

# Pre-election Contact between the Civil Service and the Parties: Lessons from 2010

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All errors are the responsibility of the authors.

## Foreword

It is now exactly fifty years since limited contacts were authorized between Opposition leaders and the Civil Service in the run-up to general elections. The intention then, and subsequently, was to prepare both Whitehall and a possible future government for a change of party in office – which has usually occurred hurriedly on the day after voting (February 1974 and May 2010 being, so far, rare exceptions). These discussions have been partly so that both sides can get to know each other and partly for the exchange of information, though civil servants are there to listen, and not to give advice.

The process has been inherently ambiguous since it is the only occasion when civil servants keep their discussions secret from current ministers. Much has depended on the political mood of the time and on the personalities involved, of incumbent ministers, of permanent secretaries and of shadows. Many at the top of Whitehall believe that such ambiguity is both necessary and works: everyone, it is argued, knows what the opaque guidelines mean. That is only partly true. While there can never be total clarity, let alone openness, about such contacts, there is a need for more understanding about what is involved.

This paper by Dr Catherine Haddon builds on the reports she and I wrote together before (2009) and after (2011) the last general election on the lessons of transitions. For a start, there is no agreement on when the contacts should begin. In 2009, it was nearly 17 months before the last election date, which was too early. The existence of a fixed-term parliament should have made it easier to agree a date. The Institute believes that 10 or 12 months before the election would have allowed time for the process to work properly. But the Prime Minister has decided that contacts can only begin in October. The priority now is to make the best of this truncated timetable.

As Dr Haddon and her co-author Siddharth Varma argue, guidance should be more explicit and directed to maximizing the value of contacts, as well as recognising their limits. It also needs to include the discussion of implementation issues and of the positions of arm's-length bodies, while there needs to be better co-ordination within both the parties and Whitehall – among a number of other recommendations which would help both sides.

Pre-election contacts can be important in helping an incoming government avoid mistakes and to be effective in its early actions and initiatives. But there are limits to what can be achieved before an election – natural pre-polling day caution, a focus on campaigning, and shadows not taking up the same posts in office. The emphasis should be on immediate priorities – early legislation or budgetary action – and parties should not rush far-reaching reforms.

Of course, as the parallel report by Akash Paun and Robyn Munro on civil service relations with the two governing parties in the final year of the parliament shows, now is unlike other pre-election periods. The existence of the coalition has made the position of the Civil Service even more delicate as officials balance competing interests. Curiously, civil servants' contacts with the Opposition may be more straightforward than those within the coalition.

Taking both reports together, it is time more formally to recognize that officials – as a permanent Civil Service – have a responsibility of stewardship to possible future governments as well as to the current one. This need in no way affect their loyalty to incumbent ministers, or their commitment to effective implementation of agreed coalition policies. But it does require both an explicit defence of their impartiality and a clearer setting out of the pre-election guidelines.

A handwritten signature in black ink that reads "PJR Riddell" followed by a horizontal line and two dots.

Peter Riddell  
Director  
Institute for Government

## Executive Summary

In April 2014, it became known that the Prime Minister had written to the Leader of the Opposition to inform him that pre-election contacts between the opposition and the Civil Service would be authorised from October 2014, 6 months prior to the May 2015 general election.

This paper looks at the pre-election contacts process in general and in particular the meetings that took place between the Civil Service and the then-opposition prior to the 2010 general election. The paper is intended to provide guidance on how they work to all those soon to be involved in them, as well as recommendations for how they might be improved.

The pre-election contacts are a limited activity undertaken that occur while the Civil Service remains committed to serving the government of the day. They form part of wider preparations that the Civil Service undertakes before an election.

They provide an important opportunity for the Civil Service to get some warning of major policy plans the opposition would have if elected. They have also become an opportunity for civil servants and potential ministers to build relationships. They are not directly a source of policy advice or resource for political parties and should not be viewed as such.

The contacts can help create a strong foundation for government. In their most general sense they can be about thinking about how to develop good relationships, prioritising policy plans, considering the consequences of policy costing and being prepared for implementation changes. However, such preparations only go so far; there are dangers of trying to use them to over-prepare for a government or minister that may not materialise or in assuming success in them will mean success in government.

In the run up to the 2015 election, use of the contacts may be different than in 2010. In 2015, many of those involved will be more familiar with each other and for some, the contacts will be less important in bridging the relationship gap. However, while familiarity with the parties in a general sense may be higher, a number of shadows will not have experience of government or know the permanent secretaries now in place and all but one permanent secretary is new to the position since 2010.

There is also the danger that the pre-election contacts, and other pre-election processes, become a political football between the parties. As well as a practical value, they also have a symbolic value for the Civil Service's relationship with the parties before an election. It is important to all involved to be clear about their purpose and how best to use them.

### Timing

The Prime Minister has now authorised that they can only begin in October 2014, providing six months of contacts, though in practice it will be much less. The discussions in 2010 tended to work best when allowed to develop, beginning with a more informal getting to know you meeting, before moving into the meat of more focused policy discussions nearer the election.

1. **The decision for the start of the pre-election contacts is now settled. Permanent secretaries and opposition shadows (but also both coalition parties) should now focus on making the best of them and start to consider how they will approach them in October 2014.**
2. **In future the process of initiating the pre-election contacts should not be at the discretion of the Prime Minister but should be an automatic process in a fixed-term parliament occurring a year or 10 months before the general election and overseen by the Cabinet Secretary.**

## More explicit guidance

### Recognising the value of the contacts

Guidance should focus on how to achieve the best results from the contacts not just propriety. This should also recognise that, though valuable, the pre-election contacts have their limits. There is only so much preparation that parties or the Civil Service can do before government, and the contacts cannot solve every problem of preparation for government. Civil servants and politicians involved in preparation more widely and the pre-election contacts specifically need to have an idea of why they are undertaking the preparation, what it will give them and, importantly, what it will not:

- 3. Guidance for the Civil Service on how to achieve good engagement should, as well as propriety, be about how to maximise their value as well as recognising the limits of them**

### Arm's-length bodies

One issue is that the guidance does not cover arm's-length bodies (ALBs) in any way. It is difficult, given the range of bodies and the different accountability mechanisms that surround them, to bring them fully into the process. However, departments should have a plan for formally involving big ALBs in the contacts process or for giving ALBs guidance on what they should and should not do. This will not stop all personal contacts, but it would provide more structure and ALBs should be encouraged to inform and discuss, rather than lobby. A wider question is whether some newer government bodies such as the Major Projects Authority should play a role in discussions.

- 4. The formal guidance to permanent secretaries issued when talks begin should empower permanent secretaries to advise their department's ALBs on how to approach engagement with the opposition during this period**
- 5. Permanent secretaries should consider consulting their ALBs about the pre-election contacts in advance**

### Implementation

Given the huge importance of implementation early on in government, the guidance should be more explicit in recognising the value of covering implementation issues in the talks. The guiding principle is to avoid proffering advice that might aid the opposition in getting elected, to avoid being a service to the opposition in the same way that the Civil Service serves the government of the day and to avoid disclosing confidential government information.

Some ambiguity is useful and too much specificity in guidance might narrow the scope of the talks. However, it would be more valuable if both sides shared the expectation that implementation is and will be an issue to be considered in government and so can be discussed in the pre-election talks.

- 6. The formal guidance to permanent secretaries issued when the talks are officially agreed to begin should be changed to reflect the inclusion of discussion of implementation issues**
- 7. The guidance should be published and the Cabinet manual changed after the election to reflect the new position**

## The role of the Cabinet Office

There was a clear preference in our interviews that departments have a degree of autonomy over the pre-election contacts and preparation more generally and that it not be too strongly controlled from the centre.

However, while flexibility in control of the pre-election contacts was welcome, in its coordinating role we found evidence of confusion and frustration.

- 8. The engagement and insight-sharing across departments that occurred in 2010 should be repeated in a more structured fashion and working with departments to establish what is best for them**

A difficulty is how far the Cabinet Office can advise on how well the contacts are going and intervene. By and large the intervention could only come through the Cabinet Secretary's own process of engagement with the Leader of the Opposition's party.

- 9. The political parties need to be sensitive to the process of intervention if contacts are not going well and Party leaders should establish early on with the Cabinet Secretary how to respond if this does occur**

The Cabinet Office and the Treasury can play a useful role connecting up the contacts across departments in thinking about how the parties' policy agendas fit together. The Cabinet Secretary manages the relationship with the party leaders as well as having sight of how contacts are going across departments and the Treasury will need to think about spending choices facing departments and the fiscal envelope facing the new government.

However, the Cabinet Office needs to balance its role against the need for permanent secretaries to maintain the confidence of shadows and be able to have honest discussions. The siloed nature of the discussions reflect wider issues of departments or politicians not being sufficiently joined up and cannot be resolved without addressing much bigger issues.

- 10. The Cabinet Office and Treasury should consider how best to think across the policy agenda and should emphasise the value of doing so in their initial contacts with party leaders**

### Recommendations for political parties

The contacts work better when a shadow secretary of state or incumbent has a clear set of policy priorities and discusses them as candidly as possible. It not only helps to shape the discussions themselves, but is valuable in terms of successful policy implementation in government.

The contacts are also a means to get information of a factual nature about the department – which is well within the remit of the talks. For shadows this will be important and, given the scale of the internal departmental reforms that have occurred since 2010, not just for those less experienced of government or of the department in question.

- 11. Political parties should consider how best to prepare those undertaking the contacts for what they might involve, how to get the best out of them, and how they relate to a department's readiness to implement an agenda post-election**

Special attention needs to be given to policy areas involving more than one department where cross-cutting issues are likely to arise. For the same reasons as the Cabinet Office and Treasury, party leaders should also consider how far their approach to the contacts is joined-up.

- 12. Political parties should also actively try and combat the silo culture of working between different opposition spokespeople**

Because specific policies are sometimes tied to specific shadows, Party leaders should consider the policy impact in their calculations of post-election ministerial appointments.

- 13. The party leadership should recognise the discontinuity in policy that can occur when a shadow (or in this case incumbent minister) does not take up the equivalent post in government and consider how the policy agenda can be shared**

### Pre-election contacts with incumbents

Pre-election contacts are primarily an opportunity for the opposition to engage with the Civil Service and an incumbent government in theory has access to the Civil Service already. On this basis, for



some incumbent ministers the prospect of pre-election contacts would be a strange and unnecessary concept.

