’ memories of events that occurred more than six years previously. Despite this methodological challenge, all those whom we spoke with provided useful and insightful recollections, which combined to give a clear and consistent picture of how the final period of coalition government operated in Edinburgh. This Scottish experience

¹ Morgan, B., [‘Scottish Parliament Elections: 6 May 1999’](#), House of Commons Library research paper 99/50.

offers significant relevant lessons for those in Whitehall and Westminster who are preparing for their own final year of coalition.

Why was the separate space system created?

Political party perspectives

In 2006-07, as the second term of coalition at Holyrood drew to a close, the two coalition parties found it increasingly difficult to find sufficient space to prepare for the election while also working together on shared government business. Lord (Jack) McConnell, First Minister in this period, recalled in a recent radio interview that:

We were very focused on the fact that we were running the country, and we had to make decisions, complete legislation – there were always issues that had to be dealt with on a day-to-day basis – but at the same time that we had to start getting out there and challenging our opponents. That’s actually one of the hard things for a coalition to do. It’s very hard to be party political when on a day-to-day basis you are being consensual between two parties, or at least reaching agreement and presenting a united front.²

This led to a desire for greater freedom to operate along party-political lines. In the same interview, the Deputy First Minister of the time, Lord (Nicol) Stephen, said that tensions did ‘crank up’ towards the end (particularly after the Christmas before the May election), and that a ‘senior figure’ in his own party had advocated that the Liberal Democrats resign their ministerial posts and leave government.³

This sense of rising tension in the final year of coalition was confirmed by our interviewees’ own recollections. One senior civil servant described how, in the lead-up to the 2007 election, both parties were ‘starting to worry about their distinctive identity’.⁴ This posed a challenge in terms of policy development. A former minister recalled how the parties wanted access to civil service support in order to develop their manifesto policies:

The politicians were interested in how to develop their manifestos going into 2007, and were keen to use civil service expertise to provide us with background information which would help us to stiffen up policies, and to provide the facts and figures which would make the policy hang together.⁵

However, throughout the coalition, there had been a strong principle that advice from the Civil Service was seen by both parties. One former official told us that the rules of the coalition were ‘transparent and robust in terms of sharing information equally across both sides of the coalition’.⁶ In this way, another interviewee explained:

Because they were in government, both parties were at a disadvantage, because yes they could have access to the Civil Service to get advice, but because that advice was to the government collectively – neither of the parties could be confident of the confidentiality of that advice.⁷

There was therefore a need, expressed by ministers of both parties, for a new system that would allow them to develop their policy ideas without these being shared with the other

² Lord (Jack) McConnell, speaking on BBC Radio 4’s ‘Week in Westminster’, broadcast 11 January 2014.

³ Lord (Nicol) Stephen, speaking on BBC Radio 4’s ‘Week in Westminster’, broadcast 11 January 2014.

⁴ Interview A4, September 2013.

⁵ Interview A1, September 2013.

⁶ Interview A8, September 2013.

⁷ Interview A6, September 2013.

coalition party.⁸ An interviewee explained that the parties wanted ‘to protect good ideas’ – they needed private space to develop their separate policy ideas:

The expression of the need for this was led by a small number of ministers who ... perhaps had less trust in their coalition colleagues, or were more inherently political, and were therefore more inclined to try and hold ideas close to their chests.⁹

A former special adviser agreed that separate space was developed in part out of recognition that, in single-party government, the Civil Service would have input into policy development. This gave rise to a need to ensure that, when the government was composed of two parties, similar input was made available to each party:

What the governing party usually did was get the Civil Service to write the manifesto ... and suddenly that didn't work, so they created this scheme that ... each party could privately ask officials for costings of issues involved in particular policies.¹⁰

A further consideration in this period was the expectation that, following the election, another coalition government would be formed, either comprising the same two parties or a new combination such as SNP/Liberal Democrats. One former official reminded us that, in the months preceding the 2007 election, ‘there was no objective reason’ not to expect another round of coalition negotiations afterwards. Parties therefore developed policies with the expectation that those policies would be put on the negotiating table:

Some ministers wanted space to explore ideas which they arrived at, in a sense, through their political analysis, but which they knew would ultimately have to be tested with their coalition partners on an evidence basis ... but they wanted to do that in private, because until they knew how well the evidence supported the policy proposition, they didn't know what the nature of the negotiation with the other party would be.¹¹

Civil service perspectives

The Civil Service had slightly different motivations for supporting the development of separate space. Several former officials told us that as the 2007 election approached, there was a feeling of ‘stalemate’ and ‘sluggishness’ among the coalition parties.¹² This was in part due to the parties’ reluctance, demonstrated above, to share their bright new policy ideas with the coalition partner:

It was proving quite hard to engage ministers in new thinking. That's pretty important, because the further you get from the coalition deal ... [the more] you need to be thinking about new things, but the approaching election was making that very hard because ministers, if there were good new ideas, they wanted them for their manifesto rather than to discuss them with the coalition partner. So there was a bit of frustration on our [the civil service] side because we couldn't get ministers to engage on things like that.¹³

⁸ Interview A8, September 2013.

⁹ Interview A10, September 2013.

¹⁰ Interview A3, September 2013.

¹¹ Interview A10, September 2013.

¹² Interview A4, September 2013.

¹³ Interview A6, September 2013.

Another interviewee similarly recalled that the parties had become 'particularly uneasy about commissioning new work, and that was beginning to interfere with the functioning of government'.¹⁴ Yet another added:

There's a risk in coalition of a kind of inertia creeping in, potentially at quite an early stage in the life of a government ... from the perspective of delivering outcomes for the people we represent, that's not a good place to be, so it is about ensuring a continuity of policy development.¹⁵

It became necessary for the Civil Service to provide parties with separate space to think about their policies to ensure that policy development did not simply grind to a halt.

