

# Ministers Reflect Lord Duncan of Springbank



8 January 2021

# Biographical details

## Parliamentary history

Since 2017: Member of the House of Lords

## Government career

2018–19: Parliamentary under secretary of state for climate change, Department for Business, Energy, and Industrial Strategy

2017–20: Parliamentary under secretary of state, Northern Ireland Office

2017–19: Parliamentary under secretary of state, Scotland Office

2017: Parliamentary under secretary of state, Wales Office

## **Lord Duncan of Springbank was interviewed by Tim Durrant and Jess Sargeant on 8 January 2021 for the Institute for Government's Ministers Reflect project.**

Lord Duncan talks about the UK government's relations with the devolved governments in Northern Ireland, Scotland and Wales, particularly in the context of Brexit. He also reflects on the future of devolution, discusses how the UK can be a leader at the COP26 climate change conference and considers the unique role of Lords ministers.

**Tim Durrant (TD):** Let's start by talking about when you first entered government as parliamentary under secretary of state for Scotland and Wales in 2017. What was the conversation with the prime minister like when you first got that job?

**Lord Duncan (LD):** I never spoke to the prime minister, in reality. The leader of the Lords [Baroness Evans] was my principal interlocutor, and at the outset, I was not appointed to both territorial offices. Only to the Scotland Office and Wales was added in a few weeks after, I think maybe six weeks afterwards. It was a torrid time. I had stood for election in 2017. I'd lost narrowly and it's easy to say with hindsight that I'd expected to win, but in truth I'd expected to lose. It was a 10,000 majority held by the SNP [Scottish National Party] who were – as far as I was concerned – broadly still in the ascendant and so I had already made plans to return to the European parliament. I had work to do there. My tickets were bought, and I had every intention of returning to a whole range of tasks that I had before me.

It was only really through Ruth Davidson [leader of the Scottish Conservative Party, 2011–19] ultimately who reached out on the weekend after the election and said would I consider taking up the role in the Lords and the government. We'd spoken before about the Lords, as it happens, primarily because I had been looking to leave the European parliament to go into something a bit more interesting than simply fading away but that hadn't at that point happened. I gave it some thought. I spoke to my partner and decided that that would be interesting. It was ostensibly because of my knowledge of Europe that I was being considered for the role. So, when I was appointed, I was the only one. Normally Lords are appointed in bundles around either resignation honours, or birthday honours and so forth. I was an exception. I was just simply a one-off and curiously I then gave my first, my maiden speech, from the dispatch box which is slightly unusual.

**TD:** What was that like? As you say, you'd been a parliamentarian, you were active in politics already. But what was it like becoming both a minister and a peer at the same time? Was one role harder to get used to than the other?

**LD:** It was quite a flood, and it was quite controversial. For the early part of my time, I was used as a metaphor for all that was wrong with the Conservative Party and all that was wrong with the Scottish Conservative Party, in particular. I was condemned on the

floor of the Scottish parliament and on the floor of the House of Commons in short order. I found that frustrating because I'd gone from being a relatively unknown, but not disliked, member of parliament who had a reputation in certain areas for good work. But me being condemned – not for what I've done – but for what I am... I always dislike identity judgements of that sort. I think it's wrong if they start doing that. But there it is, and it's a political world. So, the early part was quite unpleasant, in that context. Equally, there are no guidebooks for taking on either role. There are few helpers who guide you through. In actual fact, the first time you enter the House of Lords, you are broadly on your own and it's up to you to either sink or swim. The same is true in ministerial office as well and equally that was also controversial.

You might recall that the Scottish Conservative Party went from one MP to 13. But again, none of them became under secretary of state for Scotland. That was me, the unelected one. But even within the ranks of that group, I think there were certain eyebrows raised about why would it be that we don't have the experience to undertake this role, but he does apparently? Why would that be? So, I think there were elements that made it just a little bit more problematic. And it was interesting because the Scotland role is a curiosity. It's a holdover from a bygone era, I think is the best way of describing it. I mean, we will probably touch on that in a moment. The Lords was fascinating because I've been a public speaker. I've taught public speaking, I've taught rhetoric, I've done debating – I've done all of these things. And I drew upon those skills more than anything else because the Lords is a chamber that likes to be treated in the right way. There are expectations that if you do it right, you will be loved and if you get it wrong, you will be disliked. It is usually around being very polite, very well-informed, very careful in what you say. And if you can be witty, if you can be amusing – because much of debate in the Lords is quite dry – then that can lift spirits. So, if you can combine all of those things and be comfortable in your own skin, then the Lords have a fighting chance of liking you from the get-go. And I found myself settling in there very quickly. Equally because I wanted to be as open and honest as I could be with the information that I had at my disposal.