But there are good reasons why, in 2015, they could be used across the parties. As we discuss in our parallel report, 'Year Five', on different mechanisms for policy advice to the coalition in the pre-election period, there is 'a strong case for considering in an integrated fashion how all parties should be supported to develop policy in the pre-election period'.<sup>1</sup>

For the Civil Service the contacts can be a useful anchor to ensure they are doing preparation uniformly and using resources to think through all the parties' potential policy.

**14. Equal treatment of the parties undertaking pre-election contacts should occur, though it remains up to individual shadows and ministers whether they wish to take it up.**

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<sup>1</sup> Paun, A., Munro, R., Year Five: Whitehall and the Parties in the Final Year of Coalition, London: Institute for Government, 2014.

## Introduction

At the end of March 2014, it became known that the Prime Minister had written to the Leader of the Opposition to inform him that pre-election contacts between the Opposition and the Civil Service would be authorised from October 2014, six months prior to the May 2015 general election.<sup>2</sup> The announcement brought this generally unknown British constitutional precedent into the newspapers and in so doing highlighted confusion about why the process exists and what it involves.

This paper looks at pre-election contacts in general and in particular the ones that took place between the Civil Service and the then Opposition prior to the 2010 general election. The aim is to explain what the contacts involve (and a reminder of what they do not do), to offer suggestions for how they can be made most useful to those undertaking them and to consider how they can be improved. This study forms part of the Institute for Government's wider 'Year Five' project, which is examining challenges facing Whitehall in the final year of the UK Coalition.

Election contacts between civil servants and shadow ministers are a lesser-known part of the process of election preparation in the UK. The precedent for discussions between senior civil servants and shadow ministers prior to a general election began in 1964. This was to allow the opposition party to forewarn the Civil Service of major machinery-of-government changes. Since then, the discussions have evolved further and are now a usual and expected feature of pre-election preparations in the UK. In 2010, after 13 years of a single party in government, both the potential for a change of government and the long period since the Opposition had been in government drove extensive preparations in the opposition and in the Civil Service. As was the case in 1997, potential incoming ministers were a relatively unknown force, collectively lacking experience of government. The pre-election contacts were therefore an important feature.

The contacts provide an important opportunity for both sides to build relationships and exchange information and in particular for the Civil Service to get some warning of major policy plans. Importantly, they are not directly a source of policy advice for political parties and should not be viewed as such. They should also not be over-stated in importance. The pre-election contacts are a limited activity during a period in which the Civil Service's priority is continuing to serve the government of the day and in which the parties are far more focused on preparing for the election campaign.

Three factors mean that it is timely to consider the pre-election contacts process now. Firstly, with a significant turnover of permanent secretaries since 2010 and a number of shadows without experience of undertaking the contacts or of being in government, the lessons of 2010 may not be as well-known as would be expected only four years later. Secondly, the context of coalition means that the contacts may evolve, or need to evolve, beyond being primarily a tool for opposition engagement. Finally, because of these factors, and looking back at how contact discussions have developed, it seems timely to reconsider the fundamental reasoning behind them, how they operate in practice, the limit of their value and how they could be improved.

Our research is based on interviews conducted with current and former civil servants and party political figures. We also draw on previous Institute for Government research in this area (*Transitions: Preparing for changes of government* and *Transitions: Lessons learnt*, both by Catherine Haddon and Peter Riddell), official government documents and limited existing secondary literature.<sup>3</sup>

<sup>2</sup> Oliver Wright, Labour will be given only six months to plan policies in Whitehall before the general election in 2015', *The Independent*, 30 March 2014 <http://www.independent.co.uk/news/uk/politics/exclusive-labour-will-be-given-only-six-months-to-plan-policies-in-whitehall-before-the-general-election-in-2015-9223706.html>

<sup>3</sup> Riddell, P. & Haddon, C., *Transitions: preparing for changes of government*, London: Institute for Government, 2009, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions>; Riddell, P. & Haddon, C., *Transitions: Lessons Learned – Reflections on the 2010 UK general election – and looking forward to 2015*, London: Institute for Government, 2011 retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

Most of our interviewees came from the Civil Service and the paper focuses in particular on the machinery-of-government questions raised, preparation within departments and issues of propriety. The focus on the Civil Service machinery is deliberate but also symbolises a feature of the contacts themselves. As this paper concludes, civil servants and political party figures often view the value of these contacts quite differently.

This paper is intended to provide guidance on how contacts work for all those who may soon be involved in them, as well as recommendations on how they might be improved. The paper goes through the various stages of the pre-election contact process as it happened in 2010: how discussions were initiated, how they related to wider pre-election preparation in departments, how they were organised, what was discussed, and how they related to the Civil Service's main priority of continuing to serve the government of the day. It then goes on to consider wider aspects of how the contacts were co-ordinated, some of the problems faced in 2010 and it draws out general lessons. Finally it makes specific recommendations about their use before the 2015 election as well as changes that should be considered in the longer term.

## Purpose of the contacts

The practice of pre-election contacts developed in the 1960s as an ad hoc way to ensure that the Labour opposition in 1963-64 could discuss plans for a new economic department.<sup>4</sup> The then Prime Minister, Alec Douglas-Home, gave permission for limited contact between the Labour Leader Harold Wilson and Deputy Leader, George Brown to discuss their plans for a Department of Economic Affairs.

Since 1964 successive oppositions have continued to ask for pre-election contact with the Civil Service and have had it granted by the prime minister. They are referred to as the 'Douglas-Home Rules'. From the 1990s an explanation of their use in Civil Service guidance went some way towards formalising them, but, like much of British constitutional practice, they continue to inhabit a rather grey area.

In 1964 the Prime Minister's Principal Private Secretary, Sir Tim Bligh, saw them as a potential contribution to more effective government:

The Civil Service are servants of the Queen and serve the Government of the day. They cannot also serve the Opposition. But there is a real problem here and the nation's well-being might be seriously affected and this is because a newly elected Prime Minister has, in practice, very little time to form an administration... There is every possibility of a hasty ill-thought out decision being taken which might, as well as rebounding to the discredit of the new administration, do real harm to the country.<sup>5</sup>

In keeping with their origins, the pre-election contacts are officially a means by which shadow ministers can discuss plans that they might have for government that would have a significant effect on the machinery of government and for which prior warning is deemed useful. In 2010, the major policy reforms of the Conservative opposition drove the agenda for discussions in several departments and in the Treasury. Departments were able to be forewarned about the likely scale of change and the processes that would need to occur, for example thinking about Michael Gove's plans for an extension to the academies programme, Andrew Lansley's NHS reforms or the plans for deficit reduction and creation of the Office for Budget Responsibility. The discussions in the contacts could get underneath the manifesto, to understand what it was that the politicians wanted to do.

For civil servants we spoke to it is clear that an equal, and sometimes bigger, priority is the opportunity to build relationships:

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<sup>4</sup> Riddell, P. & Haddon, C., *Transitions: Preparing for changes in government*, London, Institute for Government, 2009, p.19 retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions>

<sup>5</sup> The National Archives (TNA), PREM 11/4834: Tim Bligh to Alec Douglas-Home, 22 April 1964.

This is not some formal going through the motions. This is about building a relationship with someone you may have to work closely with so that when you walk into the door you feel comfortable working with them and they have quite a bit of confidence in you – and also really getting behind what they're trying to do, actually exploiting the contact to get really the signs about what is happening, to get the messages over about what is difficult but most of all to get as much as possible from them so that your department can be properly prepared.<sup>6</sup>

In fact, contacts can and do carry all these different purposes. It depends on what the politician wants to get out of them and on the interpretation of the talks' remit by the permanent secretary.

Given the speed of the UK handover – which, coalition negotiations aside, is usually overnight – and in an age when new and returning governments increasingly want to make a big and early impression with their policy plans, pre-election contacts have come to provide a much-needed opportunity for both sides to better prepare themselves for what can be a remarkably hurried start to government.

## Start of contacts

Pre-election contacts are initiated by the Leader of the Opposition writing to the Prime Minister. In previous reports we discussed how, before the onset of fixed-term parliaments for the UK, the timing of their start has fluctuated because of uncertainty about the election date.<sup>7</sup>

In the past, the time for such contacts can be anything from between four and 16 months because it has depended greatly on the length of the parliament. The shorter period were the times when elections were called only after four years of a parliamentary term and gave little warning to allow any great use of the contacts. However, in practice such occasions – as in 1983, 1987, 2001 and 2005 – were election periods when expectations were low for the Opposition winning and the contacts would have been seen as perfunctory. On the other hand, changes of government have usually occurred after the incumbent government waited the full five years before calling an election (often because they knew they were in trouble). Thus the times when the pre-election contacts were most useful – when a change of government was more likely – tended to be times when there was the time available to plan for them. An exception to this was in 1992 when contacts did occur quite extensively but Sir John Major, having waited five years, won a further term against widespread expectations. The 1997 election again saw the Government waiting the full five years.

The likely outcome of a forthcoming general election has often been a big influence on how pre-election contacts are run and whether they are taken up at all. Shadow secretaries of state and permanent secretaries with experience of previous elections noted that the talks felt more important in 2010 than in previous elections when contacts felt more procedural than substantive. In 2001 and 2005 it had been, as one of our interviewees put it, 'an elegant dance where we pretended that we might win and they pretended to listen'.<sup>8</sup> A civil servant we spoke to suggested that the previous election's 'preparation' had involved little more than an 'updated briefing pack across the department'.<sup>9</sup>

A short period of contact was a possibility during the 'election that never was' – the period of weeks between September and early October 2007 when speculation mounted that Gordon Brown would call a snap general election. It jolted some in the Civil Service into action, with the realisation that the machinery of government was not ready for election preparation. One thing they hurried to review was the practice and rules of pre-election contacts. When the election didn't materialise it became clear a general election was unlikely to be called until May 2010, the latest it could be.

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<sup>6</sup> Interview PEC007, December 2013.

<sup>7</sup> Riddell, P. & Haddon, C., *Transitions: Preparing for changes in government*, London, Institute for Government, 2009, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions>

<sup>8</sup> Interview PEC009, January 2014.

<sup>9</sup> Interview PEC009, January 2014 ; Interview PEC005, December 2013.

After this false start, 2008 and 2009 were dominated by banking crises, the financial crash and the rapidly rising deficit. However, by the second half of 2008 and early 2009, minds turned again to the future election and the need to prepare. Thus the topic of pre-election contacts was discussed informally among permanent secretaries.<sup>10</sup> At the end of 2008, Gordon Brown authorised them to begin from 1 January 2009. This allowed a full 15 months for the contacts, with them ending once the election was called and the purdah period began.

