

HOUSE OF COMMONS
ORAL EVIDENCE
TAKEN BEFORE THE
POLITICAL AND CONSTITUTIONAL REFORM COMMITTEE
LESSONS FROM THE PROCESS OF GOVERNMENT FORMATION
AFTER THE 2010 GENERAL ELECTION

Thursday 4 November 2010

Sir Gus O'Donnell

Evidence heard in Public Questions 167 - 288

**Taken before the Political and Constitutional Reform Committee
on Thursday 4 November 2010**

Members present:

Mr Graham Allen (Chair)

Mr Christopher Chope

Sheila Gilmore

Simon Hart

Mrs Eleanor Laing

Mr Andrew Turner

Stephen Williams

Examination of Witness

Witness: **Sir Gus O'Donnell KCB**, Cabinet Secretary and Head of the Home Civil Service, gave evidence.

Q167 Chair: Sir Gus, welcome. Thank you for coming to the Committee. We're a brand new Committee and we are very pleased to get you relatively early in our short life. Hopefully, since we now have fixed-term Parliaments, or on the way, we will have a chance to talk to you about a number of serious political and constitutional reform issues as time goes by.

Can I start off asking hopefully a straightforward question? They're always the most difficult ones, aren't they? Why haven't we had the Cabinet Manual published yet?

Sir Gus O'Donnell: Thank you, Mr Chairman. Could I start by saying I look forward to working with the Committee over the years and I very much welcome your interest in the Cabinet Manual. Perhaps if I could take you through the timing of that. I've looked through the evidence you have and there's one or two things I could respond to in that.

The Prime Minister asked me on 2 February, and announced to Parliament-I'm talking about Prime Minister Gordon Brown-to produce a manual. We did one chapter on 23 February for the Justice Committee, and the Justice Committee reported on 29 March, just shortly before the election was called on 6 April. You had some evidence that suggested that there was a different version that was used during the election. Let me be clear. After we got the Justice Committee Report, we were working on some revisions to the Chapter but we ran out of time. So the version we used during the election was the version that was published to the Select Committee. There were certain gaps in that, because it talked about civil service support but it didn't precisely say how, which is why later I published the advice that I gave to civil servants. Personally I think that worked well. Like you, I look forward to when we can publish this. I said to the Justice Committee I hope we do it by the end of the year. The draft manual has now gone around to HA Committee, Home Affairs Committee, who have said they want to consider it first, because in their view there are issues going on, for example the Fixed-term Parliaments Bill, which they would want to reflect. Now, that's their decision. I very much look forward to having your Committee's views on the Cabinet Manual, so when it is published I very much look forward to us having that debate, because we'll publish it in draft form obviously.

Q168 Chair: What date are we going to see it?

Sir Gus O'Donnell: I don't know, is the honest answer. It is a matter for the members of HA Committee.

Q169 Chair: I think in your own words, Sir Gus, you have described this as something like the closest thing we have to a written constitution, or some phrase like that I think you have used in the past. Forgive me if I have misquoted you, but I can find it if you wish. This is a pretty important document. We don't have a written constitution, and this is as close as we are likely to get. It really isn't satisfactory, is it, not to have this in the public domain?

Sir Gus O'Donnell: Well, we have lived decades without such a document. I share your view that this is an important document and what I did was get that chapter about hung Parliaments out in draft form ahead of the election. And I think, with hindsight, I'm really pleased that we did, because it meant that during the election various constitutional experts popped up and there was a great deal of clarity about what should happen, a great deal of clarity that the Sovereign should stay above politics. So I think it was incredibly useful we had that. I think it will be a very useful document for the future, but it is a Cabinet Manual, it will be owned by the Cabinet, so they will put it out in draft form for consultation, and it has to be their decision as to when that happens.

Q170 Chair: You looked a little quizzical when I said it's the closest thing we have to a written constitution. The proper quote from the Justice Committee in February of this year is, "The Cabinet Manual will be the first, comprehensive account of the workings of Cabinet Government and will consolidate the existing unwritten, piecemeal conventions that govern much of the way central Government operates under our existing constitution into a single written document". This is very, very big stuff. Clearly, our Committee must be very concerned that this has taken now-what is it-the

best part of a year and still hasn't see the light of day. Quite frankly, Parliament and the public should be able to look at this without too much further delay. Sir Gus, I must press you: when would you ask that this document be released so that we can all see it and can all make comment on it?

Sir Gus O'Donnell: When you talk about the delay, remember in the middle of that we had quite a significant constitutional event, which was a change of Government, and so the start of a Coalition Government, so in the sense-

Q171 Chair: I could argue, you might have started, as you said, perhaps even several decades ago, so you have had a little time in the civil service to figure out how the Cabinet Manual should look, and the New Zealand example has been around a little while.

Sir Gus O'Donnell: No, I agree with you and I personally have been in favour of this. The question was, having succeeded, and the former Prime Minister made clear he wanted us to do this, and it obviously has to be the decision of the Government, I'm very pleased we got on with it from 2 February to the 23rd, I think it was, and produced the relevant chapter. I think it was the most important one. I think we're in the same place on this; I share your view. I think this will be a very important document. It's not going to be legally binding. Why I kind of pulled the face about-

Q172 Chair: You won't be deciding whether it is legally binding or not, will you?

Sir Gus O'Donnell: Sorry?

Chair: That is for other people to decide.

Sir Gus O'Donnell: Absolutely. What I'm saying is the actual document itself doesn't have a legal status in that sense, so it's perfectly possible for people to decide that they want to make it legally binding, but at the moment it just brings together existing conventions, existing legislation and tries to clarify some areas that are quite grey, where things have changed in some places but not in others. If I give you the example of civil service support: the conventions had changed in the devolved authorities, so because of their different voting system they were in this situation a number of times and they had routinely used civil service support to the parties. So the question was if we were in that situation what would we do, and that's why we put that part in there.

Q173 Chair: I think we all accept that things do change and things evolve but of course that doesn't prevent anyone from having set rules and a framework of principles. I think you mentioned this morning that we have to have a look and see what happens with a fixed-term Parliament. That may not be your decision, that may be the Home Affairs Cabinet Committee, but there is always going to be something and on that basis we would never ever see a Cabinet Manual, because there is always something around the corner.

Sir Gus O'Donnell: There is a particularly strong set of constitutional changes going on at the minute, with referendum on the alternative vote, changes to constituency boundaries, House of Lords reform. I could go on. There's a lot happening, but you're right. I think one of the issues that it would be interesting to get the Committee's views on at this time is in New Zealand they have this issue about how often they change it, and indeed they've had a consideration about whether it should just be in hard copy or whether it should be on the web, because if it's on the web you can change it too easily or too frequently. I think that's quite an interesting set of issues. Do you change it every week as something happens, as Parliament makes a decision one way or the other, or do we have a self-denying ordinance and go for it once a year or whatever?

Q174 Chair: When we are allowed to see it we might be able to offer some opinions on those very important questions. I think, probably speaking on behalf of the Committee unanimously, we would be very grateful if you would take the message back home today that we would like, and Parliament itself would like, to see this in the public domain so that a proper debate can begin. This is an extremely important document. People will have different views and there needs to be an extended debate around its legitimacy and whether it needs to be in law or whatever, which at the moment we are being denied, Parliament is being denied, by the fact this is not in the public domain. Could I ask you, Sir Gus, to take that back to Number 10 and talk to whoever you need to?

Sir Gus O'Donnell: I will certainly take back that message. Like I say, I am strongly of the view that this is an important document and I very much want to put this out in draft so that we can get your views and the views of all of Parliament.

Q175 Chair: Just to take you back to the beginning of this particular episode of this story, you mentioned that the then Prime Minister asked you to do this. Why? What was different about that moment or that Prime Minister's judgement that he felt this was something that should now be written down? Was it a forerunner for a written constitution?

Sir Gus O'Donnell: We'd had discussions about what was going on in New Zealand. History has rewritten it slightly. As it happened, I was going to be going out to a meeting of the Cabinet Secretaries of New Zealand, Australia, Canada, UK and sometimes Ireland. They happen every two years. This time it was going to be in New Zealand, and I was having a discussion with him about some of the things the New Zealanders were doing, particularly the manual. He was very attracted to this idea and announced to Parliament that he'd asked me to bring this together. Also there was, I thought, an important point for me, because in the preparations we were doing for the election one of the issues was clear that it was possible there could be a hung Parliament. In the light of that I had discussions with the Palace and we all thought it would be really useful if we could get a greater degree of acceptance of what existing conventions were. And so getting that chapter out then was, I think, useful.