A further rationale for the development of the new system stemmed from frustration at how the 2003-07 programme for government had operated in practice. Several former officials told us that the experience of the 2003 programme led many in both the Civil Service and the political parties to believe that greater involvement of officials in the party policymaking process would be beneficial:

It would be our [the civil service] perception [that], from 2003, the propositions in manifestos that hadn't been properly scrutinised did potentially lead ministers into quite a lot of difficulty.¹⁶

Other interviewees agreed that some of the policy commitments in the 2003 programme were poorly thought through, and that the programme for government as a whole was too detailed and constraining, with more than 460 individual commitments. As the then Permanent Secretary of the Scottish Government later reflected:

The outcome of the negotiation was a partnership agreement which was so detailed, and which, in my judgement, stifled innovation in both the political and civil service dimensions of government.¹⁷

For the political parties, the advantage of this agreement was that each side could be confident that it would achieve a specific set of policy priorities, and could therefore make a strong case to its supporters and members that renewing the coalition was the right strategy.

Interviewees confirmed that, once this long and detailed programme for government had been agreed, the parties were indeed committed to following it to the letter. One told us that the programme was treated 'almost like the Holy Book':

They felt that they had to deliver all of them [the policy commitments], and that was monitored throughout the four years, by departments, by analytical teams, by the special advisers, by Cabinet. In fact, virtually all of it was delivered, and I think there was a sort of belief that that was how they would show they'd been a good government ... 'We did what we said.'¹⁸

But the binding nature of this agreement also became a burden for the parties. One political insider told us that, two or three years into the programme:

It started to limit your room for manoeuvre and [ability] to respond to changing events or circumstances or ... external pressure from pressure groups or trade unions or whoever it may be who

¹⁴ Interview A10, September 2013.

¹⁵ Interview A9, September 2013.

¹⁶ Interview A10, September 2013.

¹⁷ Elvidge, J., *Northern Exposure: Lessons from the first twelve years of devolved government in Scotland*, the Institute for Government, 2011, p. 12.

¹⁸ Interview A7, September 2013.

was coming up with new policies, because you knew what you had to do and you knew you had to do it in this way, because that's what your constitutional document said, and you had to stick with it.¹⁹

This also proved frustrating to the Civil Service, who found it 'very, very enervating' to work through the government's 'to-do list':

The sense that you are somehow doing good government just by ticking them off this list had, I think, just become really depressing for government and for civil servants.²⁰

Separate space therefore stemmed from:

A reflection on our part that we didn't especially want a programme for government like that again. It would be quite useful if there was a process where some debate about resources and even legal powers, in terms of some of the legislation they might be thinking about, could be considered but on their terms, in a way they felt comfortable talking politically.²¹

One former minister agreed that in the lead-up to the 2007 election, civil servants were anxious to be as involved as possible in party policy development:

Their [the Civil Service's] principle is 'How do we make sure that good government [...] continues?' And if they have their, as it were, grubby mitts all over the policy formation process then they're in a much stronger position, once an election's taken place, to help the negotiating process to happen, if they have had a role and a big part in the design of the policies that are subject to that process of negotiation.²²

Other interviewees suggested that the political parties were themselves aware of the challenges that the 2003 programme for government had presented, and were anxious to avoid a repetition of that experience:

They [the parties] had come to understand that there was a lot of genuine benefit, both to them and the country, in going through a more rigorous and exploratory process.²³

Prior to the 2007 election there was an expectation that another coalition government would be returned, and consequently a need to ensure that a new coalition was not formed on the basis of a similarly flawed policy programme:

You need to know ... that there is nothing unworkable about your policy proposition, because it may be that the civil service support available in the coalition-forming process doesn't have time to identify that there's a significant flaw in some of your policy propositions. So much better to start six months out, involving the civil servants who normally deal with the subject, in some exploration of that subject. If there is a flaw, a) you're more likely to be told, and b) you've got time to actually fix that flaw.²⁴

Equality of access across the party spectrum

Alongside this growing consensus that the two coalition parties should be able to access civil service expertise in confidence to help develop their policy plans, there was a recognition that the opposition parties should be able to do likewise:

¹⁹ Previous conversation with interviewee A3, February 2012.

²⁰ Interview A4, September 2013.

²¹ Interview A7, September 2013.

²² Interview A1, September 2013.

²³ Interview A10, September 2013.

²⁴ *Ibid.*

It's hard to draw an absolute line between what is existing policy and the existing work of government, and what might slip over into another term, so the government of the day has an inbuilt advantage of access to the Civil Service, and to the data and everything else. Being able to make that offer to other parties was very important ... that seemed to be very much part of the agreement that John [Elvidge, then Permanent Secretary to the Scottish Government] had with Mr McConnell at the time.²⁵

Another official put the point the other way around, that the greater the access offered to the Opposition, the greater the need to ensure that a similar offer was made to the governing parties:

In a sense, the deeper the SNP wanted to go in the exploration of their policy propositions, the more one had to ensure that on the other side of the equation the existing coalition parties were not artificially debarred from achieving equal depth in their exploration of their own propositions.²⁶

There was a particular concern to ensure that neither of the governing parties was left at a disadvantage by dint of being in government:

If it hadn't been for the coalition, then the Lib Dems would have had access to the Civil Service from some months out from the election ... How would you recreate for the Lib Dems in government, and indeed for the Labour Party, access of that sort, because a defining characteristic of [pre-election contact] is that discussions are confidential, and therefore if the Lib Dems ask a question about X, then they can be confident that we won't [tell] other parties.²⁷

One civil servant neatly summarised how these party concerns over access to confidential information, and civil service concerns about being frozen out of policy thinking, led to a shared consensus on the need for a new mechanism:

Coalition government provides a bit of a challenge because as you get near to the end of an administration there are sensitivities around ministers thinking about their policy. Recognising that, we tried to set up a process that would ensure that there was a good quality of advice on policy, ensure that we were able to deliver effective government both at the time and looking ahead, in terms of sound policy thinking, but without crossing the boundaries of propriety.²⁸

'Inventing' separate space

Given the various motivations described, it is perhaps unsurprising that interviewees were unsure whether the initial push for separate space had come from the political leaders or the Civil Service. One interviewee thought that the First Minister had recognised the need for clarity in how the Civil Service should provide information to parties in the government's final year, and asked the Permanent Secretary, Sir John Elvidge, to develop or 'invent' a solution.²⁹ Another told us that the political leaders had been far more involved in discussions about how the process should work, and what exactly should be offered to all the parties:

We went through a process with Jack McConnell and Jim Wallace [then First and Deputy First Minister] about saying, 'What do you want the process to be in devolved Scotland? Do you want to replicate this access to the Opposition?' Answer - 'Yes'. 'How do we handle the fixed term-ness?' We

²⁵ Interview A8, September 2013.