## Guidance

Once the Prime Minister had given permission for them to commence in January 2009, guidance was issued by the Cabinet Secretary to his permanent secretary colleagues outlining the purpose, remit and co-ordination of the talks. Sir Gus O'Donnell's letter stated that:

In line with longstanding practice, the purpose of the discussions is to allow opposition spokesmen to inform themselves of factual questions of departmental organisation, and to inform senior officials of any organisation changes which would stem from opposition policies. Civil servants should not disclose confidential government policy/plans, discuss current government policies/plans, or give policy advice to the Opposition. It is an opportunity for opposition spokesmen to give senior civil servants any information they wish to provide on their policies. Essentially we should be in listening mode. The discussions are confidential on both sides.<sup>11</sup>

The contacts would be initiated through the Leader of the Opposition's office. If opposition spokespeople contacted permanent secretaries directly, O'Donnell asked that they get in touch with the Cabinet Office to 'check these are known to, and authorised by, the Opposition Leader'. The practice again reflects their historical origins. It was initially about ensuring Opposition leader Harold Wilson had some control over his somewhat troublesome colleague, George Brown, in the discussions about the planned DEA.

In 1964, the most significant guidance came from the Prime Minister's Principal Private Secretary writing to colleagues about how it should be handled, but keeping it quiet in order to ensure the PM wasn't dragged into a political row:

This really is the opposite of 'justice: it perhaps ought to be done but it certainly mustn't be seen to be done.'<sup>12</sup>

In 2009, alongside O'Donnell's guidance with its emphasis on 'listening mode', permanent secretaries could also turn to the *Directory of Civil Service Guidance*, first drafted in the mid-1990s. The relevant section was issued along with O'Donnell's letter.<sup>13</sup> The Directory guidance identified the difference between pre-election contacts and other circumstances in which permanent secretaries might meet with senior opposition spokespeople to allow the latter to inform themselves of 'factual questions of departmental organisation'. The main difference was that the pre-election contacts occur 'without ministers having a right to be privy to the content of the discussions'. The guidance placed much more emphasis than O'Donnell's letter on the contacts being solely about potential machinery-of-government changes:

The opposition parties, in preparing for major changes in the machinery of government, may also wish to let senior departmental officials have some idea of their plans, so as to enable the

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<sup>10</sup> Interview PEC001, December 2013.

<sup>11</sup> O'Donnell, G., 'Pre-Election Contacts': Note to permanent secretary colleagues, January 2009.

<sup>12</sup> TNA, PREM 11/4834: Bligh and Sir Laurence Helsby: 18 July 1963.

<sup>13</sup> Cabinet Office, 'Contacts between Senior Civil Servants and the Opposition', *Directory of Civil Service Guidance*, vol 2, 2010, p. 18, retrieved 24 April 2014 from <https://www.gov.uk/government/publications/directory-of-civil-service-guidance>

changes to be made as smoothly as possible if the election results in a change of government.<sup>14</sup>

O'Donnell's guidance did not explicitly stray beyond this remit. However, it did offer the opportunity for it to be a bit more loosely interpreted, when it stated that it was an 'opportunity for opposition spokesmen to give senior civil servants any information they wish to provide on their policies'.<sup>15</sup>

Since the 2010 election, the position on pre-election contact discussions has also been set out in the *Cabinet Manual*, published in December 2010. The substance is by and large the same though it is more succinct. It gives more prominence to the role of the Cabinet Secretary with 'overall responsibility for co-ordinating this process', but only after the Prime Minister has authorised them.<sup>16</sup> Importantly, it also changes the wording of the remit slightly. It is specified that for shadows the meetings are to 'ask questions about departmental organisation and to inform civil servants of any organisational changes likely to take place in the event of a change of government', thus keeping the remit to this concept of organisational issues.<sup>17</sup> However, it also notes that 'civil servants may ask questions about the implications of parties' policy statements, although they would not normally comment on or give advice about policies'.<sup>18</sup> As usual this is specific on the issue of 'not advice', but it is more ambiguous than before about how permanent secretaries might get into implementation or other broader policy issues beyond 'listening'.

## Use of departmental resources

From the Civil Service, the pre-election contacts have primarily involved the permanent secretary. Alongside the contacts, wider work usually goes on in preparing departments for the effect of new policies and in writing briefs for a new or returning government. In 2010, these preparations were about how 'to make sure that the department consciously was ready to adapt and change quickly [in the event of a new government], to take on new priorities, to recognise that there might be a government that thought fundamentally differently'.<sup>19</sup>

For most departments such preparations and the most active period of contacts did not get extensively underway until the latter half of 2009 or early 2010. However, at least two departments had started earlier. Such 'strategic assessments' or 'stocktakes' were about taking the opportunity to think more deeply about future policy or reforms to the machinery of government that might be necessary regardless of the result. It was 'horizon scanning and strategy work at the more general sense'. In some cases it was about connecting up such forward thinking with change programmes that were going on in departments.<sup>20</sup> For others, the pre-election thinking allowed the department to take a fresh look at their evidence base and about the assumptions that lay under current policies.<sup>21</sup> As one interviewee put it, it was about doing 'the kinds of work that you really ought to be doing in government but when you're in the sort of constant crisis you don't have time to do'.<sup>22</sup>

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<sup>14</sup> Cabinet Office, 'Contacts between Senior Civil Servants and the Opposition', *Directory of Civil Service Guidance*, vol 2, 2010, p. 18, retrieved 24 April 2014 from <https://www.gov.uk/government/publications/directory-of-civil-service-guidance>

<sup>15</sup> O'Donnell, G., 'Pre-Election Contacts': Note to permanent secretary colleagues, January 2009.

<sup>16</sup> Cabinet Office, *Cabinet Manual*, para 2.21, 2011, p.16, retrieved 24 April from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60641/cabinet-manual.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60641/cabinet-manual.pdf)

<sup>17</sup> Cabinet Office, *Cabinet Manual*, para 2.21, 2011, p.16, retrieved 24 April from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60641/cabinet-manual.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60641/cabinet-manual.pdf)

<sup>18</sup> Cabinet Office, *Cabinet Manual*, para 2.21, 2011, p.16, retrieved 24 April from [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60641/cabinet-manual.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60641/cabinet-manual.pdf)

<sup>19</sup> Interview PEC002, December 2013.

<sup>20</sup> Interview PEC007, December 2013.

<sup>21</sup> Interview PEC007, December 2013.

<sup>22</sup> Interview PEC007, December 2013.



From early 2009 the depth of the effect of the financial crash on UK public finances was becoming clear. Some departments tried to start to think about the major reductions in public spending that were beginning to seem inevitable whatever the election result. A few permanent secretaries also feared rash machinery-of-government changes. They saw the contacts as a means to engage shadow ministers with facts about how their department operated and the consequences of machinery-of-government changes.<sup>23</sup>

For some in the Civil Service, the broader preparations in the department were almost more important than the contacts themselves:

As a leadership team we were almost more interested in how we prepared the department for the idea of a change in government... our fundamental role in terms of contacts with the opposition front bench was about giving them information and briefing factual information... [it was] internal preparation, then factual briefing, then policy responses in more or less that order.<sup>24</sup>

Seeing the contacts in the context of this wider work is important to understanding how departmental resources were used on pre-election contact work. By and large the contacts were organised through the permanent secretaries' private office, but through the permanent secretary it was connected to wider preparatory work in the department (which they usually closely controlled). Broader preparations – thinking about opposition policies, wider strategic thinking about new policies or directions after the election and thinking about what the department might need to do to prepare for the election – were often under the remit of a Director of Strategy and their units (where they existed). Usually this would take up only part of their time until much closer to the election. Underneath them were normally one or two civil servants at Grade 7, who were often only working part time, perhaps with the assistance of additional senior and higher executive officers. Some departments restricted it even further. By and large such work started no earlier than the middle of 2009. It was only towards the end of 2009 and early 2010 that preparations ramped up on either preparing potential briefing packs for incoming ministers of whichever party, running workshops or doing other preparatory work with the department.<sup>25</sup>

Whether they were using strategy units or not, pre-election contact did not seem to comprise a large amount of staff time when looked at in the overall structure (though many permanent secretaries put some of their best staff on it). Interviewees recognised that it was important to avoid devoting excessive resources to it.

In a very few cases, caution or a more sceptical secretary of state restricted how much resource permanent secretaries devoted to the process. We were told of a very small number of departments where such work was confined to the election period itself. However, many of our interviewees felt it was very important to invest resources, albeit limited, in this kind of preparatory work.

Keeping a limit on this kind of work was also about not letting the department as a whole get carried away with thinking about the election:

Everyone wants to be really involved in it. And that was sort of helpful in one sense, but really unhelpful at other times, so it was sort of finding a way of enabling people to participate in the discussions without [it getting carried away].<sup>26</sup>

Permanent secretaries did not want preparations to extend beyond the 'very close team' involved and so were 'quite careful on the management of [sensitive] information – even just simple things, like

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<sup>23</sup> Interview PEC006, December 2013.

<sup>24</sup> Interview PEC004, December 2014.

<sup>25</sup> For discussion on wider preparation, see: Riddell, P. & Haddon, C., *Transitions: Preparing for changes in government*, London, Institute for Government, 2009, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions>

<sup>26</sup> Interview PEC005, December 2013.

making sure our meetings weren't too public and so on'.<sup>27</sup> It was important to ensure that the right people were involved at the right time. Some preparations involved the then civil service departmental boards in helping to think through likely policy areas and their consequences. Others managed the process of dissemination to their board and wider staff carefully, to try to balance curiosity against need to know:

We were always sensitive that we were doing things that were confidential and you didn't want the circle of knowledge to go too far down – not because you were trying to hold on to the power, but because that's how you did it discreetly.<sup>28</sup>

## Number and format of meetings

Once the gun had sounded for contacts to begin, in January 2009, there was a brief flurry of activity in some departments, followed by a falling off of contacts until the summer and autumn of that year. However, many shadow ministers did not take up the offer immediately. For some permanent secretaries this was welcome; they did not want to start preparations too soon and the pre-election contacts were the manifestation of this:

The risk is that you over-prepare and you start getting ready too early... I was rather of the 'sufficient unto the day' [view] and we certainly wouldn't want to be making contact as though we were in any particular haste, or making preparations as though we were in any particular haste.<sup>29</sup>

Meetings were expected to happen away from departments. In the main, they happened in Parliament. Some permanent secretaries and shadow ministers began, though, with a private dinner.<sup>30</sup> Such dinners were a reflection of the formal/ informal nature of the pre-election contacts. They legitimise and guide propriety on something which sometimes happens anyway. Senior civil servants and political figures are hardly entirely unknown to each other in social and other settings. For those that had them, the dinners seem to have been seen as a good opportunity for a one- to-one meeting in which they could set the ground rules for the series of contact meetings.