Q176 Chair: Presumably in the internal discussions around this manual as a whole there will be discussions about how it can be amended and how it can be authorised, because clearly it is basically an internal civil service document at the moment.

Sir Gus O'Donnell: Obviously that chapter was released with the authority of the Prime Minister. It is now being discussed by Ministers in the Home Affairs Committee. Obviously civil servants are drafting it, but Ministers may well want to make changes. Then we get into the interesting question, which you raised I think, about ownership of this document. It's a Cabinet manual and I think the Cabinet's view is the Cabinet own the manual. That's the situation in New Zealand where, with a change of government there, I think one of the first things they do at their first cabinet is they put the manual before them and that new government, or return of existing government says, "Yes, this is the manual and we will abide by what's in this document". We have various ways this could be done. I think you're right, there could be quite an interesting debate about that.

Q177 Chair: We are often told, although I don't believe it, that there is parliamentary sovereignty, so really Parliament owns the Cabinet, so in a sense to derive legitimate authority presumably there must be some sort of avenue coming back to Parliament to authorise it. Is this being given some consideration?

Sir Gus O'Donnell: Sure, precisely why this is being thought to be put out in draft, rather than in final form, and then presumably Parliament will debate the issue.

Q178 Chair: Would it be possible to put in your mind that this Committee might have some input to this process?

Sir Gus O'Donnell: Absolutely. I would expect that when we produce it we will have more sessions like today's.

Q179 Chair: Do you see what I am trying to get at, Sir Gus? It sounds that it's well written, it sounds like it's a good thing, although we can't see it, but it doesn't seem to have any moral or legal authority. It lacks legitimacy and, therefore, when reading the evidence from other committees, colleagues are asking you, "Why did you feel you are able to say one lot in, one lot out, or the pace of change?" That's why people feel, perhaps wrongly, that you were overstepping the mark because your authority on the Cabinet Manual has little parliamentary legitimacy.

Sir Gus O'Donnell: The issue really is, when you're talking about all of the things we're bringing together, it is a set of legislation but it's also a set of conventions. Those are not legally binding. So, in a sense, we as civil servants have to operate in a world where there are conventions, and if somebody said, "But I don't agree with that convention; show me the piece of legislation behind it", in a number of cases we would not be able to show it to you. It is a convention, and that's the way our system has operated for decades, for better or worse.

Chair: You are tempting me to go places. I have totally monopolised the questioning. I was going to call Simon but, Chris, did you have something very specific on that line of questioning?

Q180 Mr Chope: Just to follow up on this one, briefly. Oliver Letwin told us that he wanted this manual to be published soon and it seems from your evidence that the manual is in existence. You can confirm that it is in existence; it is not still being drafted?

Sir Gus O'Donnell: A draft has been circulated to members of the HA Committee, yes.

Q181 Mr Chope: There seems to be some inhibition about letting us see this, pending the parliamentary scrutiny of the Fixed-term Parliaments Bill. Is that what you're saying?

Sir Gus O'Donnell: It's one of the issues that when members of the committee were discussing whether to make this public now, they said, "Well, we're in the middle of some big changes, constitutional changes, Parliament is considering these" and their view was, "Let's pause for now".

Q182 Mr Chope: The Prime Minister has kept on saying he wants to strengthen the role of Parliament? He wants to facilitate our role in scrutinising the work of Parliament. Surely you must be advising him that if he wishes to be consistent with that that it would help us to see this manual while we are scrutinising the Fixed-term Parliaments Bill. Have you given him that advice?

Sir Gus O'Donnell: I am personally of the view I look forward to this getting out there quickly, and I said in my response to the Justice Committee by the end of the year. It has never existed before; we've been waiting decades and decades for this. Possibly I'm slightly more patient. It will be a tremendous achievement if we can get this out there and get it agreed and establish, as the Chair said, the appropriate legitimacy and what it needs to have for that. So I guess I'm slightly more patient than you, having waited decades. But when we get it, like I say, it will be in draft form and Parliament will be able to scrutinise it and decide.

Q183 Mr Chope: If it's in draft, what harm can there be in enabling us to see it now to facilitate the scrutiny of these important constitutional Bills? Surely that is consistent with what the Prime Minister has said about wanting to strengthen Parliament and give us a bigger role.

Sir Gus O'Donnell: As we put out various papers for consultation they are first of all considered by Ministers and then they're put out for consultation. We are at the stage where Ministers are considering the Cabinet Manual.

Q184 Simon Hart: Sir Gus, if I can just go back to something the Chairman said earlier on, and then apologise in advance for having to leave almost immediately after my question but I am coming back later. I think you were quoted on the BBC as saying that you felt that pace was important as part of the formation of the coalition. What I was wondering was did the absence of a perhaps more visible formal protocol during the transition, in your view, lead to a national sense of crisis, perhaps, within the media or the public? Firstly, was that a satisfactory situation as far as you saw it? Why was pace so important? And would perhaps a more formal publication of a manual or some kind of protocol have altered your view that pace was important?

Sir Gus O'Donnell: This is one of those areas where, given that we've had the experience of May, the future will be different from the past. So people have learnt from that experience. We went five days during those negotiations. So I think in future people will be more patient than they were this time, because this was very unprecedented, the markets were quite jittery. The next time they'll look back on it and they'll say, "Well actually, there were those five days and it took a while and in the end this came up with a Government that was able to produce the Programme for Government quite quickly". So I think the future will be different from the past. As they say on the small print at the end of all of those financial ads, "The past may not be a perfect guide to the future". I think that is in this case right.

The question about would it be better if we had more agreed guidance: that was the whole reason why I was very keen to get that draft chapter out to the Justice Committee, because I think it did help that we had some discussion, some parliamentary debate about those issues and that a number of constitutional experts were able to look at those things. So when it came to the election with the hung Parliament, I think you found that there was a strong degree of unanimity about the appropriate processes, and I think that helped to calm things down and allow the time that was needed for the political parties to come to an agreement.

Q185 Simon Hart: It didn't seem to reduce the press speculation. Following on, on one point: you mentioned five days and that was an appropriate period of time to suppress market volatility. If this was to happen again and it couldn't be done in five, for very legitimate reasons; it might be seven, it might be 10, it might be 12, who knows, it might be three-although Oliver Letwin indicated that five was probably the minimum but 10 would probably have ended up with a much better result; that was from his point of view, at any rate, the other witnesses may have a different view. Where I am trying to get is that there must be a maximum and minimum number of days or weeks inside which or over which it becomes a very unsatisfactory set of circumstances and market volatility is, therefore, likely to increase. I'm wondering if you could be more precise about what those limits are.

Sir Gus O'Donnell: All one can say is the average, I think, in European countries is 40 days for a coalition to be arranged. Markets get used to these things. In a number of countries, Belgium for example, it can take a very long time. It has happened before so markets expect it. What I think markets find difficult is something entirely new. So the next time round they will have learnt from

this period and I think they'll be somewhat more relaxed because they'll understand what was going on.

Q186 Chair: May I say also something without rules. If there had been a clear protocol that this is a standard process wherever this happens and it's going to be a seven-day process-the first three days will be recuperation for people who are absolutely dog tired, so they can sit and think, maybe make a few private phone calls, and then there will be a formal stage where whoever it is can be invited to Number 10 or whatever-then everyone knows that's the story. But one of the big conventions that we have in this country is we have to respond to the media and we must do it fast, otherwise they will distort the process. So we were carried along with that wave. Surely, having a framework out there, a protocol of some description, which may be moveable but at least gives the players a sense of they, the politicians, have some control over this, rather than being pushed, firstly, by the media. Secondly-again I'm going to go back to this point-on the Thursday we seemed to have forgotten there was a general election. There were 650 Members of Parliament elected by the British people who by Friday morning were wholly and totally irrelevant to this process. No Members of Parliament were involved, although we're paged to hell about getting into the House of Commons to vote for this, that and the other, or ask this question or do the other thing. I am sure you don't know anything about that, Sir Gus. There was radio silence, certainly from my lot, for five days, because it was being dealt with by people who had no part in that election, pushed along by an unelected media, in a structure designed, which we are not allowed to see, by unelected civil servants, and with Members of Parliament wholly out of the loop.