²⁶ Interview A10, September 2013.

²⁷ Interview A6, September 2013.

²⁸ Interview A9, September 2013.

²⁹ Interview A4, September 2013.

decide that there is a fixed point at which the right of the Opposition will always start, and the decision was six months before the date of the fixed election. So, it wasn't a civil service decision; it was in a sense a ministerial decision that the right thing to do was to replicate the terms of engagement between opposition parties and the Civil Service.³⁰

However, there was consensus among our interviewees that the leaders of the coalition parties and the Civil Service were in agreement about the need for such a system to be developed:

I don't think it was a cabinet decision. I think it was one between the First Minister, the Deputy First Minister and the Permanent Secretary about how it would operate – so really seeing them as leaders of government but also in their political roles as leaders of their party.³¹

Whatever the process for reaching the decision, interviewees agreed that the resultant system – separate space – was not designed from scratch, but was instead based on existing conventions around the access that opposition parties in Westminster have to permanent secretaries and other senior civil servants in the months leading up to an election. Writing in 2011, Sir John Elvidge made this point, noting that prior to the election, the First Minister decided:

To modify those conventions to fit the context of elections to the Scottish Parliament by instituting a period of access to information from the Civil Service of six months prior to the end of the fixed term of the parliament. This, in turn, provided a basis for seeking to treat private information to ministers from the parties in government on the same terms as the provision of information to opposition parties.³²

Other interviewees agreed, noting that there was already a tradition in Holyrood of 'briefing opposition leaders in Parliament and giving them access in the run-up to the election'.³³ Separate space was therefore regarded as an extension of the rights of the Opposition to governing parties. A senior official told us that separate space was used to:

... create a protected channel in which either of the parties could ask a question, and if it passed a test of the kind we would apply to opposition parties, then it would be sent out to the relevant policy official and the answer would come back, and then depending on choice there might be a discussion of the type that you could also have under the opposition access arrangements.³⁴

For the purposes of separate space, we were also told, the two coalition parties were treated as opposition parties for the final six months, and could make similar requests for support. However, the offer to the parties appears to have been broader than that extended to opposition parties at Westminster.³⁵

One interviewee made the point that separate space was not simply an extension of pre-election opposition contact with the Civil Service, but also drew on the precedent of civil service support for the parties during coalition negotiations (which in Scotland went significantly beyond what occurred in 2010 in Westminster). The 'component' of separate space that came from these previous coalition negotiations was:

³⁰ Interview A10, September 2013.

³¹ Interview A8, September 2013.

³² Elvidge, J., *Northern Exposure*, op. cit., p. 14.

³³ Interview A8, September 2013.

³⁴ Interview A6, September 2013.

³⁵ Interview A11, September 2013.

... an understanding that it was entirely possible to create conduits for the two parties to have access to the information resource that the Civil Service represented, and to do that in a way that respected both parties' separate identities.³⁶

This official added that the experience of civil service involvement in the coalition negotiations helped persuade the parties that separate space would be a useful mechanism, and that the Civil Service role in government formation had been:

... important both from the point of view of the Civil Service, who had had experience of those things so we could extend that into a rather more sophisticated model, but it also meant that ... both of the participating political parties had had experience of it, found it valuable, and found that it had worked for them, so they had a degree of confidence [in the system].³⁷

How separate space worked

The timetable

One official told us that discussions around separate space began in the summer before the 2007 election:

Mid-point 2006, before the May election, was when the conversations were going on with ministers, recognising that the ministers wanted to have space where they could develop policy options that they then might incorporate into a manifesto.³⁸

It was agreed by the leaders of the coalition parties that separate space should be made available to all parties in the six months prior to the end of the fixed-term parliament. Separate space would cease once the election campaign began.³⁹ During this period of *purdah*, ministers were no longer able to request advice on policy development from officials, either as members of government or through separate space.⁴⁰ While the parties were positive about the separate space system, one party figure argued that having access to confidential civil service support for the full year before the election would have been helpful, since manifesto development was already at a fairly advanced stage by the time the new system kicked in.⁴¹

Scope of the offer

There was agreement among our interviewees that information provided through separate space was of a different, narrower order than ordinary civil service submissions to ministers:

If ministers took something into separate space ... that meant that it wasn't government policy-making. You had in a sense declared your hand and said, this is manifesto writing ... By choosing separate space you chose, in effect, a lesser standard or a more bounded level of civil service support – that traditional distinction between comment and information, and advice.⁴²

Requests made through separate space would receive 'more limited' responses, including factual information on that policy but no formative advice or comment:

³⁶ Interview A5, September 2013.

³⁷ *Ibid.*

³⁸ Interview A8, September 2013.

³⁹ *Ibid.*

⁴⁰ Interview A9, September 2013.

⁴¹ Interview A1, September 2013.

⁴² Interview A10, September 2013.