Some departments had more meetings than others. Of the eight government departments that we researched, the average number of pre-election contact meetings was between five and 10, with the number fluctuating according to size of department. Civil servants from the smaller departments that we spoke to tended to have fewer than five, while larger departments had closer to seven and one had at least 10. Not all had private one-to-one meetings and some had much larger meetings. Larger formal meetings often involved shadow secretaries of state bringing not only junior shadow ministers but also media and policy advisers and figures from party HQ. Permanent secretaries would then bring along relevant personnel as the agenda for the discussions required. At least one department had a much larger meeting towards the end of the process which involved board members and directors, as well as the entire shadow team.

## Content of discussions

Understanding how the pre-election contacts work and the basis on which they occur goes beyond the guidance discussed above and comes down to how permanent secretaries interpret it. As one civil servant told us, you 'had two fairly obvious priorities: 1) to establish a fairly decent personal

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<sup>27</sup> Interview PEC001, December 2013.

<sup>28</sup> Interview PEC001, December 2013.

<sup>29</sup> Interview PEC004, December 2013.

<sup>30</sup> Interview PEC002, December 2013.



relationship and rapport; 2) to be clear about the earliest priorities that [the shadow] had'.<sup>31</sup> Or, as another civil servant put it:

The formal position is that you're there to receive information about the policies of the potential incoming government so that you can do some preparation for that, and also to make sure you understand if they have any organisational resource needs. So if they say they are going to close x once they move all the resources, there may be some organisational issues you need to prepare for but you're not there formally to advise them on their policies.<sup>32</sup>

Understanding what pre-election contacts would mean in practice was something permanent secretaries 'had to deduce and work out' for themselves, though they shared experience on how they interpreted it. For some, 'it's the kind of thing that gets better covered in discussion amongst permanent secretaries [than in formal guidance]'.<sup>33</sup> Many permanent secretaries considered the terms of the discussions with their shadow minister at the outset and continued to do so at subsequent meetings.

Getting the right purpose to the conversations was made infinitely easier where the shadow secretary of state had clear policy priorities. A number of interviewees talked about the value of developing an agenda for the talks, to discuss different policy areas in different sessions and bring along relevant personnel where necessary. Some shadows were able to pass on drafts of legislation that had been drawn up privately by hired lawyers – though as legislation these needed more work, the document that allowed the department to understand the policy better. Others shared the structural reform plan that set out their policy and legislative timetable.<sup>34</sup>

After initial meetings, civil service attendees for subsequent ones were generally determined by topic – with relevant staff from policy, strategy and technical experts being brought in for individual meetings.<sup>35</sup> In some instances, civil servants were taken aback by just how detailed some of the Opposition's questions were. Many had to refresh their own memory about parts of their department prior to subsequent meetings.<sup>36</sup>

### Implementation

Hearing accounts from 2010, there does seem to be a larger question mark over how far, when it becomes relevant, the debate may stray into issues of implementation. For some of our interviewees it clearly had to be touched on in the conversation: 'You'd be an absolute fool as a permanent secretary not to use the discussion to say "Have you thought about x?"'<sup>37</sup> A few permanent secretaries broached the topic of spending cuts and provided their thoughts on certain approaches, such as across-the-board reductions and how to handle the Treasury.<sup>38</sup>

However, it was also important to be sure of the limits of that discussion. The line to be drawn was 'fuzzy' but discernible:

If [the shadow minister] is saying 'we would like an... act very quickly', I mean what do you say without getting into how you're going to do it? Does that constitute policy advice or not? ... My view was that it was very different. If [the shadow minister] said 'We would like an... act', I felt that was on the right side of the line. If [the shadow minister] had said to me 'work up three or

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<sup>31</sup> Interview PEC001, December 2013.

<sup>32</sup> Interview PEC007, December 2013.

<sup>33</sup> Interview PEC002, December 2013.

<sup>34</sup> Interview PEC001, December 2013; The Conservatives' structural reform plans evolved to become a blueprint for each department's policy priorities and were the basis for the later Business Plans.

<sup>35</sup> Interview PEC004, December 2013.

<sup>36</sup> Interview PEC006, December 2013.

<sup>37</sup> Interview PEC007, December 2013.

<sup>38</sup> Interview PEC001, December 2013.

four different options', then I think I probably would have said 'that's on the wrong side of the line'.<sup>39</sup>

Ultimately, the line was a matter for the permanent secretaries' professionalism. As one interviewee put it, 'Senior people with experience... know where the subtlety lies and shouldn't feel too bound by the terms'.<sup>40</sup> But it is also notable that all the interviewees we spoke to felt that shadow ministers were also conscious of the line to be drawn and none had attempted to push the boundaries of what could be discussed.

The difficulty this aspect raised is how much permanent secretaries should raise implementation concerns they have.

What I don't think you can be there to do is to advise them on how to improve their manifesto... [However] one would be failing one's duty if one didn't say 'I don't think that's going to work'. I mean – to have them committed to a policy that isn't going to work – that's for everybody, them and the country.<sup>41</sup>

Pushing back too strongly might not only go beyond the remit of the discussions but convey the wrong impression about the willingness of the Civil Service to work positively towards whatever the aims of the Government might be:

We had to make sure that they understood what the consequences and practicalities were... [but pushback was] mainly pace issues rather than 'you can't do this'. My view was always you can do most things actually.<sup>42</sup>

#### Understanding the policy landscape

There were other areas where the line to be drawn was fuzzy. The guidance for the discussions is for permanent secretaries to be in listening mode about the shadow minister's plans, but another is to provide 'factual information' to the shadow about the department. From the point of view of permanent secretaries, another feature is to discover how far a shadow minister is aware of policies and the department's responsibilities beyond, his or her own policy priorities:

What you're trying to get into them is what they're taking over. It isn't as though they're actually arriving with a clean sheet. They're arriving with their policies and [these] policies need to be mapped on to what has happened up to that point.<sup>43</sup>

The existing landscape includes the finances of the department, its relationship to service providers, arm's-length bodies (ALBs), existing legislation and contracts. Some interviewees saw the reality of governing as being about what to stop doing as much as what to start doing. In 2010, many permanent secretaries mentioned the inescapability of spending cuts as something that did need to be addressed; many shadow ministers had come to realise that, but not always what the cuts would mean:

We didn't sit there waiting for questions, we offered the things that we thought were the interesting issues of the day.<sup>44</sup>

While listening to what the shadow minister's plans might be, the question for permanent secretaries was how much to delve into this hinterland, not just concerning the shadow's policies, but also to find out what was missing from them that might become an issue. Interviewees were keen to stress that there are limits in using the contacts to go down this line. They were no substitute for a full induction

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<sup>39</sup> Interview PEC001, December 2013.

<sup>40</sup> Interview PEC007, December 2013.

<sup>41</sup> Interview PEC007, December 2013.

<sup>42</sup> Interview PEC001, December 2013.

<sup>43</sup> Interview PEC007, December 2013.

<sup>44</sup> Interview PEC004, December 2013.

into the department and there was only so much preparation that could be done, or would be right to do, prior to taking office: 'We can't second-guess what a new minister would do, write their policy for them.'<sup>45</sup>

A more difficult line of discussion is where a policy plan comes up that touches on the current Government's position. The guidance on contacts is most clear about this:

Civil servants should not disclose confidential government policy/plans, discuss current government policies/plans...<sup>46</sup>

This means not discussing the Opposition's plans to stop a government policy such as contracts or planned legislation. If the Opposition says, 'We want to stop doing this contract, it's a shambles', the permanent secretary would be in a difficult position and unable to comment, even factually, without giving a position that sides with one view or the other.<sup>47</sup>

So there are some real constraints when you get to the implementation of what you can say without actually undermining the Government ...and damaging your relationship with [it]... It's fine when, in many cases, you talk about implementation and have a proper discussion, but there are some limits on that... if you're not careful, you're giving them some insight into the problems that the present Government is having.<sup>48</sup>

When such discussions were better able to focus on factual information and evidence in the policy area concerned, this broader discussion could, however, provide a useful opportunity:

Being able to give people a bit of a view about what the battlefield as a whole has on it, and the relative importance of some issues against others, or the relative solubility of some issues... you can do that without giving away any particular secrets about what your current Government is [doing], it's an opportunity for civil servants to be fairly synoptic about the whole policy field in their department. [an opportunity] they don't often have.<sup>49</sup>

And again, some of our interviewees were keen to stress that managing this tension is not something alien to today's civil servants – with appearances at public events and in Parliament, they frequently have to manage the balance between factual explanation and the political nuances of their department's policies:

We're very often put in a position where you know that what you are doing is you are not revealing anything secret about what Government is doing but you're presenting... You're used to having sensible, informal discussions with [opposition politicians] in [Parliament] so this is just a... slightly more formal version of the same thing.<sup>50</sup>

A final element to the pre-election contacts was the way they were used in some cases to think about how the shadow minister liked to operate. As discussed in the Institute's previous work, some departments went as far as thinking through the details of the new private office that would serve the incoming secretary of state – work that became redundant when the shadow did not take up the post.<sup>51</sup> However, some shadow ministers welcomed this aspect as a way of building a relationship with civil servants and, and learning what being in government would be like:

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<sup>45</sup> Interview PEC001, December 2013.

<sup>46</sup> Cabinet Office, 'Contacts between Senior Civil Servants and the Opposition', *Directory of Civil Service Guidance*, vol 2, 2010, p. 18, retrieved 24 April 2014 from <https://www.gov.uk/government/publications/directory-of-civil-service-guidance>

<sup>47</sup> Interview PEC007, December 2013.

<sup>48</sup> Interview PEC007, December 2013.

<sup>49</sup> Interview PEC004, December 2013.

<sup>50</sup> Interview PEC004, December 2013.

