

# Ministers reflect

Edward Garnier



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# Edward Garnier

## Biographical details

## Electoral History

1992-present: Member of Parliament for Harborough

## Parliamentary Career

2010-2012: Solicitor General

2009-2010 and 1999-2001: Shadow Attorney General

2007-2009: Shadow Justice Minister

2005-2007: Shadow Home Affairs Minister

*Edward Garnier was interviewed by Nicola Hughes on 20<sup>th</sup> October 2015 for the Institute for Government's Ministers Reflect Project*

**Nicola Hughes (NH): So if I could start off with thinking back to when you first started as a minister, what was your experience of coming into government like?**

**Edward Garnier (EG):** Well when I came into government, the Coalition Government was formed I guess two or three or four days after the General Election, over the course of that weekend. And then on the Monday I was a late entrant into the Government, because having in opposition been the Shadow Attorney General, there was then a bit of a wait to see how the cards fell. And as you know, Dominic Grieve was moved from Justice to Attorney General and I moved from Attorney General to Solicitor General. But the Prime Minister had to move a few chess pieces about before that all got sorted. I don't think it was until the Thursday, so a week after the election, that I was officially appointed as Solicitor General.

It was a mixture of disappointment but also excitement. Excitement to be in the Government, delighted to be a law officer, disappointment not to be the Attorney, but there we are, I was in. And of course a good many of my Conservative colleagues who had been shadow ministers were unlucky. At least unlucky to start with, and either never got into government at all or came into government somewhat later.

But I think the first thing I had to do was to go up to the department in Victoria Street. A rather dull office building, looking more like a motel on an arterial road than a law officer's department. But anyhow, I knew some of the people who worked there already. For example, I knew the, what used to be called the Legal Secretary but was now called the Director of the Attorney General's Department – Peter Fish, who I met in the lead-up to the election in my capacity of Shadow Attorney, because I was entitled to do that in the week before the election. In fact I'd asked him to lunch, I'd met him, I discussed what I thought we wanted to achieve. I gave him a written outline of what I hoped to find when I got there and what we needed to be concentrating on once we got into office, assuming that we did.

So to that extent I was familiar with some of the senior personnel there and familiar with what I wanted to achieve. I was also familiar with the department because I'd been a Parliamentary Private Secretary to Nick Lyell and to Derek Spencer who were the law officers under John Major in the '92 Parliament, so I was again familiar with many of the younger people in the department, the officials, the lawyers who were now into more senior positions. But it was exciting. It was fascinating to get one's hands on the tiller and to get on with the job.

**NH: As you mentioned, you shadowed the Attorney General role...**

**EG:** Twice, under William Hague and under David Cameron. Yes.

**NH: ...and you'd been around the legal profession. That knowledge of law must have been very helpful, but what about getting your head around being a minister and how government worked?**

**EG:** Being a law officer is not like being a political minister in the other departments. If you're the Secretary of State for Health, you have an intensely political and economic but managerial role. The law officer's department is not traditionally a policy making department. It doesn't do or introduce legislation. Often, I used to describe our role as being like the lawyer in the cupboard – the Government opens the cupboard and says 'What's the answer to this? Thank you' and puts you back in the cupboard and shuts the door.

Or I used to think, amusingly for me if not for anybody else, I used to describe the lawyers as submarines. Submarines are most effective when unseen, unheard and operating quietly. Their presence and the knowledge that they are about is sufficient to persuade government ministers to behave, for the machine generally to understand and behave by the rule of law and the ministerial code and all the

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various other things. And if a law officer surfaces (at the time HMS Astute, which is a new submarine, had just been beached on a sandbank just off the Hebrides), the moment the submarine is beached, either the Government is in trouble or the law officer himself is in trouble.

We have no political power. The only weapon we have is resignation. And if a law officer resigns, well then the Government is probably in quite serious trouble, unless he's resigned through madness, illness, or something else. It strikes me that the work that we did was constant. It was just a complete avalanche of stuff coming through from all sorts of different departments. So you were working very hard and very long hours.