Sir Gus O'Donnell: Let me be clear. It's not unelected civil servants holding anything back. Right?

Chair: I am not saying you are holding it back. I said you were creating the framework, which we are not allowed to see.

Sir Gus O'Donnell: What I did was, for the first time ever, produce what I could, which was the nearest thing to a framework, which was bringing together admittedly existing conventions, and some people say I was just terrible, I overstepped the mark, I shouldn't have done this. I think we did our best to help in advance and I think it worked very effectively. When it comes to the question about framework, I think that will be for the political parties to decide and Parliament, if you like, to think about do they want to have a more specified framework. The one thing I will say is it's going to be really hard to come up with something that will work for all possible circumstances.

Q187 Chair: Of course, but without that we have the volatility, which is induced by not having a framework, being pushed along by the media, and also the markets, and that is what makes the markets sensitive, because there is not a degree of certainty about the stages and the benchmarks in this process. I will return to what Parliament's role is, an MP's role in all this is, the forgotten 650, in a moment, but I know Simon has to go.

Sir Gus O'Donnell: I want to consider what the constitutional position of MPs is post-election and pre-swearing in.

Simon Hart: I think the Chairman followed; you answered the last part of my three-part question. In line with your comments, I've been told to go and ask a question, so I'm going to go now. I shall be back.

Chair: My apologies, Simon. We will take you when you come back. Excuse me, I have been away for four weeks; I'm full of enthusiasm.

Q188 Mr Turner: Can we go back to the Justice Committee, because I was on the Justice Committee before the election? My personal feeling was this is bringing out into the public a small aspect of what you are delivering, and I assumed that the rest would come out quite quickly, but that wasn't the point. The point was that that was the view of what the Labour Party wanted to have published, led by Gordon Brown. What we assumed at the last meeting was that you have a superior role, which is guardian of the constitution. Now, which was it?

Sir Gus O'Donnell: With respect to the manual?

Mr Turner : Particularly before the election and the draft version being published.

Sir Gus O'Donnell: Certainly I suggested to the Prime Minister that, given that I was appearing before the Justice Committee and given the probability of a hung Parliament, it would be a good idea to get this out. So your point about the guardian of the constitution, that I can somehow operate and decide myself to publish all of this without getting the clearance of the Prime Minister, no, I don't think I have that authority.

Q189 Mr Turner: Thank you very much. That is most encouraging, I must say. I would rather have the Labour Party deciding how this country is run than you as a civil servant, and I'm glad you agree with me. *[Interruption.]* No, I would absolutely be happy with that. The problem is that what you have used now is the discussion about the probability of a hung Parliament. What information did you give, and what did you ask the Prime Minister for and what did the Prime Minister believe? Who was putting in this idea of a hung Parliament?

Sir Gus O'Donnell: Well, the evidence basically.

Q190 Mr Turner: The evidence being what?

Sir Gus O'Donnell: Being opinion polls, spread betting, those sorts of things.

Q191 Mr Turner: We know now that during that election it went up quite considerably, the likelihood of a hung Parliament, and then it worked its way down, all within a week. So, how can you know what is happening in February, rather than what is happening in March? Are you saying that it was more likely to happen than ever before, or are you saying it's a possibility that may happen?

Sir Gus O'Donnell: It's a possibility that may happen. My attitude to risk mitigation: there's a risk out there that there is a hung Parliament, probability, as you rightly say, unknown. We have some indicators of probability, given by opinion polls and the like, but we know they're very imperfect. Can we mitigate that risk? Yes, we can, and we can mitigate that risk by trying to get some agreement on what the basic conventions are. In particular, I was very keen, and the Palace was very keen, that we establish that point about the Sovereign being above, so that She wasn't drawn into this inappropriately. So we put out the draft guidance in advance, and that seemed to me, in the context of our job as civil servants to help Ministers be prepared for contingencies and to mitigate worse outcomes. Then this, to me, was a very sensible piece of policy.

Q192 Mr Turner: Do you think that the availability of that evidence would, in itself, have encouraged that to become a fact?

Sir Gus O'Donnell: No. If you remember-it's quite interesting-when I did the Justice Committee Report and we had that session, it got very, very little coverage at the time.

Q193 Mr Turner: Then after the election, we have a new Government and you are held up by publishing this information, because the Cabinet are not yet ready to publish it.

Sir Gus O'Donnell: HA Committee, I said, not the Cabinet.

Q194 Mr Turner: HA Committee being what?

Sir Gus O'Donnell: Home Affairs Committee.

Q195 Mr Turner: So it is a sub-committee?

Sir Gus O'Donnell: That's right. It's chaired by the Deputy Prime Minister.

Mr Turner: How interesting.

Sir Gus O'Donnell: All our Cabinet committees, remember, are coalitionised in the sense that there is a chair from one party, deputy chair from another.

Q196 Mr Turner: You see what we have now is we are not being allowed to see this document because it will have the wrong things in it, "You will be allowed to have this information once we have approval for AV".

Sir Gus O'Donnell: No. What I have said is-

Q197 Mr Turner: What is the evidence?

Sir Gus O'Donnell: What I have said is Ministers have decided to pause. They want to consider the document first, and one of the reasons they've put forward is that there is legislation going through Parliament at the minute, that's all.

Q198 Mr Turner: Okay. So what could the reasons be for that?

Sir Gus O'Donnell: Well, it's like any document they have. As the Chairman has rightly said, this is a very important document. A number of the members of that committee haven't immersed themselves in constitutional issues, so they want time to look at it, understand the implications of it. It is a very significant document. So I think it's perfectly reasonable for them to take a bit of time to think about it and then put it out in draft.

Q199 Mr Turner: I think you said it could be delayed as long as the House of Lords changes?

Sir Gus O'Donnell: No, I didn't say that. What I said was, in my reply to the Justice Committee, that I hoped we would be able to do it by the end of the year, but the truth is the decision is a matter for Ministers, not me. I think you'd probably approve of that.

Mr Turner: Yes.

Sir Gus O'Donnell: Indeed. So, I look forward to the time when we can have this discussion with the document in front of us.

Q200 Mr Turner: What I am worried about is that none of these things will be published until all the changes he, in particular, wishes to bring about, and we won't have a Cabinet Manual now, we will

have a Cabinet Manual in six months or a year's time from now, and that is to shift the emphasis of the Cabinet Manual. Do you see that or don't you think that is going to happen?

Sir Gus O'Donnell: Could you explain why you think it shifts the emphasis of it?

Q201 Mr Turner: Because it would say now, "We don't use AV", whereas in six months' time we would come out and possibly say, "We're just about to have a referendum, and as we're just about to have a referendum there will be further delay. Oh well, let's have it after this". And when that is introduced and it decides one way or the other, whichever, it will be amended further, and then they will introduce the House of Lords changes and so on. And we won't get any manual. Now, is that possible?

Sir Gus O'Donnell: Like I say, the ultimate decision is for Ministers. My advice to them will be that I think it's quite a good idea to get this out and get it out well in advance of, let's say, the next election.

Mr Turner: Oh well, in that case it is just six months before the election.

Sir Gus O'Donnell: I did say I hoped to get it out by the end of the year but, like I say, it's not my decision.

Chair: Clearly we are focused at this moment on coalition making and Government making, but there are many other things in the manual, we understand: the monarchy and the Privy Council; the Executive: the role of the Prime Minister and Ministers; collective Cabinet decision making; Ministers and Parliament; Ministers and the law; Ministers and the civil service; relations with devolved Administrations and local government-our next topic, which we start next week-relations with Europe and international institutions" that possibly Mr Chope may wish to touch on. And then we are just getting down to chapter 9, which is the one that we're talking about effectively, which is on elections and Government formation. Finally, official information. This is a blockbuster, and I would suggest, Sir Gus, that that adds to Andrew's points that at least at some point in the next couple of weeks giving us some indication of the timeline for this to be out in the public domain-and you have already undertaken to do this-would be very, very helpful.

Sir Gus O'Donnell: I understand. I should just say that the actual number and form of chapters may change slightly as well.

Q202 Chair: Fine. I think though, as we've said, there will be a process of evolution once it's out there, in order to get something that is a finished article, and then the finished article itself will evolve forward, depending on what means of legitimacy and authority it requires.

Sir Gus O'Donnell: Precisely. This will be a living document, I think. Indeed.