<sup>51</sup> Riddell, P. & Haddon, C., *Transitions: Preparing for changes in government*, London, Institute for Government, 2009, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions>

We actually went in with a list of 20 questions [about] how he liked to work and I was a bit dubious... I think actually, reflecting on it afterwards, he felt rather 'Ooh, this is the beginning'... Not every minister would have liked it.<sup>52</sup>

## Contacts with the Liberal Democrats

Nick Clegg's office pushed Liberal Democrat spokespeople into reaching out to the Civil Service, to a greater extent than previous Liberal Democrat leaders had, but perhaps more to benefit from policy advice rather than as preparation for government. The contacts are initiated in the same way for all opposition parties. Clegg wrote to the Prime Minister initially and then, as the Conservatives did, encouraged shadow ministers to undertake them.

In 2010, most departments had some level of contact with the Liberal Democrats, but these meetings were limited in number and scope. The small number of meetings reflected the view at the time, by both civil servants and parts of the party, that the Liberal Democrat platform was unlikely to be part of the next government. Their limited scope appears to have been for two reasons. The first was a sharp focus on certain programmes rather than all policies. As a result of this, Liberal Democrats had significantly less contact with some of the smaller departments. The second, seems to have been a lack of confidence from some Liberal Democrat spokespeople across the entire breadth of their policy brief. They were inclined to ask about specific areas rather than probe all policy in equal depth (though this was also true for many Conservatives, but not as much). In other cases civil servants came away impressed by the degree of knowledge that Liberal Democrat spokespeople brought to meetings. In large part, the Lib Dems did use the contacts as a means of 'policy feedback, in getting a sense of what was realistic or deliverable, and what needed more work'.<sup>53</sup>

The most significant failing for the contacts was the belief on the part of the Civil Service that Liberal Democrat manifesto policies were unlikely to be important following the general election. In one department civil servants talked to a Liberal Democrat spokesperson about a policy that they knew was highly unlikely to be agreed with either Labour or the Conservatives and as a consequence did not go into additional detail about it, not having considered coalition possibilities.<sup>54</sup>

However, an important dynamic in pre-election contacts for some Liberal Democrats was that they were, in contrast to the Conservatives, considering the possibility of coalition negotiations rather than majority government. In this respect, Liberal Democrat spokespeople were less likely to focus on relationship-building or policy fine-tuning, but rather information that could help them contextualise their policies. In this sense, the use of the contacts for the Liberal Democrats seemed to move beyond their primary purpose and became an information gathering opportunity to test out thinking and to understand government better.

For many, fears of a hung parliament only began to be taken seriously during the campaign itself. Coalition was considered later, mostly after the result of the election. Both came after the period of contacts. Although both sides arguably under-appreciated its relevance at the time, pre-election contact between civil servants and the Liberal Democrats did very occasionally help departments later to distinguish areas of similarity and difference between them and the Conservative Party.<sup>55</sup> As the election drew closer, and the possibility of a hung parliament loomed, departments greatly increased their efforts to prepare briefs on Liberal Democrat policy though for many it was still a rush putting it

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<sup>52</sup> Interview PEC002, December 2013.

<sup>53</sup> Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, p.25, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

<sup>54</sup> Interview PEC006, December 2013.

<sup>55</sup> Interview PEC001, December 2013.

together during the coalition negotiation period and few had much to draw on from the pre-election contact experience.<sup>56</sup>

## Arm's-length bodies (ALBs)

In previous reports we have discussed the issue of arm's-length bodies being able to undertake contact with the Opposition outside of this formal process.<sup>57</sup> It was a particularly acute problem in 2010 in those departments that have a large number of ALBs. Some chairs looked to 'make their own case to incoming politicians'.<sup>58</sup> Most permanent secretaries recognised that this was just an aspect of how the parties engage with the public sector:

It's important to remember this: you can't manage all of the relationships that the Opposition has with people in the public sphere. They'd be talking to people in local government. They'd be talking to [non-departmental public body] NDPB chairs that they trust.<sup>59</sup>

Some ALBs did engage with departments on this and some asked questions about propriety issues for such discussions.<sup>60</sup> However, a few permanent secretaries felt that the approach of ALBs was undertaken in a naïve way which was ultimately detrimental to their survival. As one former civil servant told us:

They were really bad at it... When I realised these [discussions] were going on I muscled in on them to try and at least put them in the framework of the discussions I was having.<sup>61</sup>

Though permanent secretaries felt they had little control over the engagement of the ALBs in their area, they strove to keep an eye on how the Opposition viewed their department's sector overall:

We briefed them on our approach on preparing for the election and encouraged a discussion and a sharing of, you know – if people are in contact let us know what it is like.<sup>62</sup>

## Continuing to serve

For all their importance and the desire to do well in them, for the Civil Service the pre-election contacts were very limited activities alongside the far bigger job of continuing to serve the government of the day:

The biggest risk without a doubt was losing the trust of one side or another. That was the most important thing.<sup>63</sup>

My mantra to the department was 'We've got to both deliver for this Government and prepare for the next government [whatever the result is]. We've got to do the two in parallel and not show any reduction in commitment in terms of delivering to this government'.<sup>64</sup>

It was recognised by civil servants that the prospect of the election could pose a danger in 'assuming that there would be a change of government' and that they needed to avoid 'taking their foot off the

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<sup>56</sup> Interview PEC002, December 2013.

<sup>57</sup> Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

<sup>58</sup> Interview PEC002, December 2013.

<sup>59</sup> Interview PEC007, December 2013.

<sup>60</sup> Interview PEC002, December 2013.

<sup>61</sup> Interview PEC007, December 2013.

<sup>62</sup> Interview PEC002, December 2013.

<sup>63</sup> Interview PEC011, January 2014.

<sup>64</sup> Interview PEC002, December 2013.

accelerator and moving to think about the future [government] rather than serving the [current government]'.<sup>65</sup>

The view the incumbent secretary of state took was 'incredibly important' to beginning pre-election contacts with the Opposition.<sup>66</sup> When secretaries of state were relaxed about the prospect of the discussions, senior civil servants realised they were operating with support.<sup>67</sup> There were noted instances where some civil servants felt uncomfortable broaching the topic of pre-election contacts or where ministers, sometimes more junior ones, felt paranoid that the Civil Service was working on the expectation of a new government. Those ministers that were deemed the most comfortable with pre-election contacts were usually those who had previous experience of them.<sup>68</sup>

[The Secretary of State] was completely of the view that [the contacts were a matter of] constitutional propriety: 'Get on with it. I don't want to know, but all I expect is that there is no deviation from current support for the Government and the ministerial team... We are still the Government, support us. But I would expect you to be nothing else but professional.'<sup>69</sup>

Managing the process struck at the heart of the Civil Service's ability to be professional and impartial, regardless of the different requirements on them:

I took the view that I didn't find it difficult in my own mind to establish an extremely good working relationship with the shadow secretary of state at the same time as maintaining an extremely good working relationship with the current secretary of state. I mean, I never got home and thought 'Oh, I'm all confused.' I just separated what I did for [the shadow].<sup>70</sup>

Some departments held pre-election contact meetings with incumbent secretaries of state. Although, it provided civil servants with consistency across the parties where it did occur, in practice their usefulness was limited. At times it was because incumbent secretaries of state were already implementing large policy platforms, with departments told to continue implementing the current agenda rather than look to new ideas. This also tended to be true in cases where departments had recently had a new secretary of state installed.<sup>71</sup> However, a number of civil servants relayed to us that the main reason was a sense of lethargy and pessimism on the part of some incumbent ministers – that they had fewer ideas than in previous years, and in many cases were resigned to the idea that they would no longer hold their posts following the general election.

## Co-ordination from the centre

The contacts did not happen only in departments. As previously discussed, they were initially set up by the Leader of the Opposition's office and the Cabinet Secretary. The Cabinet Office thereafter continued to oversee the progress of the talks. This was relatively light touch. Notes were provided to the Cabinet Secretary's office by permanent secretaries on how the talks were going. These varied in depth. As the contacts were confidential between a permanent secretary and shadow minister, some permanent secretaries gave only an overview of the content of the discussion, not the details. As one permanent secretary noted, 'I was the one building the personal relationship' but 'I didn't want the

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<sup>65</sup> Interview PEC002, December 2013.

<sup>66</sup> Interview PEC001, December 2013.

<sup>67</sup> Interview PEC001, December 2013.

<sup>68</sup> Interview PEC004, December 2013.

<sup>69</sup> Interview PEC001, December 2013.

<sup>70</sup> Interview PEC001, December 2013.

<sup>71</sup> Interview PEC002, December 2013.



others to be feel excluded'.<sup>72</sup> Others provided fuller notes that reflected the frankness and confidence that had been built up with the shadow.

The main focus for co-ordination was to ensure talks were going as well as they could from the Whitehall side. It was about having a quiet word with the Leader of the Opposition if there seemed to be any problem, but not a major intervention. This was discreetly handled, permanent secretaries did not hear gory details, just a mention 'once or twice that some relationships were going better than others, but it was never more explicit than that'.<sup>73</sup>

There were limits to how much the centre could do:

The centre is always there in terms of advice on propriety and their default position is 'don't do it probably if you've doubts about it'. That's not very helpful always. I don't know how they could advise on quality. They could do something on just the level of contacts that people are having. You could even say 'this is a minimum menu of what we think is worth doing'.<sup>74</sup>

The most useful form of co-ordination organised by the Cabinet Office were informal discussions for permanent secretaries to talk about their own progress. As the process was quite closely contained in departments, it was useful for them to have somebody 'who they were free to air issues with, for some [that] was very helpful'.<sup>75</sup> Permanent secretaries would discuss progress with each other in general terms: how they were going, how they approached them and so forth. As well as Wednesday morning meetings – the weekly gathering of heads of department – they also benefitted from more informal drinks in Admiralty House once a month for 'just chewing the fat'.<sup>76</sup>

Permanent secretaries on the whole appear to have preferred the Cabinet Office not taking too strong a lead in navigating the pre-election contacts:

The co-ordinating felt fairly soft and I think in a sense departments rather wanted it like that. They wanted the flexibility to try and build their own relationships.<sup>77</sup>

Where there was an appetite for a stronger role for the Cabinet Office was in bringing together those who were working on broader election preparation work. Seminars were held that gathered together those who were doing the work in departments. They discussed particular themes and got in outside speakers from think tanks and elsewhere. They started off as just the main spending departments. As the Whitehall grapevine spread the news that they were happening they began to expand and more people wanted to become involved. According to one participant, this made them more unwieldy, with executive agencies and others coming along. An attempt was made to rationalise attendance and get back to meetings of just the larger spending departments, a '£10bn club'.