But the fascinating thing is although we have no political power, though we weren't policy makers like a political minister (and I'll come back to one area where I did do some policy), we had our fingers and our snouts in everybody else's business. So we knew what every other department was doing because they've always come to see us for advice of one sort or another. So it was a wonderful place to look at government from. To have a look at Whitehall and to see where we were going.

Just in parenthesis, one of the people who encouraged me to come into politics was Peter Rawlinson, who was Ted Heath's Attorney General and he wrote a book called 'A Price Too High'; it's his autobiography. He was appointed by Harold Macmillan after 'The Night of the Long Knives' and he became Solicitor General in '59/'60, that sort of time, I don't know what the precise date was. Macmillan invited him in and said, 'I want you to be Solicitor General, your first loyalty should be to the rule of law, your second loyalty should be to Parliament, and your third and very much third loyalty should be to my administration'. And that I think was a very proper description of the role of the law officers – not much understood by the modern member of parliament and the modern political minister.

All governments get frustrated with their law officers because they tend to see them as people who say 'no' but actually the role of the law officer is not to say 'no' but 'Why don't we think about doing it this way? And let's try and do it within the law'. The other parenthesis... sorry I'm rambling...

**NH: No, that's fine.**

**EG:** Unusually, I was able as a law officer to introduce a policy that is to say to bring over from the United States and Anglicise here, something called the Deferred Prosecution Agreement, which is a prosecution weapon used in the United States quite a lot which enables the prosecutors here, particularly the Serious Fraud Office to deal with errant companies without going to the expense in time and money in bringing witnesses from around the world. You get the company to admit certain facts or they confess to certain facts, you then agree a penalty and defer the prosecution for a given period so long as they are of good behaviour. I spent quite a lot of time doing that as Solicitor General which added spice to my life in the short time that I had as a minister.

**NH: Was that something you'd been working on before entering office?**

**EG:** Yes. It was one of the things that I had on my list of things, which I gave to Peter Fish and I said 'This is what we're going to do' because the Serious Fraud Office, which we superintended, was going to take a revenue hit with the Comprehensive Spending Review in 2010, and we needed to find an effective, economic, but pragmatic means of prosecuting companies that committed crimes, such as bribery and money laundering and so forth, both here and overseas. And during the course of this year, 2015, we will see probably the first deferred prosecution being dealt with by the court.

**NH: What were your other big priorities?**

**EG:** First, to get a grip, in so far as one could, of the Crown Prosecution Service, which does get a bit wobbly from time to time and to make sure that the outstations of the Crown Prosecution Service [CPS] didn't feel that they were neglected. If you are in the DPP's [Director for Public Prosecutions] office in central London or if you are in the Chief Crime Prosecutor for London's main office, where obviously a lot of big cases take place, the work is quite exciting. But in Leicestershire, in Norfolk, in Yorkshire, in Cumbria you will find all sorts of hardworking CPS lawyers and employees delving away doing good

work but they are miles away from the emperor's throne and every now and then one of the emperor's delegates needs go up there and cheer them up. So I wanted to see the CPS led well by us. My intention as Shadow Attorney was to make sure that they were led well and were encouraged and valued at a time when it was very likely that they were going to be getting less money to work with.

**NH: Yeah. It will be interesting to come back to the issue of arms-length bodies later on as the Law Officers had some big well-known ones to deal with.**

**EG:** Well we had responsibility but no power.

**NH: Was there anything that particularly surprised you in the first few weeks as the Solicitor General?**

**EG:** Well I tell you, the very first thing that surprised me, it is entirely understandable, we were two new law officers and they were curious to see what we looked like. So a meeting would come up in the diary and it would either be in my room or Dominic Grieve's room and half the department would come into a meeting. I would think 'What on earth are all these people doing?' and after a few days I explained that it was not necessary for half the department to come in and watch me holding a meeting with somebody else. So that was that.