Q203 Mrs Laing: Sir Gus, can I approach the issue of the way in which the Cabinet Manual was used in those crucial days after the general election from a slightly different angle from the Chairman, just for the sake of the exploration of the idea? Was one of the motivating factors for producing a chapter on the formation of a Government, should there be a hung Parliament, your desire, indeed your duty, to protect the monarch from political activity?

Sir Gus O'Donnell: Indeed.

Q204 Mrs Laing: Thank you. And given that that is the case, is it then the case that you drew up a set of possible rules? Given that we are talking about conventions of the constitution-up until now, I have been a fan of the flexibility of those conventions-and given that you are only working with conventions and not rules, when you drew it up was it a set of possible rules? Was it rules in draft?

Sir Gus O'Donnell: It was a draft, very clearly a draft, but it consisted of existing legislation-so in that sense that's given, and the final document will have a lot about existing legislation covering Ministers and the like-and the conventions, as best they were understood, which is why I wanted to be clear about getting constitutional experts to look at these and tell me, and come to, as far as we could, a consensus, and that's what we ended up producing.

Q205 Mrs Laing: Did you consider that you had achieved that consensus?

Sir Gus O'Donnell: Yes.

Q206 Mrs Laing: We have had some constitutional experts before-and I think I'm not putting words into their mouths, and other members of the Committee will correct me if I'm wrong-and I had the impression they said that they hoped that they were constructive and helpful to you in doing that and that a consensus had been reached.

Sir Gus O'Donnell: They were incredibly helpful, if I could get that on the record. I think there were two groups that were really useful to this. One was a number of constitutional experts-obviously you can't consult them all, but we tried to get a good range-and the second was the Institute for Government. I think that was an interesting innovation, and they produced some reports that I thought really added to the debate. So, yes, I think the fact that we had achieved consensus was very clear from when the election result was announced on that Friday morning, all the way through, you saw some of those constitutional experts on our televisions explaining the processes that we would go through. The fact that that was not contentious, wasn't a matter of controversy, I think was really important.

Q207 Mrs Laing: That wasn't just a coincidence; that was the fact that you had pulled them together and there had been as full a discussion as you could possibly mediate?

Sir Gus O'Donnell: Indeed.

Q208 Mrs Laing : That is helpful, thank you. Having done that, let's just deal with the issue of whether a civil servant, let's not be personal about this, holding a particular position could in these circumstances overstep the mark. When the result of the election was known and various elected members of the House of Commons came together to consider the possibility of forming a Government-and we know, not just from the media but from the evidence we have before us, that there were various discussions taking place between three groups in different formations, to put it politely-did you then put before them your draft Cabinet Manual for their consideration?

Sir Gus O'Donnell: They all had it and they were very aware of its content, although my current Minister for Government Policy, Oliver Letwin, did say that he felt that he didn't need to consult it because they had me to ask.

Q209 Mrs Laing: Yes, he told us that as well. He did say it was far more useful to have the conversation with you personally rather than just to read it. But had they been reading it, was it open to all of them or any of them to reject it or to amend it?

Sir Gus O'Donnell: Absolutely. I mean, it's a convention. They could have said, "We'll operate in a different way". And there were various bits; remember that draft chapter doesn't cover everything. It didn't, for example, cover the role the civil service would have. It said about support, but then the question was, "Well, what does that mean?", which is why I published a further document that I had put together to say, "Well, given the code of impartiality we have, this is what I think civil service support should mean".

Q210 Mrs Laing: Would it be correct to say that it was technically impossible for a civil servant to overstep the mark, so long as there were elected representatives who could say no and put a red line through certain chapters?

Sir Gus O'Donnell: I can't stress enough it was for the political parties to decide how to operate. There was a draft chapter there but it was conventions, not legislation.

Q211 Mrs Laing: That is very helpful, thank you. You mentioned just a little while ago-if I may, Mr Chairman-an issue that I hadn't thought of before. I think you used the phrase that the manual is seen as being owned by the Cabinet, because it's a Cabinet Manual. You prompted me to think, when you said that, that that is a strange constitutional position that it should be owned by the Cabinet. As the Chairman rightly said, should it not be Parliament who has the final say on this? I can't expect you to answer that question as such now but, just talking about this in practical terms, would it be possible to put the Cabinet Manual before Parliament as draft legislation, possibly even as part of the Fixed-term Parliaments Bill?

Sir Gus O'Donnell: I don't think that has been considered yet-I'm not sure- given the Fixed-term Parliaments Bill is currently going through the House and, as the Chairman mentioned, the manual goes much, much wider than that. So I think that the legislators would have a bit of a problem with fitting it within that heading. So I don't think technically I could do that.

Q212 Mrs Laing: Of course. Therefore, that would technically be nonsense as far as the whole Cabinet Manual is concerned, but concentrating on the chapter that concerns the formation of Government and the process that follows a general election, given that the Fixed-term Parliaments Bill concerns the formation of a future Government, would it be possible technically to take parts of the Cabinet Manual and give advice on the formation of Government and put it before Parliament for proper scrutiny as part of that Bill?

Sir Gus O'Donnell: It's possible. When you think about fixed-term Parliaments, there are some issues that that raises, particularly for the civil service. For example, we have a convention about when Prime Ministers allow the civil service to talk to the Opposition about, say, machinery of government issues that they would have if they were to win. By convention, it has tended to be 18 months before, from 1 January of year four of a Parliament. Given that you have election in most cases in year four, it gives you a few months. When you go to year five it gives you about 18 months. The question mark with a fixed-term Parliament: what is going to be the time at which the Prime Minister should ask the civil service to engage, or allow the civil service to engage?

Q213 Mrs Laing: A very good question and a very good issue you raise, because while we have not had fixed-term Parliaments, then this was very much a grey area, was it not? Whereas if we have fixed-term Parliaments then there will be a point at which the Opposition become the possible next Government. Therefore, you have raised a question. Can I ask you who do you think ought to answer that question: where should the decision be taken? Should it be taken by Parliament, by Cabinet? Where should the decision be taken on an issue like that and many others?

Sir Gus O'Donnell: Let's put it this way: at the moment there is a convention that this is something the Prime Minister does, and the Prime Minister, by convention, has said it is 1 January of year four. So we have a convention, but obviously that was in a world of non-fixed-term Parliaments. So I think it is one of those things that should be considered.

Q214 Chair: Can I just perhaps help, Eleanor and Sir Gus? There would be nothing to inhibit Parliament from passing a piece of legislation authorising the Cabinet Manual in full. It doesn't have to be the Fixed-term Parliaments Bill. It is perfectly open to Government to decide to put to Parliament, or Parliament to try to ask Government to put to Parliament, something that legitimises this in statute.

Sir Gus O'Donnell: It's perfectly possible, but remember there's a committee that deals with legislation that has to manage the differing priorities of Government.

Chair: I think how the country is governed might figure at some of top end of the priority list possibly.

Mrs Laing: Indeed. I was just having a tangential-

Chair: I could easily start again, but-

Sir Gus O'Donnell: No, no. I note your bid for legislative time, I think.

Q215 Mrs Laing: I was only suggesting the Fixed-term Parliaments Bill because that makes the matter immediate, but I appreciate that there is very little chance of the Government deciding to do that. But the real issue is who takes the decision about how those rules apply. Now that there are written rules, because you have put them together, Sir Gus, and quite rightly in the circumstances of this year, now that those rules exist and have been acted upon, then that is no longer just a convention. It's now on the way to becoming a constitutional piece of-well, it's rules, so the question is should it just be rules owned by the Cabinet, or should it be considered by Parliament and put into law?

Sir Gus O'Donnell: We could have a semantic discussion about what constitutes a rule, but certainly we have codified, if you like, those conventions and put out a draft chapter and, if you like, it has been tested under fire through the last election, so in that sense it has an interesting status, let's put it that way.

Q216 Mrs Laing: It has developed; we're not in the position we were a year ago?

Sir Gus O'Donnell: Yes, I think it is enhanced somewhat.

Mrs Laing: Thank you.

Q217 Chair: Good. Just one quick one, to return to Parliament's role in this. Having had a general election, the public have all been involved, we have 650 brand new Members of Parliament; how should they be involved in this process of agreeing a Government or overseeing the transition? There are a number of countries where the person who has the confidence of the House is nominated or appointed to go to see the ceremonial President, or whatever it may be, to receive the seals of office. Therefore, those people who have just participated in the election, those people who have just been elected, have a role, possibly arguably only a ceremonial one, as in Germany, to send the leader of the majority off to become the Prime Minister, or whatever, of the country. Do you see

something like that again bringing some more legitimacy to this process, which otherwise might appear to be led by people who have not directly participated in the election?