Nothing that says, this is a good idea or a bad idea – certainly nothing that says, have you thought of tweaking that idea like this or like that? Just straight down the line – it would require legislation, it wouldn't require legislation, it's compliant with EU law, all those things. Objective statements that are relevant to the deliverability of policy.⁴³

Another important distinction between separate space advice and normal government advice was that the Civil Service would not develop policy options:

It's not classic civil service advice in saying, 'Your objective is to reduce child poverty – here's 101 things you could do to reduce child poverty.'⁴⁴

Indeed, policy requests had to be framed in a way that posed a question about a particular policy choice, and would not invite civil servants to discuss different options. Former special advisers who used separate space confirmed that they could not make open-ended policy requests, but had to put specific questions to civil servants:

We didn't go to them saying, 'This is a problem, how do we fix it?' It was, this is a policy idea, how much would it cost, what should we be aware of, would it work? ⁴⁵

Another former adviser put it similarly:

I don't think we were able to set out a policy and send it and say, 'What do you think?' We had to give them a task ... You might say, 'Here's a scenario – just a short paragraph – I would like to know how much would it cost to build 50 schools over the next year.'⁴⁶

Another interviewee explained that what parties would receive through separate space was more akin to a freedom of information request, in that factual responses would be given to questions asked, but no policy advice would be provided.⁴⁷ However, separate space requests did lead to new analytical work being carried out for the party, rather than just a release of pre-existing information.

Central coordination of the system

The centre of government played a major role in coordinating separate space and in providing guidance to officials across the Civil Service. The Permanent Secretary's office, supported by the central Strategy Unit, acted as the 'gatekeeper' to, or 'central clearing house' of, separate space – all requests from the parties had to be submitted through the centre.⁴⁸ On the party side, requests were coordinated through a single point of contact. One former adviser described submitting his requests to the party's senior special adviser, who would then send them on to the centre, 'keeping clean lines' of communication.⁴⁹ Another former adviser told us that he would submit all requests and receive responses, which he would then pass to a colleague to be fed into the party's manifesto.⁵⁰

⁴³ Interview A10, September 2013.

⁴⁴ Interview COA01, November 2013.

⁴⁵ Interview A3, September 2013.

⁴⁶ Interview A2, September 2013.

⁴⁷ Interview A8, September 2013.

⁴⁸ Interviews A6 and A9, September 2013.

⁴⁹ Interview A2, September 2013.

⁵⁰ Interview A3, September 2013.

The Permanent Secretary's office checked the content and propriety of requests, and ensured that work was not replicated by the same request being sent to multiple officials.⁵¹ Another official offered a little more detail about how the 'clearing house' at the centre worked. The Permanent Secretary's office would check:

... the propriety, the scope, the number, the proportionality [of requests], and then the timeliness and quality of responses going back.⁵²

It was agreed that requests should be 'proportionate' and not demand too much civil service time. Another principle was that requests would be narrowly defined. One official told us that if a party submitted an open-ended request – for example: 'The First Minister would like advice on energy policy in Scotland' – the team in the Permanent Secretary's office would 'quite quickly go back' and ask what specific area of energy the request related to. There had to be a specific policy idea and questions about how to take that policy forward, legal implications or financial implications.⁵³ Requests from the opposition parties were treated in the same way as requests from the governing parties.⁵⁴

As noted above, requests through separate space had to be well-defined, submitted either in the form of a question or a specific 'task'.⁵⁵ The Strategy Unit could also help parties to frame their requests in order to get the most useful response. A former official recalled that the central team working with the party advisers would perform an 'initial sift' of requests and could say to advisers, 'You'd get a better answer to your question if you frame it ... more like a civil service question', so that it was more neutral and could be fully answered.⁵⁶ This reflected the experience of the special advisers who used the system. One former adviser recalled that it was important to frame questions in the correct way, in order to receive a detailed response:

You frame something in a language that they can, not so much understand, but can use, so you give them something that won't break their political neutrality to answer.⁵⁷

The central team were also responsible for ensuring the confidentiality of the separate space process. An official told us that there was 'a great deal of concern about keeping it very, very tight', and involving as few people as possible.⁵⁸ Records were not filed in the normal way, as that would give everyone access to the contents of those discussions.⁵⁹ As one interviewee told us:

We recognised that what was going to be critical to the success of this was literally to do this in a private space for ministers ... that would mean that we needed to be careful about how we worked, who we spoke with. We wouldn't be, for example, using the normal public record ... we'd be treating this as special handling procedures.⁶⁰

Guidance on separate space

⁵¹ Interview A5, September 2013.

⁵² Interview A8, September 2013.

⁵³ *Ibid.*

⁵⁴ Interview A10, September 2013.

⁵⁵ Interviews A2 and A3, September 2013.

⁵⁶ Interview A5, September 2013.

⁵⁷ Interview A3, September 2013.

⁵⁸ Interview A4, September 2013.

⁵⁹ Interview A8, September 2013.

⁶⁰ *Ibid.*

To ensure that all officials across the Civil Service understood the system and responded in a consistent fashion, guidance was circulated from the centre about how separate space requests should be processed. Civil servants were told that such requests were a priority, and had to be completed within a ‘fairly quick’ turnaround period that had been agreed with ministers.⁶¹ One former special adviser recalled that he received responses within two to three weeks of a request being submitted.⁶²

A senior official recalled that the guidelines on the content of requests were along the following lines:

It's a factual response to the question that's been asked. It's not a case of developing alternatives; it's not a case of advising on the merits of one particular option over another; it's not a question of advice on tactics and handling sensitivity. It's about questions of practicality and implementation.⁶³

Officials were also given advice about not ‘inadvertently’ responding to policy requests inappropriately:

We did also give civil servants some advice about making sure that they didn't inadvertently respond to a request from their minister that should have gone through this process. [That advice] said, ‘If you get a request for advice on something that clearly isn't current policy, do just clarify [with the minister].’⁶⁴

Civil servants were also given guidance on how to ensure the confidentiality of the process.⁶⁵ One interviewee recalled policy officials being told:

This is a request that should be routed through your head of department and the Permanent Secretary's office.⁶⁶

Role of departments

Once requests were checked for propriety at the centre, they would go to the head of department, who could decide if additional clarity was needed, and then pass the request on to a relevant policy official.⁶⁷ One official told us that:

[Requests] weren't handled at a very high level. [They were given to] people who would normally be dealing with that subject if it was a debate or a letter from an MSP and so on.⁶⁸

While the head of department would be told which party a request had come from, more junior policy officials tasked with responding to a separate space request were not usually told (though they may have been able to guess) which party the request was for, and would be instructed not to divulge the contents of the request to anyone. Officials working on requests were asked to assess whether the proposed course of action was deliverable, to work up some costings, and to think about the challenges to that policy. Completed requests were sent ‘back up the chain’ to the head of department and then back via the centre to the

⁶¹ Interviews A8 and A7, September 2013.