I suppose having been a QC, being in Silk for probably 15 or 16 years, before I became a law officer, I led quite a number of big cases and I had dealt with teams and lawyers and so forth. I suppose I treated the team of lawyers and officials in the department as part of a case team and so it was not something strange to me. It wasn't a new experience and so I was able, I hope, to encourage cooperation and encourage hard work and encourage excellence, because we had quite a lot to achieve. But I wasn't prepared to be side tracked or delayed by inter-departmental or personal bickering.

**NH: And you touched on this already I think, but how would you describe the main roles and duties of the Solicitor General? As you said, it would be different from other ministers.**

**EG:** Well they are. One of the last pieces of legislation that Nick Lyell with his Attorney General had to quickly push through right at the end of the John Major government – well I say push through, it was actually uncontroversial – was the Law Officers Act which by statute made the two law officers able to do each other's work and interchangeable. Prior to that there were statutes which said that a prosecution can only be progressed with the consent of the Attorney General. Now you might say, well a sensible person would imply that if he's absent it'll be the Solicitor General, but no. So you had to deal with that.

Therefore in 2010 when we came into office, the Attorney General and Solicitor General could do the same work. Inevitably the Solicitor General didn't have as much access to Cabinet or the National Security Council and matters dealt with at Cabinet level. But in the absence of the Attorney, I would go to the National Security Council when dealing, for example, with the Libya campaign and so forth.

The work that they do is, first of all to act as the Chief Legal Advisers to the Government – well technically to the Queen – and indeed neither of us was allowed to leave the Kingdom without the Queen's consent.

**NH: Really? [laughter]**

**EG:** Yes! I remember going on holiday to Africa and my Private Secretary had to write a letter to the Queen's Private Secretary to say Edward Garnier the Solicitor General is going to wherever for a week at this time. I hope that's all right, and back would come a letter saying the Queen is happy to consent.

And one of us had to be in the jurisdiction at all times. We couldn't both be on holiday at the same time. We couldn't both be out of the country at the same time. Even if we were both away on official duties, we could not do it. Slightly ludicrous because with modern communications, it's just as easy to get back from the South of France to London as it is from the North of Scotland and with emails and internet and

so forth, secure obviously, you can carry on. We had to get the Queen's permission and only one of us could be away at the same time.

But our work was broadly advising the Government, being the political heads and superintendents of the Crown Prosecution Service and the Serious Fraud Office, with the responsibility for protecting the public interest in charity matters and in other aspects of legal disputes, and also appearing in court. So Dominic Grieve and I, we were no different to most of our predecessors. Although I think it is fair to say that our immediate Labour predecessors didn't get to court as much as we did. But we would appear in Luxembourg, Strasbourg, the Court of Appeal, High Court, Supreme Court here, acting for the Government or for the prosecution. Not so much in trials but in appeals and so forth and dealing with matters of law. I'm a defamation and to some extent commercial law specialist. Dominic Grieve was a health and safety law practitioner before he came into Parliament and so luckily we were helped by the Treasury Counsel and the departmental legal teams who told us what to say!

**NH: And in some ways it [appearing in court] is more similar to your career before politics. Did you enjoy doing that?**

**EG:** Loved it. It was quite funny. The first time I went and did a sentencing appeal to the Court of Appeal, Criminal Division, I remember the criminal team from the Attorney General's office came with me, but quite a lot of them came with me just to see if I was any good! And apparently came back and said, 'he'll do'.

**NH: And thinking about the day-to-day reality of the role, how did you actually spend your time?**

**EG:** Dominic and I ran our lives slightly differently and this is a dull detail, but we had one government car to chauffeur us about, which was very nice. The driver would pick him up in West Kensington and he would come into the House of Commons where he regularly used to have his breakfast. I on the other hand had breakfast at home. And the driver would have dropped him and then come and fetch me just down the road here, and take me directly to the department. And as you got into the department, just like being in Chambers there were sets of papers waiting for you to look at, to consider, to advise on and as I said, they could have come from the Ministry of Defence, the Department of Health, it could have been a European Union legal question, it could have been a devolution issue between the United Kingdom government and the Scottish Government, something to do with terrorism or the law of war or whatever it may be. And one would get on with that and one would also deal with incoming visitors from the other departments saying, 'Can we have a meeting about this, because we don't quite know how to move this forward? How can we get around this legal obstacle?'