Sir Gus O'Donnell: I think in a sense you are asking me to start coming up with constitutional innovations. I think what Mr Turner was arguing about was the fact that it isn't the place of a civil service to be coming up with constitutional innovations. All we described in this was the system as it currently stands. So if Parliament were to decide that that's the way it wanted to go, I think there is this technical question about post-election, prior to being sworn in, are you MPs? So there are some constitutional things we need to sort out, but it would be for Parliament to decide how it wants to do these things. At the moment, though, it's very much the outgoing Prime Minister who advises the Sovereign on who She should call.

Q218 Chair: But were the Prime Minister to feel this was an appropriate move forward, he wouldn't find any technical obstacles that would prevent you drafting either a law to that effect or something within the Cabinet Manual that that's the way this needs to be done? This is the endorsement of a process that has taken place as a result of the public and Members of Parliament being involved in a general election.

Sir Gus O'Donnell: It's possible you could do that. It would require legislation, I think, and then you need to think about whether all the parties are going to operate in the same way. But it's certainly possible.

Q219 Chair: I very strongly welcome the development of the Cabinet Manual. Even though I haven't seen it I know it has to be a good thing, so I'm on your side in this sense.

Sir Gus O'Donnell: Thank you.

Chair: But I'm trying to see if we can anchor it in the actual event that millions of people have just participated in and hundreds of new Members of Parliament, flush with legitimacy, a result of that general election, who are parked until this still rather secretive process goes on and you hear the outcome in the newspapers. It seems to me if we can reunite the democratic process in some agreeable form with that outcome that would be a very sensible way to make people feel they own the system a little more than they do currently.

Sir Gus O'Donnell: I think we're all on the same side here. I am really pleased that you're all so interested in it.

Q220 Chair: I think you're bursting to say yes, Sir Gus, but-

Sir Gus O'Donnell: It's not my call, but I think it is useful the more you can look at this document and we can come to a view. It really does help us, the civil servants-at the moment there are some grey areas and some say the civil service was irrelevant, and that we overstepped the mark; I'm trying to weigh those up. But we have to manage a path through that and the more we can get frameworks, rules, conventions established out there the easier it is. That's why for me, getting that draft chapter out in advance was so important. It helped.

Chair: Thank you, Sir Gus.

Q221 Stephen Williams: You've covered virtually all the ground I was going to ask about, but, Sir Gus, you mentioned in the context of Government formation that you thought the European average was 40 days. Have you looked at good practice or common practice in other EU member states, or

Commonwealth countries that have our model of parliamentary government, to see what processes are in place in other countries?

Sir Gus O'Donnell: Yes. One of the great joys of the fact that as Cabinet Secretaries we get together every two years and is this is the kind of thing that we talk about. It would be interesting-

Q222 Stephen Williams: Which peer group is that of Cabinet Secretaries, the Commonwealth or EU?

Sir Gus O'Donnell: It's Cabinet Secretaries of Australia, New Zealand, Canada, and sometimes Ireland, and the UK. And you've just seen another interesting example in Australia, where you would have thought, "This is incredibly unlikely. It is a very strong two-party system. It's a very unlikely result that there won't be a clear majority", and that's the result they got. And they are, I think, going through a period where they're learning from a new way of governing-a minority situation. One of the things we'll be looking at, and I'm sure they will be looking at, is the question of how prepared were they for it, how smooth was the process. And that took some time.

Q223 Stephen Williams: Do any of those Commonwealth and Ireland counterparts already have an investiture vote that the Chairman was asking about?

Sir Gus O'Donnell: Not that I'm aware of, no. If you're talking about an investiture vote as such, certainly you could do that. In a sense, the equivalent of that for us is the Queen's Speech vote. So it's a question about what does it add?

Q224 Stephen Williams: Do any of these other countries, or indeed other countries that you might look at, like fellow members of the European Union, have a set period from election day to formation of Government and the appointment or election of the Head of Government?

Sir Gus O'Donnell: Sorry, could I go back on my first answer, because obviously there are situations in the devolveds where it is of that form.

Stephen Williams: Scotland?

Sir Gus O'Donnell: Indeed. And that's an important lesson for us, I think, to always be looking close to home as well as further away.

Q225 Stephen Williams: And local government you could say as well?

Sir Gus O'Donnell: And local government. Do they have a fixed period of time after an election? I could give you a note on that. I don't think so, but I'm not sure.

Q226 Stephen Williams: So that's something that you've not looked at or your officials haven't looked at yet? That seems quite an omission not to have looked at that.

Sir Gus O'Donnell: No, I think we looked at it. We didn't come up with anything that suggested to me there were fixed times. So that's my presumption but, like I say, can I come back to you on that?

Q227 Stephen Williams: Can I ask about something completely different?

Chair: Sure. Can I just make it clear that we'd really appreciate a note, Sir Gus, as you mentioned.

Sir Gus O'Donnell: Certainly, yes.

Chair: Thank you.

Stephen Williams: You mentioned in response to Andrew Turner earlier about the questions about the likelihood or otherwise of a hung Parliament. Were you giving advice to the Prime Minister and the Cabinet at the time about how they should prepare for the possibility of a hung Parliament and what they would need to do if a hung Parliament arose?

Sir Gus O'Donnell: Not other than through the draft chapter that that will be the set of processes and conventions. It's not for me to suggest to the Prime Minister what kinds of things he might want to do in preparation for a particular election outcome. I mean, I would say to him, "This is the process and these are the sorts of things that will happen", but it would be for, I think, the heads of all the political parties to come to their own judgements about how they would want to operate in those circumstances.

Q228 Stephen Williams: Having witnessed the negotiations taking place between the three parties at different times, how well prepared do you think the three parties were?

Sir Gus O'Donnell: I didn't witness the negotiations. I expressly wasn't in the room when these negotiations took place. I was there at the start but then they were clear that they wanted to do it themselves.

Q229 Stephen Williams: I didn't mean witnessed in the sense of being in the room. I meant probably an interested bystander.

Sir Gus O'Donnell: Okay. Well, certainly it was clear-I can talk about the current Government. It was impressive how quickly they could move from negotiations to the documents that came out which were quite comprehensive.

Q230 **Stephen Williams:** The reason I ask this, is that when Andrew Adonis was before the Committee I asked him how well prepared was the outgoing, as it turned out to be, Labour Government for coalition negotiations, and I felt he gave the impression that they hadn't seriously prepared for coalition formation.

Sir Gus O'Donnell: To be honest, that's the Labour Party's business, not mine. It was for each individual party to make its preparations, and I don't think it's my role to have suggested to parties that they should be doing that.

Q231 Chair: Again, you're putting out a framework that is there for all parties to use. The fact one particular party, if I may speak personally, seemed very slow off the mark is their responsibility. It's not for you to say, "Actually, you should be getting in there and making the calls and negotiating". That's a political call, rather.

Sir Gus O'Donnell: I would absolutely steer well clear.

Q232 Chair: But the phone has been installed by you and they're at liberty to pick it up, and if they choose not to then they take the consequences.

One final little one from me, just to put on the record, although our questioning hopefully has been robust and enjoyable. We, if there is to be a fixed-term Parliament, will be here for five years, and

we would like a very positive and constructive relationship through this process of the evolution of the Cabinet Manual. And so in that sense, I just put the Committee at your disposal if you need a sounding board, if there are things where we could be involved, not necessarily in a formal evidence-taking way but just to use some of the expertise around the table to help this process. It's a process that is going to take place. It will be in the public domain, it will be part of a greater public discussion than perhaps you may have thought a year ago, and there is the new politics. I think it will be a matter of we could help, if you feel that that was appropriate.

Sir Gus O'Donnell: Indeed. I am very pleased by that, because I think there are a lot of issues now, having had the coalition Government, where we're in this world where there aren't existing conventions and so new things are happening all the time and, as I stressed, I think it's really important that those issues are discussed and decided and we get democratic answers to them.

Q233 Mr Chope: Just following up on that, one of the issues that you've raised today is the issue of the constitutional position of MPs post-election and pre-swearing in. I don't want to get drawn down that avenue today, because I think it might be a bit of a distraction, but you've obviously got a view on what the constitutional position is. If so, is that something you could put in the form of a note to us? I think that would be quite helpful, what your understanding of that position is.