**TD: What is it like entering the department and having that sort of decision-making power? How do you go about setting your priorities, how do you communicate them, how do you work with their officials?**

**LD:** There is a formality to it. My first ministerial engagement was not actually in London, as it happens. It was in Edinburgh at the Royal Highland Show. Literally, my private secretary arrived in a chauffeur-driven car and I was picked up at my front door. That was quite strange. I was addressed as minister for the first time. That was also peculiar. And we stopped that immediately. We went to first names obviously, because I'm not that insane. The roles are defined usually by agreement with Number 10. But I found that slightly strange because the Scotland Office had very clear, wide roles and, in truth, it doesn't really need the number of ministers to cover them. And so much of my portfolio was often just taken away by the secretary of state who did it themselves and I

was left as the individual that toured the country. Because again at that time, there was no easy majority and as a consequence of that, MPs were restricted on where they could be and lords, of course, were less so. I was able to travel and to undertake the outreach element of the role which was interesting.

I had done elements on that as an MEP [member of European parliament]. But this was different because the expectation was that you're in a position to offer something, not to expect something. And that is interesting, because in truth, there is very little you can offer. Because the people you tend to be visiting, more often than not, are grounded in devolved policy and devolved law. So, in actual fact, quite often the engagement wouldn't be a traditional minister saying "What do you need? I can reach in my bag and dig it out." It would often just be an exploration where you would then report that to others who might be in a better position to help with that side of it. That was interesting and thought-provoking. I think I travelled more as a minister than any previous incumbent in the role because I had ultimate freedom to do so and I was able to pick places I wanted to go, I thought would be interesting, or people I wanted to meet. So that was, in itself, useful. But the formal function was generally – I would argue – a certain peculiarity.

**Jess Sargeant (JS): Brexit was the context into which a lot of your ministerial roles took place. What impact did that have on your ministerial roles, given that this was quite a difficult time for intergovernmental relations at some point?**

**LD:** Well, the Scotland role remained broadly as it was. As I saw it, my role was to explain government policy to people who had not necessarily heard it first-hand and to gather up concerns and take them back in the other direction. That's what I saw that role primarily being. It was very much a bridge between civic society or the wider community and government. The role was different in Northern Ireland and that became a much more intense role and to the point that by the end of my time as a joint territorial minister in Northern Ireland and Scotland, it would be 95% Northern Ireland, 5% Scotland. The only bit I was doing as Scotland minister was literally the visiting. There was no policy work, there was no legislation, there were no questions that I could answer because I was in the wrong chamber. There was very little I could do and given that it isn't a typical department, the secretary of state did pretty much everything and there was no delegation in that area.

That was unlike the Northern Ireland Office where there was so much going on that I had the specific portfolios that I was responsible for. They were difficult portfolios. I was covering sort of broader human rights, Troubles legacy and latterly abortion, same-sex marriage and victims' pensions, each of which in their own terms was quite complex. And I was expected to respond in the upper house for questions from the people who had drafted the Good Friday Agreement, Nobel Prize winners, former archbishops. All of the people who'd been in the province during the troubled times were asking questions

which were, as you can imagine, remarkably well-informed. So, I had to know my brief absolutely inside out.

**JS: How do you think the absence of the Northern Ireland executive throughout much of that period changed or affected your role in the NIO [Northern Ireland Office], particularly in Brexit negotiations? Did you feel that perhaps the NIO had more of a role in representing the interests of Northern Ireland?**

**LD:** I found it difficult that the two parties could not find an accommodation during that period, because it did mean that their voice – or their plurality of voices – was dimmed. They were therefore relying upon a government which, by its nature, wanted to do certain things which might not have been what those two parties wanted done. By absenting themselves from the negotiating table – or from the discussion table – they therefore relied upon a government, the UK government, which had a particular agenda. I thought that was remarkably short-sighted. It did mean – in a lot of the technical discussions I was in – they were represented by technical civil servants, which is not unimportant but necessarily the weight they carry in discussions is more limited when it comes to broader political issues. They are entirely absent from those discussions.

A lot of the work I was doing in the areas of the Defra (Department for Environment, Food and Rural Affairs) brief – fishing, farming and so forth – there was technical information coming from Northern Ireland. But in terms of the capital ‘P’ politics which then came to dominate, there was none. They were really coming through the members of parliament in a disparate range of ways, and certainly in the Lords, the absence of a nationalist representation meant there was a skewing of those voices in the upper chamber. So, I think the absence of an executive, a whole range of – not particularly because of Brexit – but I think during Brexit, there was a dereliction of the responsibility of those two parties to form a working government to ensure during that period, the Northern Ireland voices were actually heard.

**JS: Unlike previous times where there’s been no executive in Northern Ireland, the most recent time the UK government didn’t decide to impose direct rule, which meant that technically and legally there wasn’t that direct link between the Northern Ireland civil service and UK government ministers where there had been previously. In that situation, what was your relationship like with the Northern Ireland civil service? Was it always clear exactly what that relationship should be like? Did you work quite closely, particularly in those kind of fishing and farming policy areas you were speaking about?**