⁶² Interview A3, September 2013.

⁶³ Interview A9, September 2013.

⁶⁴ Interview A10, September 2013.

⁶⁵ Interview A11, September 2013.

⁶⁶ Interview A9, September 2013.

⁶⁷ *Ibid.*

⁶⁸ Interview A7, September 2013.

party in question.⁶⁹ Heads of department would retain oversight of the process, and could manage resourcing issues:

My concerns occasionally were about workload, because if [the parties] were looking at a particular policy area you might get a whole load of them, and you might have to just check that the capacity was there to try and deal with it.⁷⁰

How parties used separate space

Opposition parties

The clear intention behind separate space, as expressed by those who worked within and helped to establish the process, was that each of the governing parties should receive an equivalent offer to that made to opposition parties:

It was an explicit part of the agreement that they could only have the same service that would be available to the Opposition. That was absolutely explicit.⁷¹

This principle was of particular benefit to the opposition parties. Since the governing parties were accustomed to the normal level of civil service advice, the terms of the offer under separate space had to be broad enough that they saw value in using this system. An equivalent facility was then extended to the opposition parties, with the result that the information they could access through separate space went beyond what they would normally have been granted under pre-election contact.

It was nonetheless suggested that there was some variation in the way the parties used separate space. One former minister thought that the governing parties retained an advantage:

[Civil servants] were very helpful to both Labour and the Liberal Democrats in terms of establishing the basis of a policy position; they ultimately left the politicians to decide where the policy finished up, but they would provide analytical and statistical assistance in terms of the basis of a policy, and that was really helpful ... They also were meeting the then opposition – the SNP and to a lesser extent the Tories – but that was, as far as I remember, very much at a level of saying, ‘Look, that can work or that can’t work, and this is how we would try and deal with that’, so it was at a higher level, at a level above that. So the governing parties do have an advantage.⁷²

An official from the time also felt that information given to the governing parties through separate space was more detailed or expansive than that given to the opposition parties, though less detailed than normal advice to ministers: ‘What we were providing was information’, but not advice.⁷³

However, another interviewee argued that any unevenness was not due to the offer that was made to the parties; instead, it reflected the extent to which they chose to use the system that was available to them.⁷⁴ A second told us that there was ‘a pretty clear distinction’ between what was received by the two main opposition parties because of the political

⁶⁹ Interview A11, September 2013.

⁷⁰ Interview A7, September 2013.

⁷¹ Interview A10, September 2013.

⁷² Interview A1, September 2013.

⁷³ Interview A6, September 2013.

⁷⁴ Interview A9, September 2013.

context. There was no expectation of the Conservatives forming a coalition, and they therefore wanted:

... a narrower kind of discussion, that was partly about understanding some of the unfamiliar issues that might arise around the forming of a government ... confidence and supply relationships, and that kind of thing, or one-off deals in exchange for coalition commitments to do X and Y.⁷⁵

The SNP, on the other hand, 'wanted more depth of engagement'. They were in 'an identical position' to the Liberal Democrats and Labour in that they hoped to be the main party and so needed a full programme of policies and 'a conventional, across-the-board interaction' with the Civil Service.⁷⁶

Coalition parties

Interviewees from the two coalition parties were able to give us a number of examples of how they used the process, and the kinds of requests they could submit. One explained:

You did it through questions, so you would say, 'We would like to know how many schools were built in the last year – how much did that cost?', so you might have a set of questions on school buildings.⁷⁷

Interviewees recalled that parties used separate space to check the costings of their policies or to add details, rather than using the process to inform the earlier stages of policy development. One civil servant told us that Labour already had a good understanding, from being the lead party in a number of departments, of what its policy commitments would be:

The [Labour] special advisers knew their way around the department so well by then that a lot of basic information they would know about anyway. They might need to put some figures on something, or some flesh, but they wouldn't really have needed a lot of help with policy development at that stage.⁷⁸

Former advisers to both parties told us that they used separate space to get details on or to check policies that the party had already developed to some extent:

You weren't asking them to fill in the blanks. You could get your own policy analysed by the Civil Service, rather than going to the Civil Service and asking them to develop a particular policy for you.⁷⁹

You do know a lot of the implications ... it's, 'What would be required to do this policy? Are there any other things to worry about? Give me a brief overview' kind of thing.⁸⁰

One interviewee told us that a 'significant' part of what they used separate space for was to generate costings. He told us that they submitted requests about a wide range of policy areas, but gave particular examples of significant transport projects:

We costed things like the trams, various Edinburgh-Glasgow rail links, the Borders railway, the M74 completion ... the motorway link between England and Scotland ... and the motorway through Glasgow ... that sort of thing.⁸¹

⁷⁵ Interview A10, September 2013.

⁷⁶ *Ibid.*

⁷⁷ Interview A2, September 2013.

⁷⁸ Interview A7, September 2013.

⁷⁹ Interview A2, September 2013.

⁸⁰ Interview A3, September 2013.