Occasionally, probably once a fortnight, I would go to court with my wig and gown on and then normally, at lunch time or towards lunch time...I think Dominic's and my greatest achievement was in persuading our private office that we did not want lunch at noon! I don't know why, in the diary, when we got there, every day, they block-booked lunch for noon, well neither of us had lunch at noon [laughter]. So we pushed that back to 1pm. Anyhow, we would come over here at lunchtime and it is very important for Law Officers who are kept separate. Our House of Commons office is in central lobby, deliberately and traditionally kept away from the political ministers who sit behind the Speaker's Chair, so we would not be infected by politics, but also so it was easy for us to rush up the stairs to the Judicial Committee in the House of Lords. It doesn't apply now because it is at the Supreme Court, which is across Parliament Square. Anyhow, it was important for us to be in the tearoom or to be in the Members' Dining Room to connect as often as we could with backbenchers and other ministers, otherwise, you get forgotten about.

It is rather like being a minister in Northern Ireland – you are absent a lot and you get forgotten about. We hide away, delving away, beavering away, whatever you do, doing our papers and you are not in the Chamber making speeches a lot of the time and when you do, it is pretty dull and technical, so the Chamber empties, but I have no illusions about my ability to empty the Chamber of the House of Commons! So, anyhow, it was important to do that and then afterwards, in the afternoon, depending on votes, we would tend to work in our offices in the House of Commons. And again, red boxes would come

through, our driver would bring down more and more stuff from the department and then normally we would get an end of the day box, red box, about 6pm. Normally, Dominic and I would be in our separate rooms, toiling away through those until, well very often well after 10pm. If I was feeling a bit more relaxed, I would take them home but then of course, you have the domestic problem of trying to balance your red box on the end of your bed while your wife is saying: 'Turn the bloody light off!'

**NH: It sounds like quite a heavy workload, lots of paperwork...**

**EG:** When I left office in September 2012, I suddenly realised how tired I was. The first summer, my first summer it was 2010, in fact, I think I had three days holiday in the year, from May to December 2010 and by September 2012, when I left government, it suddenly occurred to me how knackered I was. But others have been hardworking ministers for longer and no doubt they are still knackered.

**NH: Do you have any techniques or tips that you used to get the diary working efficiently and get through your stuff?**

**EG:** Control... Yes, organise it, delegate, don't be in charge of the paperclips, deal with the stuff that you are there to deal with and try not to be diverted but also you need to make decisions quite quickly. Sometimes, you get them wrong but it is important in a fairly relentless conveyor belt existence to go 'Yes; yes; no; this way; try it that way', but decision, decision, decision, decision because if you say, 'I think I am going to think about this for a couple of weeks', well then the train has hit the buffers by then and your clients, your fellow ministers, the Cabinet, the Prime Minister, they are going to see the Foreign Minister or the Prime Minister of some foreign country tomorrow and they don't want to wait for a fortnight later to get this advice, so it was relentless; there was quite a lot of pressure. But actually, when you are in it, you are really in it, if you are not careful, it can divert you from the real world and exclude you from your family and all sorts of other things. So it is very important to keep a work/life balance.