**LD:** It was difficult, to be frank. It was like self-herding sheep where the sheepdog wasn’t needed. You didn’t need a sheepdog, so it was all going to work anyway. You only needed it when the sheep were not herd-able, where there needed to be something done. The example I would give is the RHI [Renewable Heat Incentive] controversy where there was outrage at the whole range of things about that. Not the

controversy itself but how the policy was to evolve and what that would mean for those who were in receipt of support and those who were not. I was determined that there should be an independent review body set up to look at every possible claim and every possible example. That was what I was pushing for. It was like pushing treacle up a hill because I was unable to instruct civil servants to do it. Statements I would make on the floor of the House, which traditionally are deemed to be instructions of one sort or another, were not instructions. It was impossible to instruct. What I'd thought was a relatively straightforward and swift action, to set up an independent body free of the civil servants who had drafted the initial failed policies, to consider each of the cases, proved to be impossible because the civil servants didn't want to do that – and importantly didn't have to do it. The consequence of that was what I felt was the right way out of the morass was disputed by those who created the morass. And so, they remained deadlocked. Even now, that independent body I was seeking to establish, which I thought would take only a matter of weeks, never happened in my time in office.

**JS: We know that the UK government faced some backlash in Northern Ireland when the Withdrawal Agreement [from the EU] was negotiated and the Act that implemented that was unanimously opposed in the Northern Ireland assembly. What role did you play in trying to engage the community business leaders, once the deal was agreed and how did you feel that that went?**

**LD:** It was difficult. My responsibility was not with the political parties. That rested with the secretary of state and the ministers of state at the time; there were several. My role was with the businesses to try and explain what it would mean in practice when this was implemented. I find it difficult, with hindsight, because we were not always able to give all the information that we had at any given point, because of the nature of the negotiations that were unfolding. And Northern Ireland was going to be the sharpest end of the challenge, because they had a land border and a lot of the trade that happened in Northern Ireland was not major trade, it was minor trade. It was very much, you know, milk crossing the border to go to the dairy on the other side to be returned as cheese and so forth. It wasn't necessarily the stuff you see at Calais. I think it became very difficult to sustain the line that the UK government was taking, which was that there would be no checking in the Irish Sea. Because all of the politicians were of the view that what you've just signed would create that and the government line that I had to advance was, no, that is not so. I think eventually events have shown that that statement didn't hold the veracity it might have done before it was brought in. How's that for a euphemism?

**JS: Did you feel that that hampered your ability to make practical preparations for the Northern Ireland protocol? This line that there wouldn't be a new border? We know that the government didn't publicly concede the need for some of those checks until May 2020. Did you feel like that made your job more difficult?**

**LD:** I think it was more difficult because it wasn't easy to see. Politicians in Northern Ireland had worked out what was going on very quickly and were talking to the same people I was talking to. But they were saying something quite distinctly different from what I was telling them, which made it irreconcilable, and it became quite difficult, I think, for the companies in Northern Ireland to know who to believe. I think the secretaries of state that I worked under, both the latter two [Karen Bradley and Julian Smith], were very alert to this and were very much talking, almost on daily basis, to companies to try and work out how best to give as much support to them as possible, within the constraints that they faced with government policy. I don't think either enjoyed that part at all. I think that was quite difficult.

**JS: What was your relationship with the Scottish government and the Welsh government like during this period? Did you have engagement and discussions with them on the Brexit process or was that done elsewhere in government?**

**LD:** Elsewhere in government, to be honest. I would occasionally engage with ministers at joint events and usually roundtable joint events, rather than public ones. I have always got on well with colleague in Scottish parliament. I was a clerk in the Scottish parliament, I knew most of them on first name terms anyway. But it was all about politics. It wasn't really about policy. And I didn't really want to do the politics, because the politics is ultimately slightly sterile on that, because it doesn't change. You know, "we don't like Brexit and we don't like the UK government". "Well, okay, what else have you got? Cos I know that, so what are we doing now?". If all you really wanted to focus on is, "we don't like Brexit and we don't like the UK government", if that is your mantra and everything you're looking for is an issue to exploit those two points, then you end up in a slightly sterile world.

The ministers I dealt with in the UK government who I worked with best, was Michael Gove [secretary of state for the environment, food and rural affairs, 2017–19, and chancellor of the duchy of Lancaster since July 2019]. He was exceptionally good as the Defra minister at working with the Scottish government. Because he was able to basically call their bluff by saying "I hear that, but we can't do anything about that. Now, what are the issues we want to talk about?". He would move it on from the politics to the small 'p' policy area. That was very good, and it worked. Actually, I think everyone around the table appreciated that. So, you could have your grievance out early, but move on to the reality afterwards and that did work. Whereas other secretaries of state didn't quite strike that, and the Scottish government spent – as far as I was aware – far too long on the grievances which didn't really take anything further forward, leaving less time for the actual issues that matter. But maybe I would say that. Maybe I'm just



being biased because I'm a unionist and a Conservative and, of course, I'd think that but that's certainly what I thought at the time.

**JS: Moving more into the specific role in devolution, you were minister in the Wales Office, Northern Ireland Office and the Scotland Office. We think that you're the only person who has held roles in all three territorial offices. Could you reflect on what you'd see as the role of a territorial office in modern government?**

**LD:** I think it was a surprise to the Welsh that I was ever their minister. I don't think they ever were entirely aware that I was there. To be honest, the reason I was less active is because there was already another under secretary of state in the Commons who would then support the secretary of state in the day-to-day business. I was less active there, primarily because in the Scotland Office there was only the two of us.