⁸¹ *Ibid.*

Despite the rules formally precluding direct discussions between parties and officials, interviewees from the coalition parties added that there was scope to have discussions with certain senior officials about their separate space requests. One former special adviser explained that, as his party had been part of government since 1999, he had built up a good working relationship with many policy officials: 'There were enough relationships to be able to have informal conversations if it was needed.' These 'discussions' would often be a suggested tweak to a question submitted through separate space:

Some really savvy civil servants [would] come to you and say, 'You've asked me this question, why don't you ask me a different question?', privately. But that would be off the record and not in writing.⁸²

That feedback would enable the party to rephrase its question and receive a more useful response. This ability to go beyond providing an answer to a question was useful not only to the parties but also to the Civil Service, as it allowed officials to make parties aware that their policy proposals needed additional work. One civil servant described how parties might request information on a specific proposal without considering wider contextual factors, such as other, conflicting policy plans. In such a case, the official told us:

I would probably give them the information but I would also try to ... provide some of the context too ... There's simple factual things that you can begin to weave into the context. So, I think, particularly if there's a discussion based on the information provided, you can begin to get people thinking around the problem as well as answering the direct question.⁸³

Other civil servants agreed that having the ability to push back on requests and raise challenging issues or questions was important in highlighting to parties policies that needed additional work, or were simply not viable. One official recalled a particular policy request that would have been very challenging to implement. When responding to the request, he was able to say that there were problems with implementability and costs, without actually advising against the policy.⁸⁴ Another former official recalled a similar occasion when the Civil Service received a request for information on a policy that could have had quite serious negative unintended consequences:

[The party] just hadn't thought about it ... it was just something that set alarm bells going, and I think on that occasion I did speak to the special adviser and said, 'Can you just go back to wherever this came from and just ... check it out.'⁸⁵

However, while civil servants were able to 'weave' some context or challenge into their responses, there were nonetheless clear limitations on the level of analysis that could be provided through separate space. One former adviser gave the example of the introduction of a local income tax. While the party was able to use separate space to ask specific questions about individual aspects of its proposal, responses to separate space requests were limited by the time in which officials had to respond, and the level of detail they could provide (around a couple of pages of factual information).⁸⁶ Separate space could not produce anything as detailed or complex as a full implementation plan:

⁸² Interview A3, September 2013.

⁸³ Interview A6, September 2013.

⁸⁴ Interview A11, September 2013.

⁸⁵ Interview A7, September 2013.

⁸⁶ Interview A3, September 2013.

I think there's a limit on a clear plan on how to implement something like that, because in practice they can't do much more than say, 'These are the key issues' ... A clear plan on how to implement local income tax would run to 300 pages, but I think we identified the key issues. With local income tax, the issue would have been the implementation costs, which was really about IT systems and things like that ... You'd be asking them to flag up the complexities.⁸⁷

One former civil servant suggested that this inability to provide parties with detailed analysis and advice was problematic. He told us that while the 2007 manifestos contained 'nothing that we didn't think could be implemented in some form', it was 'absolutely right' to point out that some policies would have benefitted from further work and more detailed analysis. He suggested that there were a number of problems within the proposed local income tax which, had government tried to implement the policy, would have presented a challenge, particularly in negotiating with Westminster:

There's certainly a cost implication that's very significant, an administrative costs implication. Would HMRC ever have agreed to do it? That's an interesting question ... It's almost certain that if [the tax] had gone ahead, it would have had to go ahead within some sort of boundary.⁸⁸

In the event, the SNP government subsequently had to drop its plans for a local income tax following difficulties with implementation, and HMRC's assertion that any such tax would have 'no legal basis', and that it would not collect it.⁸⁹ This illustrates that whatever the benefits of the separate space system, it was no guarantee against non-feasible policies being carried into government.

'Misuse' of separate space

Several interviewees told us that parties were not supposed to use separate space to develop costings of, or seek information on, the policies of their political opponents:

The job of the Civil Service was not to respond to the latest front-page headline from the Opposition ... so if the SNP at the time had come out saying, 'We plan to do this – in our proposal we will unveil proposals to do X, Y and Z and it will cost, by careful budgeting, we'll do it for half a million quid', the job of the Civil Service is not then to tear that to shreds and give the Labour Party, for sake of argument, something which says, 'No it won't – it will cost five times that and be totally undeliverable', so it's not about knocking or dismantling or trashing.⁹⁰

However, political parties admitted to having submitted requests relating to their opponents' policies. One former special adviser told us that separate space was used to 'flush out' problems or inconsistencies with opponents' policies. He gave an example of an SNP policy to write off student loans so that students would not need to pay back the debt they owed. The SNP had worked up how much it would cost to pay off outstanding student loans – their opponents used separate space to produce different figures:

We would say, how much would it cost to write off student debt? We'd ask all these questions about it ... When they were doing costings and things, their costings would be for the loans – they were going to scrap loans. So, we got all that, but we wanted also to ask them, so what if we scrapped all debt from students? Because that would have been something like £3bn.⁹¹

⁸⁷ Interview A3, September 2013.

⁸⁸ Interview A10, September 2013.

⁸⁹ 'SNP faces new tax humiliation', *The Scotsman*, 26 January 2009.

⁹⁰ Interview A8, September 2013.

⁹¹ Interview A2, September 2013.

This interviewee described how they used separate space to identify problems with another opposition policy, a proposal for vouchers to help first-time buyers purchase a home. The interviewee used separate space to ask a number of questions about this policy:

What the effect on the housing market would be? How much would this cost? Would this just put up the price of housing in Scotland, or would house prices stay the same? ⁹²

An interviewee from another party likewise admitted to having used separate space to analyse the policies of his political opponents, and acknowledged that this was sometimes done to generate ammunition for the election battle. He gave the example of one major transport infrastructure commitment that he had costed 'because we knew it would be very expensive and we knew the SNP would probably include it'. ⁹³

Each of these former advisers noted that the Civil Service would not know that they were using the system to cost the policies of another party. One civil servant agreed that officials who received policy requests had to assume 'in good faith' that they were genuine, but acknowledged that parties could mislead the Civil Service by claiming that another party's policy was their own, and asking to have it costed:

They would see that party A had advanced a policy on free schools meals, or whatever, and they might say, 'We want to roll out free school meals for primaries 1-3. How quickly could we do that, what would be the mechanisms and how much would it cost?' That would be an appropriate separate space [request]. ⁹⁴