Though most were positive about the value of having developed this forum, some see ways it could be improved. One interviewee described the 'random' thought process behind the events as being along the lines of 'We've picked these three themes. We are going to run some seminars on them. Come along. Take away what you [want]'.<sup>78</sup>

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<sup>72</sup> Interview PEC001, December 2013.

<sup>73</sup> Interview PEC001, December 2013.

<sup>74</sup> Interview PEC006, December 2013.

<sup>75</sup> Interview PEC008, January 2014.

<sup>76</sup> Interview PEC001, December 2013.

<sup>77</sup> Interview PEC002, December 2013.

<sup>78</sup> Interview PEC005, December 2013.

I think they were too high-level... it didn't feel like it fitted with any kind of particular plan if you like, at the centre... looking at the centre. It wasn't at all clear what or when the Cabinet Office were going to run particular processes.<sup>79</sup>

One of our interviewees felt that the Cabinet Office team didn't sufficiently engage with departments about how their central role would relate to what was going on in departments.<sup>80</sup>

I think they could have managed that process better, but I think the reflection I would have is, what emerged from the centre emerged quite late in the day and it wasn't clear at any stage what role the Cabinet Office were really going to play. So the thing I would say is [be] much clearer at the outset what the role of the centre is and stick to it.<sup>81</sup>

A related issue for the Cabinet Office concerned cross-cutting and co-ordination on the overall policy agenda of the Opposition. This was, as in previous years, something that Whitehall struggled to manage. Some permanent secretaries wanted cross-cutting issues to be tackled more efficiently, but that contradicted the independent way departments preferred to operate. When a department had already developed their own work, intervention by the centre on cross-cutting issues felt like another burden:

I remember one particularly frustrating period when they suddenly decided they were going to do some special briefs for the Cabinet Office... They sort of invented a process quite late in the day, weren't at all clear what they were going to be used for... I remember losing one of my team full-time managing the process with the Cabinet Office, which was asking for slightly different things at slightly different times.<sup>82</sup>

One civil servant told us they had felt like they were 'operating in a silo' and that communication between the centre and departments was largely one way. 'We would be telling them what we were doing but without getting very much back'.<sup>83</sup> This was echoed by another interviewee who told us that the pooled experience of some parts of the process did not join up enough, which again undermined cross-cutting considerations.

What is less clear is how much anyone at the centre was attempting to take stock of the information that was being collected across departments about the overall policy agenda of the parties across departments. The Cabinet Office also conducted its discussions with the Conservative and Liberal Democrat leadership. These seemed to have focused on the machinery of running the centre – and in the case of the Conservatives, particularly the role that Oliver Letwin and Francis Maude would play – and discussions about the new national security apparatus. It is not clear how much advice the Civil Service gave on operating from the centre, but it is now clear that David Cameron and those around him had developed strong views about how they wanted to operate and the adjustments they wanted to make. In the event, the implications of coalition meant changes to these plans, and subsequent experience in government saw further adjustments.

## Co-ordination by parties

From those we talked to on the political side, it has been difficult to judge how co-ordinated the opposition parties were internally. There was clearly some co-ordination on how to approach the contacts, but less on the topics and synchronising the policy platform.

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<sup>79</sup> Interview PEC005, December 2013.

<sup>80</sup> Interview PEC005, December 2013.

<sup>81</sup> Interview PEC005, December 2013.

<sup>82</sup> Interview PEC005, December 2013.

<sup>83</sup> Interview PEC002, December 2013.



Our interviews and previous research on the topic gives the impression that a strong message had come from David Cameron as Leader of the Opposition that it was important to undertake the contacts, though there were still a number of ministers who said they ‘didn’t want to talk to the Civil Service beforehand’.<sup>84</sup> Likewise, among the Liberal Democrats the simple act of getting shadow ministers to go for a pre-election contact meeting came from Nick Clegg. As we discussed previously, the Lib Dem leadership’s co-ordination of access was partly to ‘make sure people were up to scratch – implicitly reflecting a concern that some were not. Some people were able to go and see officials sooner than others’.<sup>85</sup>

In 2009 Nick Boles attended initial meetings, as part of his role in the Conservatives’ implementation team. (This was an attempt by the Conservatives to have a co-ordinating section doing due diligence on how well prepared they were for government). Matthew Hancock, then George Osborne’s adviser, also attended some of the early contact meetings.<sup>86</sup> It wasn’t always clear to the Civil Service what the aim was from the Conservative side:

I thought there was a kind of sizing up going on... along the lines of ‘can we do business with these people’.<sup>87</sup>

Some of the meetings did not go so well. Some interviewees have suggested that a few times this was because the shadow did not have confidence in discussing their policy area in great depth. However, in other cases the shadow did not particularly take to the permanent secretary personally. A few shadows did not see value in the process.

While the contacts were going on, the Conservatives were thinking about potential legislative timetables of their major policies. They wanted to ensure that those who wanted quick legislation did not cause a clash. This was the impetus behind what became the Business Plans, which the Conservative implementation team helped develop. However, there were also problems of cross-cutting co-ordination, a reflection of the way shadow secretaries of state worked. While manifesto policy was centrally co-ordinated and approved by the leadership, discussions about their actual plans for government tended to reflect individual shadow minister’s priorities. This was borne out in departments where the shadow minister did not end up taking up the post and, aside from manifesto and then coalition commitments, departments then found that the wider plans that had existed were not relevant. Much of the intelligence garnered from the pre-election contacts was useless if this occurred. There was no handover of policy agenda or other matters from shadow to eventual secretary of state, even where the relationships were good. It is another reminder of the limits of the contacts and the danger of becoming overly-reliant on them for guiding preparation.

## Value of contacts

By and large two main benefits from the contacts came up in our research: their role in building or beginning a relationship and the discussion of policy plans.

### Relationship-building with the Shadow Secretary of State

A major priority for most permanent secretaries in pre-election contacts is building the foundations of a solid working relationship with a potential future secretary of state. It was less important as an aim for the politicians involved in 2010, but where it went well it was then valued. Perhaps unsurprisingly, some talked about the value in beginning the relationship with straight-talking and complete honesty.

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<sup>84</sup> Interview PEC011, January 2014.

<sup>85</sup> Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, p.35, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

<sup>86</sup> Interview PEC001, December 2014; See references to the Implementation Team in Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, p.35, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

An early discussion on boundaries for the talks, followed by sincere attempts to reassure shadow secretaries of state about their strict sense of confidentiality, often allowed permanent secretaries to learn much about the politics of their shadow ministers in terms of competing ideologies and internal tensions.<sup>88</sup> 'I think spending some time establishing personal emotional dynamics is very important', reflects one permanent secretary. As such, the contacts 'should be engaged and constructive, rather than just sitting there rigidly and saying "That sounds like policy advice. I'm not giving it to you"'.<sup>89</sup>

Such relationships also allowed permanent secretaries to push back on policies, usually when they had concerns about the pace of implementation. They also allowed politicians to test the waters in the department and see the human face of the department they might not previously have witnessed. This was partly arose because (as often occurs when one party in power for a long period) departments were, fairly or unfairly, viewed as too influenced by the Labour government they had served. Those civil servants looking to build effective relationships with their shadow secretary of state were quick to counter these perceptions and to reassure shadow teams about the professionalism of the Civil Service.<sup>90</sup>

An aim for the contacts – and election preparation more widely – is to help civil servants think through the disposition, style and approach of a particular individual who might then take up the post. The danger of focusing preparations so specifically on a particular shadow was again shown up when shadow ministers did not end up taking up the post. But in other cases it was successful. The success of pre-election contacts sometimes depended too greatly on the compatibility of the permanent secretary and the shadow secretary of state. This appears to have been understood by the centre but was a factor that was difficult to control.

In some cases the relationships developed between the two were good and the pre-election contacts seemed to help, but in others not. Notably, there were cases where the shadow and permanent secretary had seemed to develop a good relationship, only for problems to occur in government. It shows that the contacts only have limited value in providing a foundation for what then occurs in government. It is possible to assume that contacts made it possible to identify where relationships or policies might not go so well, but it is difficult to know whether action was consequently taken to prevent it.

The importance of this personal part of the contacts was for some more important than thinking through the party's policy position. As one of our interviewees remarked: 'The difference in personality in ministers is in many cases much more important than difference in politics... You can get a new secretary of state of the same party and it is more of a shock to the departmental system than getting someone of a different political hue.'<sup>91</sup>

### Using the contacts to understand opposition policy and people

The value of the contacts was also in helping to focus minds on where preparation for new policies might be required. Again this factor was most apparent where it was absent. Though most departments did preparatory work on Liberal Democrat policies, for some it was cursory until the negotiation period itself. At least one official now admits that where they had not done the kind of 'strategic blue-sky thinking' for a Lib Dem policy in advance, it affected how they approached that policy in government.

Another value for the Civil Service was in using the contacts to understand the wider policy landscape around the parties. They felt they needed to know the people and the relationships in the parties, as well as the broader political philosophies that were likely to dominate. Because of the long period

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<sup>88</sup> Interview PEC001, December 2013.

<sup>89</sup> Interview PEC001, December 2013.

<sup>90</sup> Interview PEC001, December 2013.

<sup>91</sup> Interview PEC004, December 2013.

under a Labour government, the Civil Service was familiar with these characteristics in Labour, but lacked this insight into the Conservatives. As one civil servant remarked to us, in policy-terms it is important to ask yourself: 'who are the influences behind the scenes here?'<sup>92</sup>

A number of our interviewees told us that engaging with think tanks through their wider preparations was always much more about gauging political philosophy than finding out specifics about policy. In this, the Civil Service were partially effective. They worked to get their departments thinking about the fact that there might be a very different culture in how they thought about policy problems, the types of solutions sought and the language of how policy issues were discussed. One technique used was role-playing; permanent secretaries would play their respective shadow secretaries of state in order to see how others would react to their requests and manner. Telling members of their department to scrap policies revealed just how attached some of them had become to them.<sup>93</sup>

For some in departments, though they had thought about it in advance, adjusting to this aspect of the new government was still difficult. In hindsight, some interviewees saw ways in which their expectations were wrong. Some had good conversations with their shadow about the dynamics at play behind the scenes. But elsewhere preparation had largely tended to focus on insights into their particular shadows or, at best, into how those closest to David Cameron, then Leader of the Opposition, thought and operated. It turned out that this did not necessarily reflect broader Conservative party thinking, the role of backbench MPs or the fact that the thinking of those around Cameron was not necessarily shared by all ministers. Some civil servants talked about the difficulty in understanding what it was that the new minister wanted, since their approach was often for the Civil Service to be less interventionist.