I don't think the territorial offices work. If you think about how they were constructed, post-devolution, that was not how they were intended to be. Post-devolution, the initial idea was it was a department of the constitution, or constitutional affairs, something of that nature. Quickly after the introduction of devolution, the secretaries of state for the territories, such as they're defined, were part-time. So, it tended to be that a senior minister in another department would, in addition to being the minister of defence – or whatever other, the minister of transport and so forth – they would also do Scotland or they would also do Wales. It was only really with the coalition that they were brought back to full single roles. There are a number of books written on the Scottish Office, as it was previously known. When you read those, it's very much this is a hub, a hive of activity. There's so much going on. It covers every possible aspect and policy that the UK government does [in Scotland], but it's only really a single department doing the whole thing.

But by the time devolution had reached its maturity, that wasn't the case anymore. So, 75% of what had been the Scottish Office's core functions had simply been removed. They weren't there anymore, which is why a lot of the visits were quite interesting. If you would go to see farmers – farm policy is primarily devolved. We went to meet fishermen – fishing policies are primarily devolved. You didn't really visit schools because education is primarily devolved. You would go through every single issue and find yourself broadly not the relevant minister in any of these areas. And where you were responsible, it tended to be the Whitehall departments who would take the lead. So, I could never claim that, as a Scotland Office minister, I was in any way involved in defence, or foreign affairs or international development, because there were literally leads elsewhere. You fell between two stools as a department. And you were not a money department, so whenever you needed cash you had to get it by clever means from the Treasury. Sometimes you were lucky and sometimes you were not.

What I found more difficult is, there is the argument that the secretary of state for Scotland's voice in the cabinet. And you think, I'd be troubled if all the rest of the

secretaries of state didn't get Scotland enough on their own. Because if they don't, doesn't that make the SNP right? I don't want to ever have a situation in which I need the secretary of state in a particular Whitehall department to only understand Scotland because the Scottish secretary tells him that. I need him to get Scotland at its fundament. And I need all of the civil servants to get Scotland at the base, in the same way with Wales and Northern Ireland. Because if we don't, all you've really got is a minister for England who doesn't really know what the hell's going on anywhere else unless somebody from somewhere else tells him what's going on elsewhere. And then he does what? Because I don't think in the slightest that that would change his policy, that doesn't work. You have to be at core a British minister, knowledgeable of all parts of Britain and how your policy lands – not just in the bit that elected you, but everywhere else. So, I've got lots of issues with how that works in practice and what it means. I mean, I don't mind there being a secretary of state for Scotland. I'm just more troubled by the fact that the other departments themselves broadly would lay claim to paying attention to the union and so on. Yeah, up to a point, but not really. That's the problem.

**JS: Sometimes the alternative perspective of the territorial office, rather than being Scotland's voice in the cabinet, could be to be the UK government's representative in Scotland. How much did you feel that that was your role, and the role was to make the case for the union? And if that were the case, how much did you feel that there was a coherent strategy on that throughout government that the Scotland office was projecting?**

**LD:** I think that would have rested more in the hands of the secretary of state. But again, that would be a capital 'P' political issue. Although I had good relations with the politicians, I was very rarely deployed to have any serious engagement with them. Yes, there is a point of being the voice of the UK government elsewhere, but I think the challenge with that is that the first minister really didn't want to talk to the secretary of state for Scotland. The first minister wanted to talk on an equal footing with the prime minister. The last person she wanted in the room was someone that she didn't think was her rank and that would be the secretary of state. You can argue that she is wrong from her assertion in that regard – but it doesn't stop that behaviour manifesting itself.

So, I think – for a whole range of reasons– that the balance of devolution doesn't quite work in terms of how that fits together. Because the first minister would always argue she wants to talk to the prime minister and if, at any point, there were an issue of policy, then the policy lead in the UK government should talk to the policy lead in her government. That was the argument she made. And there is a validity to that. Because again – as I said before – the jack of all trades that the secretary of state for Scotland has to be means, more often than not, being seen to ask the actual secretary of state responsible for the policy area whether something can or can't happen, or how it should or shouldn't happen. It does beg the question, why would you use the interlocutor when you can just do it directly to the responsible secretary of state?

**JS: Do you have any reflections on how the different offices compare? Are there any key differences in how each department operated?**

**LD:** Well, I always thought the Northern Ireland Office was a unique office. Not just because of the absence of an executive, but ultimately because of what it was called upon to do. There are a whole range of areas that are not devolved [to Scotland and Wales] which are much more complex there, for obvious reasons. The Scotland Office has a smallish staff of generalists, generally speaking, and so they've got to try and master a whole range of briefs, which by its nature is a challenge. If you're expected to be the voice of Scotland on every single issue, then you've got to be a master of those issues and the briefs and so forth. I think the Scotland Office probably needs to be reconfigured to be more effective. I think that's probably true. But then it does beg the question, what should the UK government actually look like when it comes to these issues?