**NH: And what about balancing with your role as a constituency MP?**

**EG:** Well as Members of Parliament who were law officers we were very rarely here on Fridays and the previous Law Officer, Attorney General, was Patricia Scotland - a member of the House of Lords and before her would have been Peter Goldsmith, Member of the House of Lords and before that Gareth Williams, Member of the House of Lords. So during the Labour Government the Attorney, with the exception right at the beginning of John Morris, who was a member of the Commons, were peers and therefore, they did not have constituency problems. The Solicitor General did. Vera Baird, my immediate predecessor, had constituency duties, so she would have been away but they had got used to having someone there on Fridays. And with Dominic and I both being members of Parliament, albeit that his constituency was fairly close to London and mine was in Leicestershire, they had to get used to our not being there on Fridays to allow us to get on with our constituency work, which would take up the weekend.

**NH: So you would go back on Thursday night and then just do constituency stuff through the weekend?**

**EG:** Well, I often used to, I mean, it was very rare that I did not have to take Solicitor General work home. I had a weekend box. In fact, I have got a rather sad photograph of me sitting in the garden in Leicestershire on a lovely sunny day and there am I sitting at the table outside the French windows with my red box and I am beavering away and in the background, I can see the children larking around. I mean, they were grown up children and so it was... 'Don't disturb him, he's working'. But it was fine.

**NH: I just want to talk a little bit about decision making, obviously you were quite a reactive department, responding to things.**

**EG:** Entirely, yes.

**NH: ...but was there a particular time when external events, maybe something unexpected or a crisis hit the department, and I wonder how you went about dealing with that?**

**EG:** Well it depended on what aspect of the Government's work in the crisis blew up, so it if was a, let's say, Libya, that brewed up quietly and then it exploded. So, you had time to prepare for that and you could either... it is like there was a metaphorical book about what we did for Iraq, what we did for Iraq One, and so on, and so there is plenty of time to learn from and to base your processes and decision making from there. But you might suddenly get a request to consent to the prosecution of a suspected terrorist, just like that, which may require you to look at quite a lot of police and other people's evidence and if you are running up against a custody time limit or some other inconvenience, well then you just have to knuckle down and get on with it and if it required you to sit here until two in the morning in order to meet the Crown Prosecution Service and any other interesting people first thing next Monday. That is what you have to do. That is what I was employed to do. But you get that at the Bar, I mean I work quite hard now and am not being paid by the Government to do it!

**NH: What do you think was your greatest achievement in office?**

**EG:** Oh, I think, unquestionably, introducing deferred prosecution agreements which required me to persuade, not only my political colleagues in government that this was a good idea but also it required me to persuade two particular... well three particular departments that it was worthwhile, the Cabinet Ministers in those departments dealing with it in cooperation with me.

My department is a little frigate, almost a little rowing boat. We had a total of about 35 members of staff and Theresa May, the Home Secretary, she probably had 35 people in her private office. The Treasury was similar and the Ministry of Justice was similar, so I had to get all of that support because why should they stop paying attention to what they are doing to deal with some nice-to-have-but-not-essential piece of legislation from the law officers.

In the end, it was the most beautifully constructed piece of legislation. I say this to take the mickey out of myself as much as anything else, but the clause in the Courts and Crime Bill, the Crime and Courts Act 2013 which brought in deferred prosecution agreements is just one line. I think it is clause 45, I can't remember now, there will be or there is a power or there shall be deferred prosecution agreements, full stop. I can not quote it precisely, but I thought it was delightfully spare and brief, because I always used to rail on when I was Shadow Attorney and Shadow Home Office and Shadow Justice, that modern criminal justice legislation is like a telephone book or a Christmas tree that you would hang everything on and here was this wonderful, one line, thing – I slightly spoiled it because the schedule would actually have the guts of the mechanics of deferred prosecution agreements, and is probably between 50 and 60 paragraphs, I can't remember. But anyhow, to get that done, to get the cooperation of political colleagues but also to persuade, not always, at least to begin with, enthusiastic officials that this was a thing that was going to happen and going to happen on a time agenda that I had a set out, was okay. I enjoyed it and, as I say, we are about to see the first ones come through.