Sir Gus O'Donnell: Certainly, yes. I always find it slightly odd that you elect the Speaker before you're sworn in.

Mr Chope: But if he's going to preside over swearing-in then-

Sir Gus O'Donnell: Yes, exactly. No, it's a kind of chicken and egg thing. It's not a big issue, don't get me wrong.

Q234 Mr Chope: But going back to what happened on Monday, 10 May, we've heard that on that morning, there was a document in existence, a six-page document I think we've been told, which was a draft confidence and supply agreement, which would have been available for a minority Administration-a confidence and supply agreement with the Liberal Democrats. Was that a document that you or your civil servants were involved in drawing up?

Sir Gus O'Donnell: No.

Q235 Mr Chope: When did you first see that document?

Sir Gus O'Donnell: I was aware that such a document had been drawn up, certainly, but it wasn't drawn up by civil servants at all. We were not asked to comment on it. It just existed as-I think it was part of the work that had been done in preparation for contingencies.

Mr Chope: By the political parties?

Sir Gus O'Donnell: By the political parties, I stress, not by civil servants. We had nothing to do with it.

Q236 Mr Chope: So when that was discussed on the Monday morning between the different Members of Parliament, you weren't involved in that at all and it was only after the event that you would have seen the document?

Sir Gus O'Donnell: Well, I knew that such a document existed, let's put it that way.

Q237 Mr Chope: Can I ask you when you knew and at what stage you knew that it existed?

Sir Gus O'Donnell: Reasonably early.

Mr Chope: Reasonably early-when? After the election, you mean?

Sir Gus O'Donnell: No, no, during the time that the negotiations were underway.

Mr Chope: So, on the Monday morning or on the Sunday or-

Sir Gus O'Donnell: To be honest, I can't remember exactly, but certainly at the time I was very much aware that there was a document, there was a supply and confidence agreement that they would have negotiated around if they were going to go down the minority Government route.

Q238 Mr Chope: Can I ask you, on a separate issue, one of your predecessors, the noble Lord Turnbull, gave a ballpark figure that he estimated that the cost of supporting a Minister is about £500,000 a year. Is that a figure that you would go along with? I'm not asking for a precise answer.

Sir Gus O'Donnell: No, it varies. Some Ministers have smaller private offices than others. We've certainly reduced the cost because of things we've done on transport and support, so it will vary according to Ministers. Some Ministers will travel a lot-Foreign Office Ministers, for example-others won't. So on the costs, there's quite a wide variety.

Mr Chope: But as an average rule of thumb, you wouldn't disagree too strongly with that £500,000?

Sir Gus O'Donnell: I would never disagree with my predecessor. That's a very bad thing to do.

Q239 Mr Chope: Then we get on to the issue of the number of Ministers, and I know you've said last week, quite rightly, that that's a matter for the Prime Minister to decide, how many Ministers there are. But do you think that in setting up a coalition rather than a single-party Government, it's inevitable that there will be more Ministers than if you have a single-party Government?

Sir Gus O'Donnell: No.

Mr Chope: You don't?

Sir Gus O'Donnell: I don't think it's inevitable.

Q240 Mr Chope: We've heard as one of the justifications for having more Ministers now-because we've now got up to the maximum of 95, whereas there were only, I think, 90 or 89 in the last Labour Government in the Commons-Members in the Commons.

Sir Gus O'Donnell: Well, that's different, isn't it?

Mr Chope: Yes, but there are now a record number of Ministers, an all-time high number of Ministers in the Commons, and the explanation for that is that that's because of the coalition, but you wouldn't see any inevitable reason why there should be more Ministers just because we've got a coalition?

Sir Gus O'Donnell: Not inevitable, but it's one of the factors, I would say, that is relevant. When you're trying to make sure that the coalition operates effectively, there are various ways of doing it.

You can do it through the business going through Cabinet committees, but another way is you can make sure that within each Department it works, because you've got one Minister of the other party, but we do have a number of Departments where they are single party and that's an added complication for us.

Q241 Mr Chope: So do you think Coalition Government is more expensive for the taxpayer than single-party Government?

Sir Gus O'Donnell: Not necessarily. I think there are certain steps you have to go through in terms of making sure that things are, if you like, coalitionised. Obviously we have a Coalition Committee, for example-it hasn't met that often-which you wouldn't have if it was single party, but I think in a sense that's a fairly odd way of accounting. I think you'd want to kind of take into account what's the quality of government that emerges from those processes as well as the input? You want to think about are you getting better decisions by more things going through Cabinet committees, for example.

Q242 Mr Chope: Can I ask you about parliamentary private secretaries? Do you see any reason why in a coalition Government there should be more parliamentary private secretaries than in a normal Government?

Sir Gus O'Donnell: Well, again, you've got this issue about some Departments where there aren't Ministers from one party, but in terms of parliamentary private secretaries, I'd say again, not necessarily, but there are pressures, I think, on coalition, which aren't there on other areas, where you need to have both parties aligned. So the links with Parliament may be rather more important in the sense of making sure that when you go to Parliament you can get across what the Government is trying to do, because by its very nature, with a coalition, you went into power with two manifestos but you've ended up with a Programme for Government, which is rather different. So it could well be that that places more emphasis, more need on managing Parliament.

Mr Chope: And is there a taxpayer cost associated with parliamentary private secretaries?

Sir Gus O'Donnell: They are unpaid, aren't they?

Q243 Mr Chope: Yes, they don't get a salary themselves, but is there a support cost associated with them-rooms that they have to have?

Sir Gus O'Donnell: It's quite small.

Mr Chope: Small. There is a cost, but it's a small one?

Sir Gus O'Donnell: A small one.

Q244 Mr Chope: Can I just ask you this: when the Government was formed, we know that it was a very small cohort of elected Members of Parliament from each of the two parties that were actually involved in that formation of the Government.

Sir Gus O'Donnell: Oh, I see. The negotiating committees.

Mr Chope: In the negotiating committees and obviously, going back to your earlier point, they didn't necessarily have any status other than that they'd been appointed by the leader of their particular party and they'd been elected as Members of Parliament. In giving your evidence to the

Public Administration Committee last week, you volunteered the responsibility of trying to define what we mean by the post-bureaucratic age, and you said that it was moving decision making down towards individuals. Applying that principle of post-bureaucratic age to the decision making surrounding the contents of a coalition document, do you think that what happened with the minimal involvement of ordinary Members of Parliament was consistent with the principles of the post-bureaucratic age?

Sir Gus O'Donnell: I am not sure the Prime Minister had thought of applying it to the circumstance you're talking about when he made that reference. I think that by its structure, and again, given our conventions, what you will have is a small group needing to come together and agree how they are going to operate. If you're going to move to full coalition and come up with some of the answers to some of the key policy differences that they have, which they did, I think, very quickly and came up with that document, it's for the political parties involved to decide how they do that and I think they have different traditions in terms of how they would involve their individual MPs. I think you saw differences between the Conservatives and Liberal Democrats in that respect.

Q245 Mr Chope: And would you expect, if this happened again, that there would be more consultation between the leaders of parties and their political parties than took place on this occasion?

Sir Gus O'Donnell: That is very much a choice for the leaders and the parties themselves to decide.

Mr Chope: As far as you are concerned, if that resulted in it all taking a bit longer, that wouldn't have been an issue?

Sir Gus O'Donnell: Again, we will deal with whatever we have to deal with. It's for the political parties to decide how they want to manage this process of consulting their members.

Mr Chope: Thank you.

Chair: Stephen, you had a follow-up question.

Q246 Stephen Williams: It was said by one of Sir Gus' predecessors, I think, that under Prime Minister Blair we had sofa government. Would you say under Prime Minister Cameron and Deputy Prime Minister Clegg we now have Cabinet Government restored?

Sir Gus O'Donnell: I've never get into comments about sofas. What I will say is Coalition Government forces the use of Cabinet committees more, and in order to make sure that it's agreed with the coalition, you have to make sure that things go through Cabinet committees. By virtue of the fact that they have a chair from one party, a deputy from another, and the fact that if there are serious disagreements they can take them up to the Coalition Committee, which is 50:50, you have a process for dealing with these things, and in the nature of wanting to keep the coalition working effectively and trusting each other, you are finding a lot more business going through Cabinet committees.