At the moment, I always found it a challenge when the lead UK government secretary of state on a given issue wears two hats. He is the secretary of the state for the United Kingdom and for England. Whatever position he's already adopted from wearing one hat, simply segues into wearing the other hat as well. That's fine as long as you agree with the position, it's more difficult when it doesn't work. Because he's already made up his mind as the English minister, it leaches into his view as the UK minister, but he's not representing the UK if he hasn't got the view of Scotland and the other nations contained with that. Then there's the issue around who speaks for Scotland, in that context? Is it the secretary of state for Scotland who represents a minority party north of the border in the Scottish parliament and in the UK parliament? Or is it the first minister who represents the majority party and the leader of the SNP at Westminster who leads the majority party there? How do you capture the voice of Scotland? That's a much more difficult thing to reconcile.

I think there needs to be a re-examination of how the UK works. I think that would manifest itself in changes to the territorial offices. The Northern Ireland Office will probably remain ever unique. But I see no reason why you could not move to a situation which each of the Whitehall departments had a much stronger territorial or a union element whose purpose was to say "You're not speaking for the UK, you're only speaking for England. If you want to speak for Scotland, you need to do these things as well. These are the views of Scotland that need to be incorporated into your thinking before it becomes a UK position."

That's a difficult thing to try and bring about, because I imagine there's not a single minister who doesn't think they speak for the whole of the UK already. Really only through the Covid-19 crisis has this situation become much clearer. "No, prime minister, you're not speaking for the UK on this issue, you're speaking for England. That's not a UK national issue. That's an English issue. The national issue is when the four of you speak on this issue." I think this is the first time this has actually landed in a

way that people get. Now, you will find the first minister of Scotland on the radio speaking about what's happening in Scotland and people now understand that's different from what will happen in England. But I think it's taken certainly the civil servants a lot longer to appreciate the reality, a fact which has always been resented by the Scottish government. Meaning, sometimes a legitimate grievance, that their voice is not being appreciated for what it is, which is the voice of the elected representative of the Scottish people in parliament in Edinburgh.

**JS: You've covered some of the case for reform and some of the proposals potentially merge the territorial offices. Do you have any other reflections on those specific proposals for reform?**

**LD:** Yes. We live in an asymmetrical country, so quite often the first minister will assert that we are in an equal partnership with them. No, we're not. Whether you like it or not, one country is 60 million people, and one isn't. The equality between the two is therefore slightly skewed and you can argue different ways around that. I don't think things can go on as they are because they're unsustainable. We need to create the situation where the UK can be once again a united country. It isn't enough just to assert we are a union. It's actually a question about how shall England be governed as well. I would argue that the north of England, even now, is overlooked. They're the ones that are left behind. Or the West Country or the Midlands, because they're the ones that look at Scotland or look at Wales and think "Well, hold on, we've got more people. We've got quite different issues from London. We've got quite distinct needs from London, the capital city of the South East, but we can't deviate or change these because we are England." England therefore is a broader question. Whereas, in Scotland – a relatively large country with a relatively small population – there are various policies according to the needs of that particular area, which then leads you to a quasi-federal approach. We need therefore to think about England not as one unit of 60 million, but frankly, sub-national regions.

Now I know we tried previously the elected mayors of regional devolution and the elected mayors now might represent and move towards it. But you could envisage a situation in which the UK was no longer just four nations – although all the four would be represented – but in a political sense was 12 sub-national/regional entities; like the European parliament constituencies, if you want to divide up the country on that basis. Then you could see alliances formed that look quite different. Need Scotland be a single entity? Could it be four, could it be the Highlands and Islands, the North East, the Borders and the Central Valley? In that case, would the Highlands and Islands have more in common with Edinburgh, or more in common with Snowdonia? Or more in common with the West Country? Suddenly you'd find, potentially, alliances forming that were non-national alliances but were rather around common needs. I always remember the line from Billy Connolly [Scottish comedian] talking about devolution, independence. He said "As a ship-welder in Glasgow, I felt I had more in common with a

ship-welder south of the border than I ever did a farmer in Perthshire.” I’m putting words in his mouth but it’s a broad concept of that. I think there’s a truth in that.

I would argue where the Scottish government’s been at its weakest is it has centralised so much. It’s created as best it can the unitary country that is Scotland, but in actual fact, in the past, we would have had recognisable sub-national entities responsible for regional development, the Highlands and Islands Development Board, for the allocation of European money – it was done by more than one body. And suddenly the Scottish government just made it all one. We went from a whole range of local police authorities to ‘Police Scotland’. The idea that you can police Shetland and downtown Glasgow with the same policies... this again begs the question should there not be further regional devolution in Scotland. So, the answer to the question is, it’s unsustainable as it is.