However, the scope for using the system in this way should not be overstated. Few interviewees raised concerns that separate space was being abused. A former special adviser emphasised that, in the majority of cases, parties made requests that were relevant to their own policy development:

You were so bogged down in trying to get your own policy sorted ... that most of the time you were just using it for genuine policy development. ⁹⁵

This interviewee added that there was respect for civil servants, and special advisers didn't want to damage that relationship by misusing the system:

There was a respectful relationship between us, and you didn't want to mess them around. ⁹⁶

One adviser also argued that one good reason to use separate space to cost certain policies of other parties was to help prepare for a potential coalition negotiation:

Partly we were thinking, if it comes to negotiation, what do we think of that, how much is it going to cost? ... Quite often it would be a guesstimate of something, or an issue they had raised that you wanted to understand a bit more about, and sometimes it would be something that actually you'd quite like to do ... But I don't remember any rule saying that we couldn't. I think the rule was basically you asked questions about policies that you're interested in. ⁹⁷

⁹² *Ibid.*

⁹³ Interview A3, September 2013.

⁹⁴ Interview A8, September 2013.

⁹⁵ Interview A2, September 2013.

⁹⁶ *Ibid.*

⁹⁷ Interview A3, September 2013.

Lessons and challenges

Private, trusted channels of information could be created and maintained

Interviewees told us that the mechanism was successful in providing a safe space – parties had confidence that their policies were not leaked to the media or to their political opponents. A former coalition minister told us:

The Civil Service were really good at that [keeping advice confidential]. I think we all had an understanding and a belief that things wouldn't appear on the front page of *The Scotsman*, or if they did it was because the politicians had leaked it, not because the Civil Service had leaked it, and there was a high degree of trust.⁹⁸

Given this confidence in the system, separate space helped to limit the impact of the problem highlighted earlier in this paper – that with an election approaching, parties would retreat into their own political spaces, to the detriment of good-quality forward planning within the Civil Service.

Central coordination ensured that rules were clear and consistently followed

The role of the centre as a channel was important in keeping the content of discussions private, and ensuring that officials across the system were empowered to undertake confidential work without involving their ministers or advisers. Guidance was circulated from the centre across the Civil Service, setting out simple, clear principles that would underpin the system: confidentiality, an equal offer to all parties, the provision of information rather than advice, a quick turnaround, and a requirement that all correspondence between parties and officials passed via the centre.

One interviewee recalled that separate space was designed to ensure that the system was free of political interference:

It was all handled centrally ... so the important principle is that you have a central point of asking a question, the political central point, and after that it becomes depoliticised, so there's no political oversight of it, other than you can have some sort of formal mechanism for feeding back about the question if required.⁹⁹

All requests were submitted by the party leaders, but ministers never saw the requests that came to their departments, so had no way of knowing what the other party was asking.

The governing parties agreed on and respected the rules of the game

It was also crucial that the political parties themselves understood and respected the rules around separate space. In particular, ministers and advisers had to commit not to seek to gain political advantage by uncovering information about what officials in their department were working on. Our interview evidence suggests that this was the case; no officials recalled improper interference. That gave confidence to officials and helped to build trust on all sides.

⁹⁸ Interview A1, September 2013.

⁹⁹ Interview A3, September 2013.

Relationships improved between the Civil Service and all parties

The separate space system was also seen as having strengthened relationships between the Civil Service and all parties. On the government side, we were told, the successful operation of the system and the maintenance of privacy throughout was:

... really healthy for the ministerial/civil service relationship ... Obviously they didn't come back as ministers ... but even during that six months, the fact that trust was being enhanced in that way, in my perception, improved the general quality of ministerial/civil service relationships.¹⁰⁰

Importantly, the equal offer to the opposition parties within this system was valuable in allowing the Civil Service to build a relationship of trust with the SNP, which had never before been in government and might have been expected to be somewhat suspicious of the Civil Service. After the election that brought the SNP to power, we were told, there were discussions between ministers and officials about how the process had worked:

And they said absolutely explicitly that it was the way we conducted this pre-election process and the clear evidence that they thought they saw that civil servants were as willing, within the rules of the pre-election process, to provide support for them, that led them to come to the conclusion that they could trust the Civil Service if they formed a government.¹⁰¹

In this way, not only did separate space successfully protect the neutrality of civil servants, it also helped to convince non-governing parties of that neutrality. One former official told us that the process had helped to develop trust between the new ministers and the Civil Service and that, as a result, officials were far better placed to work with the new SNP government following the election.¹⁰²

Separate space may have improved the feasibility of parties' manifesto commitments

A further expected benefit of separate space was that, through more extensive dialogue between the Civil Service and the parties, the quality of manifestos (and any subsequent coalition policy programme) would be raised. As one former civil servant told us:

What the Civil Service abhors is what it regards as mad manifesto commitments.¹⁰³

It is difficult to establish conclusively what direct impact separate space had on the quality of parties' policy commitments. However, several interviewees did argue that it had helped to avoid 'mad' commitments by forcing parties to think through their proposals and ensure that they were deliverable. One official told us:

I thought their manifestos were better. It would be my view, I think ... that the manifestos didn't contain things which we thought would present significant challenges of implementation.¹⁰⁴

Another agreed that separate space was helpful in that it allowed the Civil Service to be more closely involved in the policy development process. This official felt that it would be valuable, even in single-party government, to have a greater degree of civil service involvement in the process:

¹⁰⁰ Interview A10, September 2013.

¹⁰¹ *Ibid.*

¹⁰² Interview A4, September 2013.

¹⁰³ Interview A6, September 2013.

¹⁰⁴ Interview A10, September 2013.

