



General election: access talks

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Summary

Access talks are a confidential opportunity for the opposition to forewarn the civil service of its plans for government. They can be a vital part of preparation for government. This paper provides advice to the opposition and civil servants on getting the best out of access talks. It is based on Institute for Government research including interviews with past participants.

Getting access talks right

- Access talks are intended to ensure the civil service focuses its preparations on the right topics and thinks through the practical implications of major policies, legislative plans and department reorganisations an incoming new government may be planning.
- Getting these discussions right will help shadow teams get to grips with their department more quickly if there is a change of government.

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- Shadows should be aware of the limits of the talks: permanent secretaries cannot discuss current government plans or provide policy advice.
 - Permanent secretaries can provide factual information about their department and its policies, as long as this information is already in the public domain.
 - Permanent secretaries can talk in general terms about policy areas that are not part of the opposition's manifesto and that the opposition shadow teams should consider.
 - The opposition leadership and Cabinet Office should use their own talks to discuss the opposition's whole policy agenda and plans for the centre of government. The talks should be used to tackle cross-cutting issues, with more than one department and shadow team meeting together.
 - The talks can be just as useful for building personal relationships and allowing shadows to have a better understanding of their department.
 - Permanent secretaries should remember that shadows will not necessarily take up the same posts in government.

What can access talks cover?

Access talks are one of the few exceptions to the rule that the opposition does not have access to the civil service.

The talks must remain confidential

Guidance normally issued to civil servants before these talks strictly states that the content of the talks will not be shared with current ministers. Leaks from the opposition side would be equally damaging. The civil service continues to serve the government in the run up to an election; permanent secretaries also need to maintain trust with their current secretaries of state. They will use their judgement in interpreting guidance, usually issued by the Cabinet Office, on how to approach the talks, but most have been flexible and realistic in their approach.

The talks are limited in what civil servants can discuss, but there is some flexibility

Previously issued official guidance on access talks calls for permanent secretaries to put themselves in 'listening mode'. They are not able to provide policy advice to the opposition. However, this is usually interpreted with some flexibility, with the onus being on permanent secretaries to facilitate a discussion and have a clear idea in their mind of where the line on 'policy advice' lies.

One permanent secretary told us that if the shadow set out an Act that they wanted passed quickly – and could specify what it would involve – then it was acceptable to discuss their plans.¹ However, the civil service should not use these discussions to work up legislative options.

What form do the talks take?

In discussion with the permanent secretary, shadows can decide the number of occasions on which talks take place, as well as their format. In the past, this has varied greatly, depending on how useful both sides found them.

How many meetings should there be?

During an election campaign period, which typically lasts five weeks, there is usually limited time to have meetings as shadows are busy on the campaign trail. It has tended to be more than three but fewer than 10 per department, with exceptions in both directions.

Where can the meetings take place?

The meetings occur away from the department; in the past, many have taken place in parliamentary offices, but other venues have also been used. Several former participants talked about the value of a first informal meeting – even over dinner or drinks – so that the shadow and permanent secretary can have a more casual discussion. Some continued to intersperse informal or one-to-one meetings with more formal sessions, but naturally this depends on the time available.

Who can attend the meetings?

Previous participants found value in having the first meeting as a general chat between the shadow and permanent secretary, and to cover the rules and agenda for future meetings. Shadows have later extended discussions to involve their wider team, but this is down to the shadow. In one case in 2010, the talks concluded with a final meeting involving the whole shadow team and the top team of the department.

Permanent secretaries have seen value in meeting junior shadows who hold the brief on a particular policy. This can be especially useful in cases where shadow secretaries of state have not ended up taking up the same post in government. However, permanent secretaries have to be mindful about the numbers of officials attending and ensure the department remains focused on working for current ministers.

What can the meetings focus on?

Past participants spoke about the value of having a plan where each meeting focused on a different theme. This allowed the permanent secretary to prepare ahead and for both sides to decide upon a cast of attendees that reflected the topics to be discussed. Each session might cover a specific policy area, for example reflecting the shadow's priorities for early action or covering specific sectors of the department's responsibility.

The discussions have also been an opportunity for civil servants to raise, within the limits of the guidance, issues that might need to be considered alongside the opposition's policy plans. This could include future and long-term policy concerns or parts of the department's scope that shadows have not apparently considered.

How are the talks co-ordinated?

During more recent elections, the Cabinet Office and the office of the leader of the opposition have played a stronger role in co-ordinating talks. Shadows and permanent secretaries are usually given a degree of latitude to get on with their own talks, but there is some central co-ordination to make sure the talks are going well and to ensure a whole-of-government perspective on the message being given to the civil service.

The leader of the opposition will also hold talks with the cabinet secretary to focus on the overall policy picture, any departmental re-organisation and plans for No.10 – as well to assess the progress of departmental talks.

How do the talks help?

Past participants have found that the talks are valuable in several ways, beyond their primary role to forewarn of departmental changes or major policy.

Policy

Although not explicitly in the guidance, the talks can be used to ensure both sides have an idea of any major policy implementation challenges. In the first instance, this might relate to specific policies that involve changes to the machinery of government or the organisation of staff, but there are many other implementation issues that may be relevant.

Previous shadows have shared 'business plans' and even draft legislation. However, the rules on 'policy advice' will determine how far these can be discussed. Permanent secretaries we spoke to used questions as a way to offer advice: for instance, "how do you want to introduce that policy?", "over what time frame?", "have you considered that department X will have an interest?"

For the permanent secretary, the talks can be extremely useful for planning what kind of organisational changes they would need to make to implement the new policies: these might be moving existing personnel around or hiring new staff, or making changes to the structure of the department.