I don't think we had quite appreciated how much [the previous way of working] was in the bones of the department... It was not about political bias... but some people were just discombobulated by the different culture... It was the difference between activist government and less activist government.<sup>94</sup>

This topic is much wider than the pre-election contacts and is a question for the overall preparation of departments. In 2015, Labour, Liberal Democrat and Conservative politicians in most part have much greater experience of government and therefore civil service familiarity with them is much higher.

#### Value for political parties

One of the more important features of the 2010 pre-election contacts is that they were somewhat less important for the politicians involved than they were to the civil servants they met.

The Civil Service took away an often positive view of their value, including to the shadows with whom they engaged. For example, one interviewee told us that that by understanding the intentions of the Opposition's policies, they felt they were able to make the shadow minister take stock of the policies they were proposing to achieve those ends. Another civil servant talked about the useful 'culture shock' it gave the shadow, making them think about their policies differently and what their priorities would be.<sup>95</sup>

From the politicians we spoke to there is a different message: pre-election contacts were useful, but not in all cases and not to the same extent. The amount of contact varied. Some shadow ministers seemed opposed to the contacts and had to be pushed by the leadership. In such cases, after initial attempts at meeting they fell away. Contacts were most useful to shadow ministers who had clear policy plans and were keen to make sure the Civil Service were clear about what they intended to do.

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<sup>92</sup> Interview PEC001, December 2013.

<sup>93</sup> Interview PEC001, December 2013; Interview PEC002, December 2013.

<sup>94</sup> Interview PEC001, December 2013.

<sup>95</sup> Interview COA26, February 2014.

A few prominent shadow ministers with big reform agendas for government used them to emphasise the scale of the plans they had. This included the Treasury, where George Osborne and his team went through their policy priorities in great detail.<sup>96</sup>

Some politicians involved in the contacts acknowledge that on a personal level they could be useful. In some cases, they really helped develop personal relationships and gave shadow ministers a better view of the Civil Service. However, overall shadow ministers did not find the contacts as useful as civil servants did. In particular, for those we talked to, they did not recognise any impact in influencing their policy agenda.<sup>97</sup> Thus, on the question of the contacts moving into inappropriate areas of policy advice, this is not such a problem if the politicians did not seek it. For some of those we spoke to, the contacts do not, and should not, have an effect on the development of policies in electoral terms. Indeed, even when discussions occurred the summer before the election this was already quite late in the day in terms of manifesto development.

In thinking about how those policies may then be taken into government there can be value; flagging up areas where more work might need to be done, more time taken or other modifications that still achieve the ultimate aims.<sup>98</sup> They appear to be useful in thinking about what might happen in government when trying to implement policy. Civil servants we spoke to felt that they had been able to have such discussions or lay the foundation for them in government. It is unclear from interviewees how much this is actually taken on board by politicians; some of those we spoke to from the political side did not recognise this and do not see this as the talks' purpose. However, in the Treasury contacts discussions on how best to achieve the massive spending cuts planned were an area where the civil servants were able to make suggestions.<sup>99</sup>

The difference of view goes to the heart of the purpose of the contacts, but also represents the 2010 context. The Conservatives had views on how they wanted to do preparation, how they viewed the Civil Service and how they wanted to approach bringing new policies into government. Pre-election contacts were to be used, but they were not the most decisive part of preparation. And for the Lib Dems' the overall view of preparation for government was, as we have said before, representative of the belief that government was not a strong likelihood. For all manner of reasons, the way the politicians viewed preparation for potential government and the contacts within that – especially for both the Labour opposition and Liberal Democrats within government – may be quite different this time around. The contacts may therefore be used differently.

### The limits of the contacts

Overall, most civil service interviewees felt the pre-election contacts were valuable. Many permanent secretaries felt that they had done well in using the contacts to inform themselves and begin to think through the policy priorities of the incoming government. Some acknowledge they did less well in thinking about the broader 'swathes of policy and trying to spot some minefields' – the very minefields that became problems early on in the government.<sup>100</sup> That the success of the contacts did not forestall major problems or blunders in government only goes to show the limits of the process and the danger of assuming that because they have seemed successful, that all will be well.

Many of our interviewees recognised that as well as their value, there were limits to what the pre-election contacts could resolve. They saw, particularly with the benefit of hindsight, dangers in trying

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<sup>96</sup> Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, p.35, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

<sup>97</sup> Interview PEC009, January 2014.

<sup>98</sup> Interview PEC004, December 2013.

<sup>99</sup> Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, p.35, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

<sup>100</sup> Interview PEC001, December 2013.

to over-prepare for the election and raise expectations about just how well set the department actually was:

It's certainly true that there are limits to how much it's sensible or practical to do before an election in terms of deciding exactly how you're going to do things, but it makes sense to have a broad sense that you're going to have to shift resources from here to there; it doesn't mean you have to dot every 'i' and cross every 't' and present every incoming minister with a draft bill and all that sort of thing, but it does mean that you have to have a reasonably good idea that you're going to have to shift some of your best people into this area and beef up this team and perhaps take resources away from that team to meet the priorities that all incoming governments want.<sup>101</sup>

Others did question whether their importance is overstressed, particularly when considered independently from wider preparation:

I'm not saying it shouldn't happen, it's all the build-up... I'm [just] not sure it makes much difference.<sup>102</sup>

In the end, there is only so much preparation that the Civil Service can or should do, whether in thinking about policies, in trying to get the relationships right and in pre-empting what might then happen should the change of government occur: 'some things you won't be able to fix. This is about getting it right as best we can.'<sup>103</sup>

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<sup>101</sup> Interview PEC008, January 2014.

<sup>102</sup> Interview PEC006, December 2013.

<sup>103</sup> Interview PEC001, December 2013.

## Conclusions

It is important not to exaggerate the role of the pre-election contacts. They are not a form of 'access' to the Civil Service, nor are they directly a resource for policy making. For the Civil Service they are a limited activity, largely involving the permanent secretary. For the parties, with manifesto development, media, and electoral campaigning itself, they are far from the highest priority.

Nonetheless, they can help create a strong foundation for government and for that reason should be approached with seriousness and constructive intent. The principles behind them and the practice of them highlight important issues of how the parties and the Civil Service approach the pre-election period. In their most general sense they can be about thinking about how to develop good relationships, prioritising policy plans, considering the consequences of policy costing and being prepared for implementation changes. If misused, there is a risk of the Civil Service being drawn into the political manoeuvring before an election. All involved should therefore aim to make the best of the current circumstances and be clear about what is likely to happen.

### 2015

With pre-election contacts, as with wider preparation for the election, there is always a danger of fighting the last war. But there are a number of reasons why approaches to the pre-election contacts may be different this time around.

Wider preparation by the Civil Service will likely be as extensive as last time. Most departments, if able, will take the opportunity to think about longer term issues and take stock. There are immediate issues on the horizon, not least the continued pressure of deficit reduction and the next spending review, regardless of who forms the government. And finally, uncertainty about the election result will drive preparations, partly as a reaction to the surprise of coalition last time.

Use of the contacts may be different this time. The long period, up to 2010, of one party in government meant that there was great uncertainty about what a Conservative administration would be like (should it occur). There were also concerns that the Civil Service had become used to the manner and practices of the Labour government. This placed more focus on the contacts as one means by which the Civil Service and the Conservative opposition, in particular, could bridge the gap. In 2015, quite a few of those involved will be more familiar with each other and for some, the contacts will be less important.

However, while familiarity with the parties in a general sense may be greater, a number of shadows will not have experience of government or know the permanent secretaries now in place and all but one permanent secretary is new to their position since 2010. So those involved may feel they are just as important as ever. Lastly, the contacts continue to be the best way to forewarn the Civil Service of plans for major policies or machinery of government changes.

A final issue for 2015, now that the decision has been made to delay contacts until October, is the danger that the pre-election contacts and other pre-election processes become a political football between the parties. As well as a practical value, they are symbolic of civil service impartiality and the propriety of how government machinery intermingles with party political activity. This is why it is important to all involved to be clear about their purpose and how best to use them.



# Recommendations

## Timing

The Prime Minister has now stated that they can only begin in October 2014, providing six months of contacts, though in practice it will be much less. Looking back to 2010 we encountered different views among our interviewees about what was the best time frame. January 2009 to April 2010 was seen as too long. But some clearly felt that a limited start at an early stage provided the best foundation for more focused work in the autumn and spring before the election. In practice, with the summer purdah and the focus on the final conference season before the election, there would probably not have been widespread use of them until the autumn this time. However, allowing the contacts to start in late May would have provided the opportunity for early informal meetings to set the ground rules, establish a personal relationship and plan an agenda for future meetings. The discussions in 2010 tended to work best when allowed to develop, beginning with a more informal meeting, before moving into more focused policy discussions nearer the election.

An understandable reason for delaying them might be concerns that the contacts would be a distraction for the Civil Service. However, this over-estimates the role the contacts actually play. Our evidence suggests permanent secretaries view continuing to serve the government as their highest priority. Pre-election preparation generally involves limited departmental resources and is a valuable part of the civil service thinking beyond May 2015, whatever the outcome of the election.

1. **The decision for the start of the pre-election contacts is now settled. Permanent secretaries and opposition shadows (but also both coalition parties) should now focus on making the best of them and start to consider how they will approach them in October 2014.**
2. **In future the process of initiating the pre-election contacts should not be at the discretion of the Prime Minister but should be an automatic process in a fixed-term parliament occurring a year or 10 months before the general election and overseen by the Cabinet Secretary.**

## More explicit guidance

There are a number of points where the current guidance and explanation in the Cabinet Manual does not recognise the precedent set in practice by successive governments, rather than the historic wording (that was itself a note to the Prime Minister and not ever formally agreed).

The existing ambiguity of the guidance is only occasionally difficult to navigate and is based on the expectation of professionalism and experience among permanent secretaries. But allowing such ambiguity is also risky. There is a danger that the pre-election contacts become a political football, particularly in a closely run election where potential infringements of the guidelines are more closely scrutinised.

## Recognising the value of the contacts

All of the civil servants interviewed emphasised strongly that continuing to serve the government of the day and maintaining trust with them was their highest priority in how they approached the pre-election contacts. At the same time they also saw great value in using the contacts to set the foundation for a potential future relationship as well.