Q247 Stephen Williams: And would you say that leads to better government, given that we have a parliamentary and Cabinet Government system in this country?

Sir Gus O'Donnell: Well, I'm in favour of important decisions going through Cabinet committees, yes.

Q248 Sheila Gilmore: First of all, apologies for missing the beginning. I was rash enough to be over-enthusiastic in a second reading debate and therefore was cornered to be on the Finance Bill. Well, this is actually the Savings Accounts and Health in Pregnancy Grant Bill; it's got a long name. Then I realised afterwards, because somebody said the way that you get fingered is that you get too enthusiastic in the second reading debates; lessons to be learned. So I'm sorry, and if anything I say covers ground that has already been covered, I apologise for that.

In the process of dealing with no one having a majority, is there any sense in which civil servants have a preference for a coalition over any other arrangement because of its perceived stability?

Sir Gus O'Donnell: Our job is basically to work with whatever outcome political parties come up with, so if it had been a supply and confidence arrangement with a minority Government, we'd have had to do our best to make that work, or a Coalition Government. Actually, the civil service has had very little experience of either, so we're in a learning situation and we're learning about what Coalition Government is like in practice. So I think to say, as some people have said, that we had a preference one way or the other, no. Our preference really was to support the political parties to make sure that they came to an arrangement and whatever arrangement they came to, it's their responsibility, we would then try and make that work as effectively as possible.

Q249 Sheila Gilmore: At the time, in the context of this year in particular-and that might not be the case at other times-there appears to have been a view expressed in certain parts of the media, certainly expressed by politicians of various parties, perhaps by others, that a minority Government would be particularly dangerous at a time when it was considered there was a major financial crisis and that you yourself may have been of that view.

Sir Gus O'Donnell: My view is it's for the political parties to determine what Government they go for. They're in negotiation. I'm not part of those negotiations, and we get on with whatever Government is organised. Certainly it was the view of the markets, and market commentators were of the view, that there were differences in their view about minority versus coalition government, but that's a separate thing entirely.

Q250 Sheila Gilmore: In terms of the future arrangements, one of the closest minority Government arrangements to hand of late has been the one in Scotland, and I think there has also been experience in Wales of that too. I think perhaps initially there was a belief in Scotland that you kind of had to have a coalition, otherwise it would be unworkable. The last three and a half years perhaps suggest that that was not the case. Is that something that you would be wanting to look at so that your staff, your civil servants, would become a bit more familiar with how that works?

Sir Gus O'Donnell: It's a very good point, and when I was doing the preparations for what might be thrown at us, we used extensively some of our colleagues from Scotland, civil servants in Scotland, who had lived through negotiations and sorted things out. Their message, which I think was a really good message for us to take, was "Don't make any assumptions, prepare for all possible outcomes". I think before we had the minority SNP Government, I think people were kind of "Could that possibly work?" and the lesson from our colleagues in Scotland was to be ready for whatever might happen. You just don't know, and you can't predict sometimes how effective Governments will be, which is why, coming back to your point about did we have a preference one way or the other, actually we didn't know and we still to this day will never know precisely how effective a minority Government would have been in these circumstances. We're learning about the effectiveness of coalition government every day.

Q251 Sheila Gilmore: Do you think the role of the civil service would be different if there was a minority Government, which is in the business of probably having to create alliances on different subjects in terms of supporting the other parties? Is there a role for the civil service in supporting the other parties who might be part of that process on an ongoing basis, rather than forming a coalition? To a large extent I think at the moment it feels, at least from the Opposition point of view, as if we just have a majority Government rather than the coalition. But if you had a minority Government where you're almost having ongoing negotiations, would the civil service have a role in that?

Sir Gus O'Donnell: It's interesting. I was just thinking about whether I'd been through that already, and it certainly felt like that, I think, at times under Prime Minister John Major when the Maastricht Treaty was going through and a lot of the legislation was going through with majorities of one, I think, at times. But in terms of what the civil service should do, it's very clear, we support the Government of the day. You could have a different regime, but our regime is very much that we work for the Government of the day and we do not support other parties, other than the parties that are in Government. Obviously we can do briefings on a Privy Council basis. There are various accepted ways in which we can brief the Opposition, but in general, those are done with the explicit support of the Prime Minister.

Q252 Sheila Gilmore: It's interesting, in local government, it is not uncommon for council officers to provide support, particularly through a budget process, for example, to actually provide support to an opposition. I think they set up rules about how that would be managed. Is that something that has ever been considered for national Government?

Sir Gus O'Donnell: Under our system, the civil service is expressly set up to support the Government of the day. I think this is one of the areas where the Institute for Government can play a really important role—they are there as a separate body that I think can perform that role. I think in the run-up to the last election, they did various work for the Opposition. I personally strongly support that work, and I think that's a very good thing, that there should be that sort of thing going on, but I don't think the civil service can do it.

Chair: And I would just add to Ms Gilmore's view that in local government, that also includes all elected members, very often not just the people who are the cabinet members or the alternative cabinet members. So perhaps the Institute of Government could stretch to including colleagues in the House of Commons who have a role to play.

Sir Gus O'Donnell: And I suggested to Andrew Adonis that I think that that will be a very good area to go down.

Q253 Chair: Just to get something on the record, Sir Gus, which other witnesses have alluded to—concept of a sort of mid-term review, which Sheila also mentioned in her contribution. Once where we are now is established in the melting pot of high pressure immediately after a general election, there should come a point, no doubt, where, "Okay, this will last us for two years, three years or whatever. Circumstances have changed globally or politically"—that concept of refreshing an agreement somewhere in the middle of the process to take you through to the end of a five-year Parliament. Have you had any thoughts about that and whether that might actually be quite a valuable thing to do and what the civil service role might be in that?

Sir Gus O'Donnell: Again, if Ministers were to want to do that, and I can understand why they might well want to do that, to refresh the Programme for Government, then I think just as we went from a stage where there was a document that had been agreed by the negotiating teams, and the

civil service then worked on that to produce the Programme for Government, which was actually published, then if Ministers want to go down that route, we would expect civil servants to be very heavily engaged in preparing such a document.

Q254 Chair: And might that in future form some clause in the protocols or whatever they are in the Cabinet Manual?

Sir Gus O'Donnell: Well, I don't think it's something that we've thought about at any great length, to be honest. It's an interesting question. I think it flows from the fact that with a fixed-term Parliament, suddenly you've got five years and you know that, whereas I think in the absence of that you could have an election at any time. So I think this is one of those interesting things. As part of one constitutional change, the question is what does that mean for other areas? At the moment, that's not something that is, I think, covered in the draft manual.

Q255 Chair: Clearly there will be things that in the heat of the moment you can't get agreement on, and if there's a useful pocket somewhere to say, "Let's come back to that in our review that's in the rules or that we have agreed or that's the framework", that might be a helpful thing in a high-pressure situation.

Sir Gus O'Donnell: Yes. An interesting analogy would be the agreement that there will be a defence and security review once every Parliament. I think that's a very big step forward.

Q256 Chair: Okay, just to go back then, away from the immediate coalition making to the bigger picture. I don't think you quite got around to answering my question about whether, when the then Prime Minister raised this question of doing a Cabinet Manual, that could at some point in your internal thinking have been a step on the way to a fully-fledged written constitution?

Sir Gus O'Donnell: Yes. The Prime Minister was very clear in what he said to me, which was bringing together existing law and existing conventions. He did not put it in the context of, "And then please turn it into a written constitution". That's not what he said to me.

Q257 Chair: But there was work going on and the civil service were doing work on the outline of what a written constitution might be?

Sir Gus O'Donnell: That's right. There were some people who were thinking about that subject; Lord Stevenson, for example.

Q258 Chair: Okay. Would you be able to provide us a note on what was going on at that point, that's in the public domain?

Sir Gus O'Donnell: I'm only pausing because the papers are of a past administration and all the rest of it.

Chair: Can we leave that thought with you?

Sir Gus O'Donnell: Can I come back to you on that?

Q259 Chair: It would be useful to know what, if any, work was going on on that broader question. And again, another very broad one, you work for the Government; you don't work for Parliament. However, as someone who wants to see Government work and society work effectively, you probably have a professional view on the balance of power between Parliament and the Executive.

How do you see that relationship? Is there an imbalance or is it actually working very well at the moment?

Sir Gus O'Donnell: That's a very, very big question.