**NH: And do you think, I mean, as you said, this was one of the only bits of policy that you really worked on, but did you have any reflections on the policy process in government?**

**EG:** Well, Whitehall is coated in treacle. It is very, very difficult to get the machine to be inventive. It is very difficult to get the machine to do things which it doesn't normally do and it was quite difficult, as I say, to start with, but once we got the thing going, the enthusiasm was quite obviously powerful. To just get the thing moving and saying 'For goodness sakes, I want this done by Wednesday, I don't mean Thursday, I mean Wednesday'. And if things got blocked, I would have to call people and say 'You did hear me when I said Wednesday' and so on. I just thought it was so important to get it done. We did not have much to do in terms of policy, we had this one thing, so let's just get on with it and do it properly.

Anyhow, it all worked brilliantly and I had a very happy team and when we were finished, I said to the MoJ [Ministry of Justice] officials and the Attorney General's Office officials, Home Office officials who had been struggling... not struggling but enthusing that when this was all finished, we would have champagne and chocolate cake in my room and when it came to chocolate and champagne time, I had left the government, anyhow! They very kindly condescended to come to my room here and we broke open a few bottles and we are about to see the fruits of that.

The other thing that I think was also quite... one of the things that Dominic and I had to deal with was prevent the Serious Fraud Office, which is a prosecuting and investigatory body, from being subsumed into the Home Office agency called the National Crime Agency [NCA], which is broadly a policing operation. The Home Secretary was quite keen as she was forming the NCA that it should have the Serious Fraud Office as one of its constituent parts and we fought quite a long and sometimes quite rough battle to stop that from happening. We succeeded and I hope it is safe because although it has had its difficulties, it is a good organisation. I would be interested to see how it is faring now, not least because after this gap of two years or so, or longer, three years, they have instructed me in the first deferred prosecution agreement case.

**NH: You touched on this before, as a minister, you had a small department but you were working with quite big agencies. How did you make that relationship work?**

**EG:** Well we didn't have day-to-day... we didn't supervise, we superintended. So, we were responsible to Parliament, through Parliament to the public for a good performance and budgets of the SFO [Serious Fraud Office], the CPS [Crown Prosecution Service] and also all other public prosecutors. So there would be prosecutors within Defra [Department for Environment, Food and Rural Affairs], on animal welfare; there would be prosecutors within the Health and Safety Executive; there would be prosecutors in other government departments who had a statutory power to prosecute particular things and the Treasury, and the Revenue and Customs Prosecutions Office which was eventually subsumed into the Crown Prosecution Service.

However, first of all, in order to superintend, we had to know what they were doing. So we would have regular meetings with the heads of those prosecuting authorities. Clearly with the Crown Prosecution Service and the Serious Fraud Office, that would be quite a close and regular series of meetings. Then otherwise, from time to time, the people in charge of the Health and Safety Executive would come in and also, of course, we would go out and visit them. But the Health and Safety Executive, I think, from memory, was based in Bootle, near Liverpool and to some extent, that was of more interest to Dominic because that was his area of practice before we came into Parliament. I took a rather, shall we say, more distant interest in what they were doing but on the other hand, it was an important agency.

I think the Coastguard Agency or various other things to do with shipping and so forth or Port Authorities that we had to have some form of superintendence of them and obviously, with the Charity Commission. To some extent what used to be the FSA, the Financial Services Authority, now the FCA [Financial Conduct Authority], they had a right to prosecute, so we had discussions with them. But it was mostly a question of communication and if they had a problem or if they had a difficulty, they would let us know and we would go and try and help them out. But if there was a smell, we had to answer for it in Parliament and as I said, we had the joy of being responsible for what they did without the power to manage them day to day.

**NH: Did you find that tricky?**

**EG:** Up to a point. By and large, these people were good at their jobs and they ran it well but every now and then there would be... something would go belly up and you would have to go and fish them out and go and see what you could do. It was quite rare to have a bad day in the office.

**NH: And then looking at your relationships inside the department, already from what you have said, it sounds as though there was a lot of coordination with Dominic. How did you establish a good working relationship with him and how did you split responsibilities?**

**EG:** I came into Parliament in '92 and he came in, I think, in '97. And I confess I didn't really know him at all. I certainly did not know him from the Bar and I didn't really know him from politics. But as it happens, by chance, he happens to be my niece's godfather...