You could argue that there are two ways out of this. One, I suppose, is what’s called the Defcon One/Quebec approach – which is have another referendum and hope we win it and hope that by winning it Scotland just settles back into what it’s going to be. Or the UK government work out that there’s a whole range of reasons why the UK structures are needing to be reconfigured and reconfirmed and, as a consequence of that, people might therefore see a strengthening of government at a UK level and a greater support for that at a regional level. So, there are different ways through it, but I think we have to avoid the bluster which is “oh, no you can, oh yes, we can, oh no you can’t, oh yes we can” for 25 years which I’m not looking forward to. I’d rather we just resolved this issue in a way which broadly settled some of these questions. To do that, the UK government has to be innovative and thoughtful. They can’t just say “It’s fine as it is, shut your pie hole.” They have to be recognising where there are shortcomings and where they can be addressed in new ways.

**TD: What are your reflections on whether the UK government has the capacity and the inclination to have that serious thoughtful conversation about where devolution goes next?**

**LD:** I think for quite a long time, after the Labour Party had delivered on devolution, there was an assumption that it was job done, we had pretty much resolved this issue. The democratic deficit that had gnawed away during the Thatcher years, we had pretty much sorted it out. So, under the Labour administration, there’s broadly a view that we would tidy this up for a – I won’t use the word generation, it’s been much misused of late – but for a long time. I think what became interesting is that, again in the words of [Lord] George Robertson [Labour defence secretary, 1997–99, and shadow Scotland secretary, 1993–97] – who said, devolution will kill independence stone dead, or kill the SNP stone dead. Well, no it didn’t. Then we really began to see the second wind coming to the independent movement once they were shown to be a competent government. That was partly because the Labour Party had run out of steam. They still had much more to offer, although looking back, what they were doing at the time was still good. You combine that with the situation that the SNP were able to show that they were not

just about waving flags and running around hillsides. They were also about delivering policies that made a difference to people's lives.

So, the resurgence of nationalism, I think, caught the Conservative Party – and probably all the UK parties – slightly off guard. I think [David] Cameron's view that a referendum [on Scottish independence] would be a way to bed this down for a generation – again – was probably a little complacent because I don't think he'd fully appreciated... I think he just assumed it would be won easily. The whole point about having a referendum is you only have a referendum when the outcome is a foregone conclusion. Otherwise, it's too risky for obvious reasons. I think his mishandling of the arrangements of that referendum – the very, very long campaign period, and allowing the Scottish government to choose the question so that remaining in the union was a negative and coming out of it was a positive and so on – all of these elements meant that the result was frightening, I think, for someone like Cameron.

But what we're witnessing now again is the resurgence of that nationalism, against a backdrop for policies advocated by a UK government, aren't really landing that well in Scotland. And – and this is where the Labour Party have a lot to answer for – the good UK policies are not being particularly well explained by the Scottish government in Scotland. I've not really seen a great number of tweets at any point about the significant amounts of money coming from the Exchequer where the first minister has said, that's bloody marvellous. I've heard of a lot of them saying "It's not enough. It's a bloody disgrace we haven't got more, how dare they." Well, hold on here. How many billions of pounds are you going to get before you start saying thanks for that, that's a good thing? The answer is you'll never get that answer. You've literally got a situation where no matter what good work is done by the UK government, it's not the job of the Scottish government – or its dependents – ever to admit it. Ever to admit that there's anything good about the UK government. Given that they control the paraphernalia of government, then they're advocating policies which are clearly anathema to the rest of the UK and they are able to do so because they are the democratically elected government. So, there's a tension which will exist.

I think at the moment, the UK government – having been through the firestorm that was Brexit – are only coming now to terms with the fact that this is a difficult time ahead and truthfully that Brexit wasn't popular in Scotland. I mean, there was still – I can't remember what the figures are – a million people who voted for Brexit in Scotland. It's not insignificant. A third of that voting number were SNP supporters. There's no doubt that the SNP, like other parties, were divided. But, nonetheless, the policies now are not landing in Scotland and the prime minister is not popular in Scotland and that's going to be a problem going forward. If for the time when the fiscal transfers have never been more significant and never done more good, if during that period you can get no credit attributable to the UK government, then you really have a problem.

The problem rests elsewhere, because then I think the danger for Scotland at the granular level – using that term – at the people level is if the SNP were to win, they'd be winning with a false promise. The people of Scotland would wake up one day and they go "Hold on, I thought this would all be fine and I thought this would carry on and it would all be okay and you kind of led me to believe that it would be very jolly and actually my entire world's on fire now. How did that happen?". There is a risk, I think, for the people of Scotland not to get the kind of full picture that they need to hear and see to appreciate where they are in the United Kingdom.

But it does come back to what I think is now the democratic deficit, which is Scotland's voice is louder than almost any other part of the United Kingdom. England's voice is a curiosity, because a lot of people just can't tell the difference between England and the UK.

**JS: What was your role in the process of restoring Stormont in the negotiations of the New Decade, New Approach deal and how did you support the work of the secretary of state in securing that deal?**

**LD:** Julian [Smith, Northern Ireland secretary, 2019–20] is exceptional in his commitment. Karen [Bradley, Northern Ireland secretary, 2018–19] was always very good but Julian really was exceptional when he did that. My job was to take the really controversial bits off the table of the secretary of state, so that, rather than him getting bogged down in same-sex marriage or abortion, I would take those issues forward. I would meet with the groups in Northern Ireland and they would come here. Those issues would be dealt with – not ignored – but dealt with by me at a kind of a more technical level while he was able to focus on the restoration questions. I am sure that they did overlap at different points but the purpose was to try and separate out so it wasn't just one big bundle of tangled wool but rather elements which could be worked out.