Particularly given issues with the economy and general issues on public spending, I think it does increase the need for a bit of serious engagement on the future of policy. We would all suffer without that ... Early meaningful engagement with other parties seems sensible to me.¹⁰⁵

Perhaps more significantly, one of our political interviewees believed that their party's manifesto had been improved by access to civil service support through separate space. This interviewee recalled how answers received in this way were fed directly into the party's manifesto:

[Those answers formed] the substance of our manifesto. It wasn't the language, but it was the background material that we would use to help construct it.¹⁰⁶

Of course, separate space did not prevent parties from committing to policy proposals with significant uncertainties or implementation risks. The guidance around separate space made clear that it could be used only to analyse policies that parties had already developed, rather than to ask for more serious work to be put into developing a menu of options.¹⁰⁷ Furthermore, there were some policies that the parties may have been committed to for symbolic, political reasons, and which they would have been loath to drop even if advised that the policy would not work in the form proposed.

Being in two spaces at once posed a novel challenge for officials

During the final six months of the parliament, while separate space was in operation, officials were in effect serving the same ministers in two different contexts – as continuing members of the coalition Cabinet, and through separate space as members of distinct political parties. One former official recognised that this presented a potential difficulty for civil servants, who had to differentiate between requests that related to government policy, and those that related to party manifesto development. The Permanent Secretary's office dealt with this challenge by issuing guidance to officials that they were to 'clarify' whether a request was in separate space or not:

We had to be absolutely explicit with people that what civil servants could legitimately do was different between those two processes. And that's why we needed ministers to declare, or special advisers to declare, that a particular idea was in separate space, so that everyone knew what the rules of engagement were.¹⁰⁸

However, none of the civil servants we spoke to voiced specific concerns about serving ministers in the two different contexts, or about being asked to work on policies that were clearly destined for party manifestos. Asked whether a civil servant would ever discuss a request directly with their minister rather than putting it through the separate space channels, one official told us:

Quite a lot of emphasis was given to the need to follow this process, in order to ensure propriety ... for most people in the organisation, that's how they would have handled it.¹⁰⁹

¹⁰⁵ Interview A9, September 2013.

¹⁰⁶ Interview A3, September 2013.

¹⁰⁷ Interview A2, September 2013.

¹⁰⁸ Interview A10, September 2013.

¹⁰⁹ Interview A6, September 2013.

This interviewee felt that the Civil Service understood the importance of dealing with separate space requests through the specified channels, and would have following guidance issued by the centre.

Parties could use the system to have opponents' policies costed

As described above, political parties were able to use separate space to generate information, particularly costings, on opponents' policies. These costings could then be used to score political points or to discredit the other party. However, interviewees on both the political and civil service sides felt that the system was not misused to a significant extent. One official described the centre's role in 'filtering' requests to ensure they were appropriate, but did not recall the centre having had to push back on a request from a party:

I felt that both the FM's [First Minister] and DFM's [Deputy First Minister] office didn't try to misuse what was available.¹¹⁰

A former special adviser confirmed that, while the parties did at times use the facility to cost opponents' policies, the majority of requests made by parties were for their own policy development.¹¹¹ It would therefore be a mistake to overstate the extent to which parties used the system in this way.

The system created some resource pressures for the Civil Service

Parties made considerable use of separate space. One special adviser recalled submitting policy requests in 'batches' of around 25 questions at a time, and told us that he would submit requests on nearly all policy areas. These would then be completed within a specified time frame of two to three weeks.¹¹² In addition to the work required by officials in the relevant departments to complete these requests, officials in the Strategy Unit and Permanent Secretary's office had a significant role in checking the propriety and content of each request and, if necessary, liaising with departments to help them produce an appropriate response.¹¹³ In this way, separate space clearly had the potential to be a drain on government resources.

However, this problem was mitigated by the fact that, as several interviewees told us, the business of government had slowed down considerably in the final six months of the coalition, with ministers reluctant to commission new policy work from their officials.¹¹⁴ Another interviewee told us that in the months preceding the election there was 'not an awful lot' of ongoing coalition business:

I think they published a kind of end-of-term report, maybe around February [three months before the election] ... which said they'd achieved pretty much everything they wanted to achieve, and after that it felt like going through the motions.¹¹⁵

Given the lack of new government policy work being commissioned, and a sense of the coalition's shared agenda coming to a close, there was extra capacity both at the centre and in government departments, which was used to operate separate space.

¹¹⁰ Interview A9, September 2013.

¹¹¹ Interview A2, September 2013.

¹¹² Interview A3, September 2013.

¹¹³ Interview A8, September 2013.

¹¹⁴ Interview A10, September 2013.

¹¹⁵ Interview A4, September 2013.

Conclusion

The system we have described and assessed in this paper developed out of a consensus among the governing parties and the Civil Service that a mechanism to allow all parties to access factual information from the Civil Service in the months preceding the election would benefit all sides, and would increase the chances of the next government having a high-quality policy programme. Parties, in government and outside, were keen to engage with the Civil Service to develop manifesto policies and to prepare for another round of coalition negotiations. The Civil Service was equally keen to have some input, to ensure that whatever government was formed after the election, the negotiating parties would have a set of well-thought-out and practical policy options to choose from.

The mechanism that was developed – separate space – met these conditions. Our interviewees felt that there was an improvement in manifesto commitments as a result of parties having access to civil servants, and while the 2007 election did not lead to a new coalition being formed, the contact between parties and officials in the final period could have smoothly continued through the coalition negotiation phase should this have been necessary. Separate space presented some challenges – parties were able to use the system to work up costings of their opponents' policies; officials had to learn to operate in two different modes at the same time; and the system did require a fair amount of resources to be devoted to it, both at the centre of government and at departmental level. But the Civil Service managed these challenges and operated a system that does seem to have improved policy thinking, relationships and preparations for the next term. The UK Government should certainly consider the Scottish experience and learn from the separate space system as it develops rules for how the Civil Service in Whitehall should support the various parties in the final year of coalition.

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2 Carlton Gardens

London

SW1Y 5AA

Tel: +44 (0) 20 7747 0400

Fax: +44 (0) 20 7766 0700

Email: enquiries@instituteforgovernment.org.uk

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