Understanding the department

Past shadows we interviewed said how useful the talks can be to learn about the department, within limits. The guidance stipulates that the shadow can ask 'factual questions'. Those with experience of the talks discussed the value of being able to cover the basic budgetary framework for the department, the relationship to arm's-length bodies and the policy landscape – but civil servants could only provide information available in the public domain and not comment on confidential government policy (e.g. spending plans).

Permanent secretaries emphasised the need to avoid critiquing the current government's policies or discussing advice they had provided to ministers. Topics that can be difficult to address include current contracts and policies that the opposition may wish to halt or change. One permanent secretary talked about the constraints of talking about

implementation while needing to make sure “you’re not giving them some insight into the problems that the present government is having”.² Another said that managing the balance between factual explanation and not ‘revealing anything secret’ was something they frequently had to manage in their dealings with Parliament.³

Building a relationship

Permanent secretaries who have participated in access talks said how valuable they could be in beginning to develop a productive relationship with a potential new secretary of state. The discussions allowed them to get to know people with whom they may have previously had little or no contact. How far this is possible depends on how formal the talks become, and the tone of early talks can set the foundation for a relationship in government.

This is something that the permanent secretaries we spoke to particularly emphasised. As one permanent secretary put it:

“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”.

By contrast, sometimes the talks break down early on when the shadow and permanent secretary fail to build a personal rapport.

Lessons for shadows

There are several key lessons for shadows as they approach the talks.

Ask basic questions

One permanent secretary from 2010 talked about how valuable it was to have a shadow who was keen to ask even basic questions. This can be a good way to open up the conversation. If shadows are unsure about what can be covered in the talks and the limits of them, they should ask the permanent secretary.

Communicate goals clearly

To make these talks work it is hugely important for the opposition to be open about its plans for government and clear about its priorities. The talks may be the only source permanent secretaries have, outside of public statements, to understand what shadows intend. Access talks are an opportunity for shadows to ensure that a department is aware of their goals for government, and the objectives behind them.

The civil service will take what is said in the talks very seriously – shadows should be sure to get across what they are thinking and the aim behind the policy; to be explicit and consistent.

Consider implementation

There may be policies where opposition parties have undertaken extensive preparation and on which shadows will want immediate action if they take office. Other policy areas may need more work. Implementation can only feature in these talks in a general sense, but can lay a foundation for more detailed discussions about implementation challenges in government and ensure that both new ministers and the civil service are on the same page.

However, shadows should always remember that these talks are no substitute for detailed implementation work in government. Participants from 2010 said the talks had not been used well to think about broad 'swathes of policy and trying to spot some minefields' – which then caused problems early on in government.⁴

Think about co-ordination

As well as focusing on access talks in individual departments, opposition parties need to ensure they give the civil service a consistent message across departments so that policies are properly joined up. The purpose of some of the Conservative Party's business plans and their pre-election discussions in 2010, for example, was to make sure their initial legislative agenda was co-ordinated (including with the Leader of the House).

The opposition should also try to be consistent on cross-cutting issues that overlap several departments, as well as between shadows and the leadership about what the biggest policy priorities are. There is good value in holding talks with more than one department to discuss associated issues. These can be difficult to organise but rewarding if done well.

Past participants in access talks have spoken about the problems that can occur when a minister takes up a post they did not shadow and does not know what policies were planned. Making sure that the civil service is given a consistent message will help.

The opposition party leadership should consider how to co-ordinate the talks while allowing shadows the leeway to build their own productive relationships. Though permanent secretaries will keep the detail of the conversations confidential, the cabinet secretary will want to ensure the civil service leadership has a clear view across departments.

Lessons for the civil service

There are a number of lessons permanent secretaries should bear in mind as they approach the talks.

Focus on the personal relationship

Access talks are sometimes felt to be more useful to the civil service than for the shadow. Some shadows will even be wary approaching the talks. Permanent secretaries should use the first meeting to find out what the shadow wants to get out of the talks and to plan for future meetings. Remember the talks can be the first opportunity some shadows have to meet officials in government departments.

Be clear about what can and cannot be discussed

The opposition should be aware of the limits to what the talks can cover, but may not be. Guidance issued about the talks usually gives permanent secretaries some degree of latitude, but officials cannot provide policy advice or discuss current government plans. Most permanent secretaries we spoke to said that this balancing act was something they were perfectly comfortable with: it comes with the job.

Permanent secretaries will want to ensure that the talks are positive and helpful to the shadow, but also that they retain the trust and confidence of current ministers. They need to make sure that the talks (or any other preparation for an election and a potential change of government) are not a distraction for the department. Having an honest and open conversation with the shadow early on can be the best way to manage this.

Use the meetings to understand opposition policy and personnel

The talks can be a hugely valuable opportunity to get into the aims behind policy pledges. Policies may change significantly if a new party gets into government, so it is helpful for the civil service to understand the outcomes that the incoming party is trying to achieve. The talks can also help the civil service understand the political philosophy and personnel behind a new government.

Permanent secretaries who took part in access talks in the run up to the 2010 election talked about the failure to realise how much Labour's way of working was 'in the bones of the department' and that they needed to make a mental adjustment to a government that wanted the state to be far less interventionist.⁵

Share insights with colleagues

Access talks are based on trust, so permanent secretaries will want to ensure they maintain strict confidentiality about what is discussed. However, it is useful to share insights, and the Cabinet Office will play some form of co-ordinating role here.

This will be two-fold: first, to monitor how well the talks are going and to offer guidance or help intervene if they are faltering; second, to help co-ordinate policy and take a whole-of-government perspective. This can be managed while maintaining confidentiality about the detail of the talks.

About the author

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References

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- 2 *Ibid.* p16
- 3 *Ibid.*
- 4 *Ibid.* p25
- 5 *Ibid.* p24

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