It seemed to work well. Well, it did work well. We got the executive restored and we got the legislation through in Northern Ireland that was controversial and difficult for both [parties] and that was done too, all in the same period. I think that surprised a lot of people. It surprised me. Frankly, I thought it was probably too much for us to achieve, given that was all against the backdrop of Brexit. But that was principally my purpose. So, I did a lot of the work with the different groups that represented the different sides of those debates in Northern Ireland. It was difficult, because they're not easy topics to deal with. We took them through the Lords. I think we went to the Lords first, in fact. We were able to go for some of the deals that allowed us to move them to the Lords, again allowing time in the Commons for other things. And then once we'd got the agreement in the Lords, we moved in the other direction.

**TD: In July 2019, when Boris Johnson became prime minister, you became a minister at BEIS (Department for Business, Energy and Industrial Strategy), while still doing the Northern Ireland job. What was it like being a joint minister in two departments that weren't thematically related?**

**LD:** That was quite difficult, and it wasn't really my choice. To put that another way around, I'd much rather have been a full-time BEIS minister. But because of where things were and because of the work I was doing, I wasn't allowed to skip off from Northern Ireland. That was more of a difficulty just to balance the two things out because I don't think BEIS could understand that my time was not theirs alone. Equally, it wasn't like working in the Scotland Office, where there wasn't much to do so I could just get on with the Northern Ireland stuff. I suddenly had two really quite big jobs, so to be responsible for climate change and the restoration of the executive in Northern Ireland, albeit at a junior level, at the same time, and to be responsible for those policies and explaining them in the House, was really challenging.

**TD: Did you have a conversation with Boris Johnson when you were appointed to that role?**

**LD:** No, no. I'd always found it interesting reading of the past where all junior ministers would speak to the prime minister. In truth, I have never spoken to Boris Johnson or Theresa May about my ministerial roles. And it was all of the movements, when I've been reshuffled, it all happened through a conversation with the leader of the Lords.

**TD: From interviews we've done with MPs who've been ministers, they do tend to have a conversation with the prime minister. Is that a problem for you?**

**LD:** Not especially. But I think the reason for that is that at some point junior ministers and MPs might vote against that prime minister as an MP. I can never unseat a sitting prime minister, but I imagine at a certain point a cabal could form of junior ministers who are MPs who decide they don't want that prime minister. There is a need to keep your MPs jolly, whereas the lords are by their nature, going nowhere and they don't need that. I have thought that was peculiar because I never at any point felt there was an *esprit de corps*, or an *esprit de gouvernement*. There just wasn't that sense of a commonality. Was there ever a single picture of us all, the group who are the government? You've got these Victorian men in starched collars and black ties, and I'd always thought that would be an interesting thing to see everybody together. That never really happened. Lords are an anachronism in that context, and I think perhaps on another occasion we can talk about Lords reform. But that is an area where I do think there would need to be further thought given as to how this actually works.



**TD: At BEIS, you were working on climate change and preparations for COP26 in Glasgow [conference of the parties, the United Nations climate change conference due to be held in November 2020 but postponed to November 2021]. What was that role like and how do you think the UK government was managing preparation for that?**

**LD:** Chaotic, I think. Not primarily because the government was chaotic but because the situation was chaotic. At that point, the conference itself had passed through several hands. Initially, it was meant to be in Brazil. Then it wasn't going to be in Brazil, it was going to be in – I've lost track – another South American country. Then lo and behold, it ended up in Spain. And it didn't achieve anything. I don't think I was to blame for that frankly. I think that's beyond my reach. But the issues are now so technical and so challenging and usually around large sums of money that it will be very difficult to bring about an agreement of the parties – the COP being the conference of the parties trying to bring an agreement about.

The UK is an honest broker and I think the point of Glasgow – well, Covid-19 interfered admittedly – last year would have been to try and bring these things to land. Having lost sight of it at the technical level since I left office, I would be surprised if there was an agreement of the parties, although there may well be significant achievements at COP in terms of decarbonisation. But a lot of it's around, well, some very technical issues. I won't bore you with what they are. But trying to reach an agreement between certain holdout states is really quite difficult.

**TD: As an MEP, you had been in the European delegation in Paris 2015, the last big agreement at COP. Do you think there is something that you can learn from the way that that French approached it?**

**LD:** Yes, but it might be too late a lesson now. I was surprised when Claire Perry O'Neill [COP26 president, 2019–20] was fired. I must admit, I did think the work that she'd been doing as the present delegate in a bespoke role, whether she held it or not, was an important thing to have an individual – as the French did – to champion this issue, who is cabinet rank, or cabinet equivalent, but was focused primarily upon a single issue. I think to unite all of that under an individual who's also the minister or the secretary of state responsible for business affiliates under Covid-19 and the rollout of the vaccination, is probably bonkers. Even Alok Sharma [business secretary, 2020–21 and COP26 president], I saw him quoted saying he would rather demit from being secretary of state and just focus on the climate change question. Because I think even he recognises that, frankly, BEIS is a big department. It's a disparate department. At one point, I was answering questions on the Space Programme and the Post Office in the same morning. So, it's unusual to have such a breadth of issues, you know. I think that lesson is hard to learn now because we have a secretary of state who's also the designated, incoming president, whereas Claire was gallivanting around the world, meeting people left, right and centre. Alok Sharma's doing the same, whilst also doing all the other stuff. It's a difficult to do as well as managing one of the biggest

departments, one of the most well-resourced, but also one of the most challenged departments there is.