The process does need to be monitored to ensure permanent secretaries continue to respect such boundaries. However, risking the ire of their current, and also possibly future, boss can be a major factor in how effectively permanent secretaries can undertake the contacts. This could be helped if the Prime Minister gave a clear indication to secretaries of state that they should recognise the value and importance of the contacts.

The guidance should focus on how to achieve the best results from the contacts, recognising the good government reasoning behind them. Those undertaking the pre-election contacts need to have an idea of why they are undertaking the preparation, what it will give them and what it will not:

- 3. Guidance for the Civil Service on the contacts should be about emphasising their value as well as recognising the limits and propriety of them.**

#### Arm's-length bodies

One issue is that the guidance does not cover arm's-length bodies (ALBs) in any way. It is difficult, given the range of bodies and the different accountability mechanisms that surround them, to bring them fully into the process. However, departments should have a plan for formally involving big ALBs in the contacts process or for giving ALBs guidance on what they should and should not do. This will not stop all personal contacts, but it would provide more structure and ALBs should be encouraged to inform and discuss, rather than lobby. A wider question is whether some newer government bodies such as the Major Projects Authority should play a role in discussions.

- 4. The formal guidance to permanent secretaries issued when talks begin should empower permanent secretaries to advise their department's ALBs on how to approach engagement with the opposition during this period**
- 5. Permanent secretaries should consider consulting their ALBs about the pre-election contacts in advance**

#### Implementation

Given the huge importance of implementation early in the government the guidance should be more explicit in recognising the value of covering implementation issues in the talks. The guiding principles are to avoid proffering advice that might help the opposition get elected, to avoid being a service to the Opposition in the same way that the Civil Service serves the government of the day and to avoid disclosing confidential government information.

The pre-election contacts already play some part in how the Civil Service engages with parties in thinking through the implementation of future policies. The conversations that happen within them do set a tone for later implementation discussions in government – particularly on issues of pace and practicality.

There is therefore a good government argument for improving the guidance. Many of our interviewees talked about the problems in not being able to discuss issues which, when attempting to implement manifesto policies, then become an issue:

I'm in favour of it being more explicit because then I think there can't be any more misunderstandings... you serve the government of the day – but have to assume some stewardship for what happens next and take responsibility for that... I think there's to be some recognition that you're discussing the practical application of their policies. How they could be introduced.<sup>104</sup>

It could be argued that discussing the implications for implementation is itself a machinery of government concern and therefore covered by the guidance. However, it would be more valuable all those involved in the contacts shared the expectation that implementation is and will be an issue to be considered in government and so can be discussed in the pre-election talks. For this reason it should be more explicitly recognised in the guidance. This should not be the fullest implementation advice the Civil Service might offer. That is a matter for government and inclusion in the contacts would greatly increase the role of the contacts. The expectation should be that the issue of implementation will arise and that permanent secretaries may raise concerns without crossing the boundary of 'policy advice'.

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<sup>104</sup> Interview PEC007, December 2013.



6. **The formal guidance to permanent secretaries issued when the talks begin should be changed to reflect the inclusion of discussion of implementation issues**
7. **The guidance should be published and the Cabinet manual changed after the election to reflect the new position**

#### The role of the Cabinet Office

Another issue that came up consistently in our discussions was the role of the Cabinet Office. But, as is often the case with the Cabinet Office, there was a dichotomy of views; the Cabinet Office was too ambiguous for some, but helpfully so for others.

There was a clear preference that departments have a degree of autonomy over the pre-election contacts and preparation more generally and it should not be too strongly controlled from the centre. In this sense the feedback was fairly positive about the role the Cabinet Office was played in 2010.

However, while flexibility in control of the pre-election contacts was welcome, in its coordinating role we found evidence of confusion and frustration.

8. **The engagement and insight-sharing across departments that occurred in 2010 should be repeated in a more structured fashion and working with departments to establish what is best for them**

Another concern was how far the Cabinet Office can advise on how well the contacts are going and intervene. The Cabinet Office was able to provide a degree of oversight, 'to provide some guidance where people felt they needed guidance, but equally to learn what was going on in some departments and feed that in to other departments'.<sup>105</sup> But for the most part any intervention over the contacts could only come through the Cabinet Secretary's own process of engagement with the Leader of the Opposition's party.

9. **The political parties need to be sensitive to the process of intervention if contacts are not going well and party leaders should establish early on with the Cabinet Secretary how to respond if this does occur**

Finally there is a question about how far a coherent policy agenda is presented across departments and what part the contacts play in addressing siloes or exacerbating them. The Cabinet Secretary manages the relationship with the party leaders and in 2010 also had sight of the thrust of the discussions in all departments. The Treasury will need to think about spending choices facing departments and the fiscal envelope facing whichever government is returned in 2015.

However, it is unclear how well the Cabinet Office could play a role across departments when thinking about the parties' policy agendas and how they fit together – particularly identifying potential clashes in policies that the contacts might bring to light. There would be major difficulties in too formal role for the Cabinet Office. For one, there would be a problem with 'two streams of briefing: one departmental, one centrally coordinated'.<sup>106</sup>

More fundamentally, permanent secretaries would be reluctant to share more of what is in their discussions and shadows would very likely be put off. If the Cabinet Office played too formal a role in collating intelligence and sharing it with the party leadership, it would undermine the confidence of some shadows in being open and honest in the discussions. The siloed nature of the discussions reflect wider issues of departments or politicians not being sufficiently joined up and cannot be resolved without addressing much bigger issues. However, it does appear that more thought could be put into how to approach such issues, using the lessons of 2010. It is also something for the parties to consider, to think about whether the message they are giving civil servants is consistent and joined-up among shadows:

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<sup>105</sup> Interview PEC008, January 2014.

<sup>106</sup> Interview PEC005, December 2013.

**10. The Cabinet Office and Treasury should consider how best to think across the policy agenda and should emphasise the value of doing so in their initial contacts with party leaders**

**Recommendations for political parties**

The contacts work better when a shadow secretary of state or incumbent has a clear set of policy priorities and discusses them as candidly as possible. It not only helps to shape the discussions themselves, but is valuable in terms of successful policy implementation in government – as we have discussed more widely in terms of bringing policy into government. This also reflects recommendations from our previous reports on preparation for government; the need to focus on a limited number of policy priorities, particularly if they are large scale and being conscious of sequencing in both legislation and implementation terms.<sup>107</sup>

However, a number of interviewees talked about the importance of also using the contacts to cover the broader policy agenda facing the department, not just manifesto policy priorities. The contacts are also a means to get information of a factual nature about the department – which is well within the remit of the talks. For shadows this will be important and, given the scale of the internal departmental reforms that have occurred since 2010, not just for those with less experience of government or the department in question.

**11. Political parties should consider how best to prepare those undertaking the contacts for what they might involve, how to get the best out of them, and how they relate to a department's readiness to implement an agenda post-election**

Special attention needs to be given to policy areas involving more than one department where cross-cutting issues are likely to arise. In 2010 for example, some civil servants felt that part of their role was to get individual Shadow Ministers talking about these crossovers.<sup>108</sup> Where shadows did not take up the post, the personal association between shadow and policy priorities is often revealed. Given the added pressure if coalition negotiation is again a factor, parties should think carefully about ensuring that policy priorities are generally understood across departments and avoid potentially conflicting policies.

**12. Political parties should also actively try and combat the silo culture of working between different opposition spokespeople**

The issue of shadows not taking up the Secretary of State post is an area we have discussed in our previous reports.<sup>109</sup> Some degree of shuffling seems inevitable and more so if coalition occurs. As we have said before, because specific policies are sometimes tied to specific shadows, Party leaders should consider the policy impact in their calculations for post-election ministerial appointments. They should also consider the effect of discontinuity if shadows don't take up the post and what it says about how far their policy agenda is shared across the party. Any such problems are likely to be intensified if coalition negotiations happen again and put further pressure on the policy commitments of the party.

**13. The party leadership should recognise the discontinuity in policy that can occur when a shadow (or in this case incumbent minister) does not take up the equivalent post in government and consider how the policy agenda can be shared**

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<sup>107</sup> Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, p.68, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

<sup>108</sup> Interview PEC006, December 2013.

<sup>109</sup> Riddell, P. & Haddon, C., *Transitions: Preparing for changes in government*, London, Institute for Government, 2009, p.62 retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions>; Riddell, P. & Haddon, C., *Transitions: Lessons Learned*, London, Institute for Government, 2011, p.69, retrieved 24 April 2014 from <http://www.instituteforgovernment.org.uk/publications/transitions-lessons-learned>

### Pre-election contacts with incumbents

By and large the pre-election contacts have been and are seen as an opportunity for the opposition to engage with the Civil Service. An incumbent government in theory has access to the Civil Service already. On this basis, for some incumbent ministers the prospect of pre-election contacts would be a strange and unnecessary concept.

But there are good reasons why, in 2015, they could be used across the parties. In 2010 some permanent secretaries did hold pre-election contact meetings with incumbent ministers. As we discuss in our parallel report, 'Year Five' – on different mechanisms for policy advice to the coalition in the pre-election period – there is 'a strong case for considering in an integrated fashion how all parties should be supported to develop policy in the pre-election period'.<sup>110</sup> Having two parties in government and uneven access to the Civil Service could, particularly if no other mechanisms are developed, put undue pressure on the pre-election contacts process as a substitute for access to policy advice. However, if it is a process that all parties know they can use, the contacts could help ensure the Civil Service are dealing with equanimity across the parties.

There is a lack of equivalence between the incumbent party and the incoming party... with a more active government I think the inequivalence [sic] becomes clearer.<sup>111</sup>

For the Civil Service the contacts can be a useful anchor to ensure they are doing preparation uniformly and using resources to think through all the parties' potential policy.

The questions in our Year Five report show the importance of thinking in advance how to mitigate further strain on what could be already be a testing period for Whitehall and for the coalition government. Pre-election contacts alone are not the solution to this, but any way in which to resolve it will affect the contacts and therefore if parties know that Whitehall is treating them equally, this will provide some reassurance and certainty.

**14. Equal treatment of the parties undertaking pre-election contacts should occur, though it remains up to individual shadows and ministers whether they wish to take it up.**

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<sup>110</sup> Paun, A., Munro, R., Year Five: Whitehall and the Parties in the Final Year of Coalition, London: Institute for Government, 2014.

<sup>111</sup> Interview PEC002, December 2013.