**NH: Oh!**

**EG:** And I knew that and I had met him at my sister's wedding 30 years ago or whatever it was. But clearly, when we were in opposition, I think when I was Shadow Attorney first in William Hague's opposition, he came onto the front bench and I think he became a Spokesman on Scotland, I can't remember. Anyhow, we got to know each other more and more although we did not see each other a huge amount.

Then when David Cameron became the leader of the party in 2005, he was made...I think he might have been a Shadow Law Officer, might have been a Shadow Attorney and I was on the Shadow Home Affairs team, as Shadow Home Affairs Minister and he and the Home Affairs team would meet. David Davis was Shadow Home Secretary in those days. So we got to know each other there and we would do a lot of work together on this, that, and the other. And then he was then made Shadow Secretary of State for Justice. I think he was briefly Shadow Home Secretary?

**NH: I think he might have been.**

**EG:** Yes, I think he was. In 2009, I then became Shadow Attorney again. So we were doing a lot of work together, one way or the other and we were good colleagues, friends and so on. And so when we went into office, although he was a bit ticked off that he wasn't Lord Chancellor and I was a bit ticked off I wasn't the Attorney General and, you know, life is too short to have those sorts of fusses, we just got on with it. He works very hard and he is very conscientious and although we have different characters and different styles, different practices, there were plenty of differences but actually, it makes no difference when you are there. You have both got a job to do and you just get on with it.

**NH: You didn't have a special adviser in the department.**

**EG:** No. I think the nearest equivalent to a special adviser that we had and she was employed by Dominic and not by me, was ...

**NH: Christina? [Christina Dykes, adviser to Dominic Grieve]**

**EG:** ...Christina, yes, who was dealing more with his parliamentary work and he was also, I think in opposition, he had a sort of shadow portfolio to deal with, the BME community and I think she was instrumental in helping him with that. To some extent that work carried on because he spoke to lots of congregations at mosques and temples and so forth. He continued to get invitations to do that when he was in government and so I think Christina helped him with that quite a lot.

**NH: Did you ever feel like you needed that political support in that department?**

**EG:** No. We had a PPS, a parliamentary private secretary, well a Member of Parliament, Jessica Lee and she was a lawyer and a barrister with a family law practice, based in Nottingham. But she was hugely well plugged into the 2010 intake and so, thanks to her, we would bring people in to our office – or to Dominic's as he had a bigger room than me - where we could have, you know, 10, 15, 20 people in for drinks and just talk about what we did because, as I said, we are a secret, hidden people and it is very easy to get forgotten. So you have to make the effort to tell backbenchers what you are about and what you are for and why...

**NH: What did you find most frustrating about being a minister?**

**EG:** Well, being in a small department with just two ministers, the most frustrating thing was working out, and this sounds rather silly, working out how we were going to go on holiday. Because you do need your holidays and I found that at the end of 2010, I'd had just three days off and that is not a good idea. Dominic had school children, my children were all grown up, so we would try... and the deal was that I would try and let him go away in August and I would try and find time to go outside of August. That was one of the problems in the first year. Parliament then was recalled I think, or the Prime Minister decided to sit in September, anyhow, the whole thing was a total Horlicks, as far as I was concerned, so that was, in the great scheme of things, a fairly petty thing within the ministerial world but quite important to one's family.

Frustrating because everything is so slow in that you have to consult, you have to make sure that every wretched department who has an interest in your affairs is on side and when you are doing a case at the bar, when I am preparing a case, I say, 'Right, well this is the way I think we are going to do it, don't you?' And they'll say 'Yes, no, we will do it this way or that' - anyhow you reach an agreement and you get on with it. When you are in government, you say 'I think this is the way I would like to do it'. 'Right, Mr Solicitor' or whatever you are called, 'we had better check with the MoJ, we had better check with the Department of this that and the other' and eventually, you would say, 'Well for goodness' sake why don't we just get on?' I am exaggerating to make a point but anyway, government is a collective process and coming from a self-employed, fairly nippy part of the world, consulting everybody over everything was boring and I thought, to some extent, hindered the effective progression of what we were trying to do. But to be honest, it can be quite sensible to consult with the other people because we are all responsible for what the Government does.