*[Note: After this interview took place, Alok Sharma was appointed as full-time COP26 president and Kwasi Kwarteng took up the role of secretary of state for business, energy and industrial strategy.]*

**TD: We spoke to Amber Rudd [energy secretary 2015–16] for a similar interview and she made a similar point.**

**LD:** I have a suspicion that Amber would be very good if I was looking for people to appoint to the roles. But, again, I just wonder if it can be done now and if there's enough time. Because I look at it and think COP is going to happen in November. Here we are in January, we're anticipating a Covid-19 release from the lockdown, perhaps, in the spring to summertime. Are we really going to have tens of thousands of people descending on Glasgow for a very large conference? I just can't help but think that's not going to happen. If not, what should happen? How should it be done? We should be starting to talk about it. But at the moment, we're going ahead as if there are going to be tens of thousands of people from all over the world in downtown Glasgow. I just think we should be a little bit more forward-looking to try and work out, twofold. One, could that happen? Second, should it happen? Think of the carbon footprint of tens of thousands of people flying into Glasgow, when we don't need to do that now as we've learned from the very beginnings of how we're communicating now.

**TD: From your time in office, what achievement are you most proud of?**

**LD:** Well, I suppose the one that gave most satisfaction would be the same-sex marriage [in Northern Ireland], for obvious reasons. I think my partner was very chuffed at that, as were my friends. They recognised that I had taken a lead role in that. The one that probably from an intellectual point of view and really having to try to work hard would have been the abortion question. Because, interestingly enough, same-sex marriage at that point was more straightforward. There were very few people holding out against it. It was more a technical issue about how to change marriage certificates, it was doable. Abortion was much more technically difficult and did involve meeting with groups who were very clear in their views but very different from each other. I think that would probably have been the biggest challenge and the biggest success. I enjoyed that.

I enjoyed taking through some of the Brexit stuff because I enjoyed trying to stop some of the things not being bad. I could just about, by working with different people, work out a better way of doing things. We took a number of the proposed amendments ultimately off the table because we got better solutions to them. And I quite enjoyed doing that. It meant I could make certain people more content with the way that the legislation was progressing. I think that was helpful. I think those would be the achievements. I wasn't in government for very long, to be honest. Not having intended to join government, it was a bit of a surprise. By the end, not wholly enjoying being in

government and looking to leave, I chose to leave. I mean, lords, well, never leave really. They could remain in office for the entire time and nobody would notice. But at the same time, I chose to leave because I thought I'd done what I could do, and I wanted to do something else while I still had my teeth and my hair.

**TD: What advice would you give to a new minister on how to make the most of their time in office?**

**LD:** I think it depends if you're an MP or a lord. I think there's a completely different world between the two. If you are an MP, then you need to be absolutely a master of your brief and be collegiate and be able to interpret what the direction of the party is and understand how to move it forward. As a Lords minister, your job is to try and make people relatively content. Because everyone knows that with the best will in the world, it's not the lords who will drive the policy forward. What the lords should be able to do is using their expertise and their knowledge. They should be able to refine policies which have roughness and make it smooth. That's for the lords to be at their best.

Ministers in the [House of] Lords need to be able to work with all parties to that end. Therefore, a collegiate approach and a willingness to work across the aisle and a comfort in dealing with people who hold views that are different from your own, or different from your government's position and being willing to listen to it as opposed to asserting. But actually listen to what the issues are. And recognise that probably other people know more than you do. Quite often they know more than your civil servants do as well. So, you shouldn't simply be reliant upon the [ministerial] box and briefs that tell you no, no, no, it isn't that at all. When actually the answer is, well, it probably is that, but you've just not done enough work.

So, I think on that point, Lords ministers are curiosities because they arrive without *sui generis*. They arrive without any beginnings. They just appear. Whereas MPs by the nature of being elected, they've done things in the Commons, you've seen them around, they've tried to establish a reputation, they've done all these different things. But certainly, even since I left government, I think there's been like five, six Lords ministers who've just literally appeared from nowhere. As in they weren't even lords before. They are just now responsible for portfolios. So, it's a completely different way of becoming a minister. One could argue again that the notion of Lord's reform, there is a need for reform there. That's not that the ministers who've come in have not been exceptionally able and they have. That's why they're there. But equally, it is a peculiarity that you become essentially an influential figure. I'm not saying you're more than them, but as a lord you have influence. You suddenly get that by, well, being appointed by the Queen.

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