And of course, there is Northern Ireland. We were doing quite a lot of work in Northern Ireland. I was a member of the Northern Ireland Bar, as Dominic is. So we were whizzing over there from time to time. We needed to consult them and they needed to feel they were part of the system.

**NH: Given you were working with all these different Whitehall departments, you have any broader reflections on the effectiveness of the Whitehall machine and of government, apart from the slowness which you have mentioned?**

**EG:** Well, I don't know if this is accurate or even fair but certainly when I was Parliamentary Private Secretary in the early '90s, and it may be because I was younger, in my early 40s, I was younger and therefore newer to politics and newer to Parliament and newer to government, I was perhaps more impressionable but my impression of the government machine and the people working in the government machine in those days was that they were universally excellent. The private offices in the minister's sections were good.

Going back when Robin Cook and other Labour Cabinet ministers were in office, I thought things were less sharp but it may just be that that was me being cross because it was a Labour government and anybody that worked for a Labour government or anybody who worked in government, irrespective of their political point of view, cannot be nearly as good as our lot! But I do think there is a frustration that you are self-employed and come from a smaller section of the economy, the Bar, in having to deal with lots of people. I suppose if I had worked for ICI or if I had been in the army, I would have been more used to dealing with large groups of people. In fact, since I left government in 2012, I have been doing quite a lot of work for quite big city firms and I can see that the communication systems are very attenuated because it is quite difficult to make a decision in a particular piece of activity. The terms are referred up or down or around, for a long time and I suppose it is just a function of working within a large organisation. You just have to calm down.

**NH: Government is certainly a large organisation. Based on your experiences, how would you define an effective Solicitor General, or effective minister, more broadly?**

**EG:** Yes, I suppose to be fair a Solicitor General is not, or an Attorney, is not quite like other ministers. We cannot grandstand, we cannot talk about our cases. We cannot say, 'Today, I have advised the Prime Minister 17 times' on this, that, or the other. So we are quiet, we are necessarily required to be Trappists to some extent and it's difficult therefore to measure your effectiveness in the political village. It is quite

difficult because nobody except those you have advised or discussed things with knows what you have done, whereas the whole world knows whether the Secretary of State for Health is an effective health minister or the Chancellor of the Exchequer is an effective Treasury minister, and so on. But I suppose an effective Law Officer is one who can look the Prime Minister in the eye and say, 'I really do advise you to do it this way and not that way' and for his advice to be accepted without rancour and without annoyance because the Prime Minister respects the individual holding that office, both as a colleague but also as someone who knows just a little bit about the subject and who's advice is worth taking. And to be honest, I would like to get the same response from my clients now that I am back in private practice.

**NH: And is there anything else, any tips you would give to someone coming into the role for the first time?**

**EG:** To be sure of what you want to do and to make sure that your officials know what you want to do. It is different if you are coming in after a General Election and there is a new government because you have time to think about it. My successor came in halfway through the last government and I think he was in office for about 18 months and then another one came in, so we had three Solicitor Generals in five years. So for those two, it must have been more difficult probably to come in and inform the department what it was they wanted to do, as opposed to coming in and just picking up what was going on already. But certainly for any minister, the experience I have had as a Law Officer: just be clear, just be polite, just be firm. Lead, but do not be so gung-ho or blind as not to take advice – and the Treasury Solicitor, Paul Jenkins, dug me out of one or two holes which I could have fallen into if I had gone on pushing in the direction I wanted to go without his sage advice. So it is give and take, listen and learn, above all, be decisive.

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