Chair: Well, we've got 40 minutes. Take your time.

Sir Gus O'Donnell: I think the first thing to say is I think we're learning every day, because we've got a new situation with the Government, with a coalition, that has two of the three main parties in it. So that involves rather more of Parliament than we did in the past. On the exact balance between Ministers and Parliament: I would say that I think it certainly works from the sense of the Government being able to manage its business. I think some of the changes we've had *vis-à-vis* Backbench Committees and the like I think have been very positive. I think the fact that you are now an elected Select Committee is interesting and I would say a step forward. So I think some of these changes are working well, and I personally think when I compare our system of government with those in other countries that we do have a very effective system.

Q260 Chair: And pre-legislative and post-legislative scrutiny, is that a hindrance to the civil service or do you feel that has been a good development?

Sir Gus O'Donnell: I think pre-legislative scrutiny is a good development. It has, I think, been used very sensibly so far.

Q261 Mrs Laing: It's tempting, Sir Gus, to continue on the line of questioning about comparing different forms of government or styles of government-sofa government, Cabinet government, and the way in which the Government is held accountable by Parliament. It occurs to me that you might be able to provide a good comparison between Prime Ministers of the last 30 years who have had, on the one hand, large majorities, small majorities and now no majority, but it might be that you would prefer to leave the answer to that question until you write your memoirs.

Sir Gus O'Donnell: I've gone on the record, I'm pleased to say, that I will not be writing my memoirs.

Mrs Laing: Oh, that's a pity. So you could answer it now then?

Sir Gus O'Donnell: No, so I won't be doing myself out of some future revenue. But no, I think for precisely the reason I won't write my memoirs, I take the view that it's important for people in my position not to go into details of how they operate, how they work with other Prime Ministers. I think it's just one of the privileges of the job that you get to work very closely with Prime Ministers, and I think one of the responsibilities that goes with that is that you should just keep certain things confidential.

Q262 Mrs Laing: I'm sure that is entirely right, and there will be plenty of academic studies on the subject from which this Committee and others can draw in the future, but you have mentioned over this last hour or so about matters developing now and learning about a completely different form of government.

Can I take you to the issue of the caretaker period, moving on to something completely different? We have had evidence here before the Committee from academics, who are being very helpful to us on this subject, and we gather as a Committee that they have suggested that instead of using the term "purdah" the term "caretaker" would be more appropriate, and you kindly set out some of your

considerations on this matter in your letter of yesterday's date to the Committee. But so we can get it on the record, can I ask you to explain to the Committee the relative difference, between not the semantics but the practicalities between a mere purdah and the fact of having a caretaker Government, in the context that we have so far in this country, in recent modern times, never had more than a few days of uncertainty about who was the Government? If we were to go down the route of having what the Chairman has suggested of that calming-down period and then a timetable for the formation of Government, how would a caretaker Government work?

Sir Gus O'Donnell: What I've said in the letter is I think that the people who have suggested the caretaker should be extended, there are two things I don't like about that. One is that I think that there are two different periods. The first is the period during the election, when the election is called, when we are in what we used to call purdah, and there's a fairly well understood set of rules for that. Post-election, we are in a slightly different world, where certain announcements may well need to be made then, so I think there is a distinction between those two periods. With regard to the semantics, I don't like the word purdah. I'm not sure I very much like the word caretaker either, because I think it's a bit too passive. I personally think there are times when Governments will have to do things: imagine if we'd gone through a terrorist event, a successful terrorist event, and you want strong Government out there operating.

So, although caretaker has been used in various things, I just think it somehow underplays it. And your point about timing, this is very important, because, for example, in a fixed-term Parliament, under the five-year Bill, you have the ability to post a no confidence motion. You've got that 14-day period, and there are some questions, I think, then about whether that is a caretaker period. Is it a purdah period or a pre-election period? So I think that's one of the issues that we will need to resolve as well.

Q263 Mrs Laing: Thank you. You've set out a very important point there on whether caretaker is too passive. When the academics gave evidence, we discussed at some length the caretaker issue, and I came to the conclusion that caretaker was a much more accurate term than purdah, which is rather old-fashioned. But let me just clarify: you were saying that caretaker is also not a good enough term, because in fact the Government is still in post-there has to be a Government and that Government still has powers and still has to act on them?

Sir Gus O'Donnell: Well, two things, really: if you take the pre-election period, as we used to call it, that's one thing, and I think we all accept that-let's find a good word for that, maybe pre-election or whatever. The next period, when you've got a Government formed but it hasn't gone to the House, so it hasn't had its Queen's Speech through, it does have to make lots of announcements then. It will say things about what it expects to do as a Government. A new Prime Minister on the steps of Downing Street, and a Deputy Prime Minister in this case, will say things about what they intend to do. They will talk about their forthcoming Queen's Speech, or, as in this case, there was a kind of draft Programme for Government that they were talking about. So I think it's perfectly reasonable for there to be announcements, although they won't have the strength, because, whatever form of Government, it hasn't yet been given the legitimacy of winning a Queen's vote.

Q264 Mrs Laing: I think you're now identifying that there are actually three distinct periods. There is the period between dissolution of Parliament and the general election.

Sir Gus O'Donnell: That's right.

Mrs Laing: And then there's the period between the general election day and the formation of a new Government. That's the period that was worrying me. And then there's the third period that you're

now describing when the new Government is acting before its Queen's Speech has been ratified by Parliament.

Sir Gus O'Donnell: Yes, yes, and that second period, I would just put that as the period from the election until the monarch calls for a new Prime Minister.

Mrs Laing: Now, that period, traditionally and historically, has usually been, I think I am right in saying, less than a week, and therefore we had the situation this year, for example, where Alistair Darling, who was still Chancellor of the Exchequer, continued international negotiations and nobody objected to that.

Sir Gus O'Donnell: Well, he did consult the Opposition-the shadows.

Q265 Mrs Laing: Yes, we have been given evidence to that effect, and that appears to have worked perfectly well. But, again, we're talking about conventions. There's no codification and there's no clarity about what should happen. Can I ask you, if the way in which Governments are formed in our country were to change so that that period of what has always been a few days became a few weeks, would there have to be some form of rules properly set down for those three separate periods?

Sir Gus O'Donnell: I think ideally we would have clear rules for all three periods, and if you take a world where there is the possibility of the five days being a longer period, all the more reason why you'll need some clarity. I would have thought during that period, one of the principles that you'd want to operate on is consultation with the other parties.

Q266 Mrs Laing: Would you say that there are no clear rules at present as to how those operate? Perhaps the first period that I described is fairly well dealt with, but those other two periods have not really been dealt with at all or examined properly?

Sir Gus O'Donnell: No. I think that there is a proposal that the caretaker period or the pre-election period continues for your second point, and in terms of the not making long-term commitments and the like, I think it makes a lot of sense to do that. But is it specified in great detail? No.

Mrs Laing: Thank you.

Chair: I think there's clearly a continuation of Executive authority, which is very apparent, but there-

Sir Gus O'Donnell: Yes. The Prime Minister remains the Prime Minister and the Cabinet remains the Cabinet, even if, as in this case, you end up with a situation where a Minister who previously attended Cabinet actually ceased to be an MP but still remained a member of-

Q267 Chair: We're missing the mesh of Executive authority with parliamentary authority, because of this weird "you get elected one day and then you hang around until the Executive decide to call Parliament, thank you very much", rather than, "I want you all in the House of Commons the day after the election" and then we can all get our meetings together and see where we are and make some decisions politically. The assumption is from the civil service, quite rightly, that the leaders of the political parties are the people they deal with, because their responsibility is to continue Executive authority, so in a sense it is for us and it is for our leaders to also make similar arrangements for the parliamentary structure.

Sir Gus O'Donnell: Yes, it's very clear, as the civil service, we're there to support the elected Government of the day.

Q268 Stephen Williams: Chairman, I think it was you who said earlier that the Cabinet Manual, when it finally emerges, may be the nearest thing we have to a written constitution, and I just wonder whether Sir Gus, while he's finessing the Cabinet Manual in consultation with Ministers, thinks that the manual eventually will be a good starting point leading to a written constitution?

Sir Gus O'Donnell: I absolutely have no view that I wish to express about the merits or otherwise of a written constitution-let me be absolutely clear about this. But it is certainly true that if one were working towards such an event, you would want to start off by bringing together existing laws and conventions. I think in that sense, the Cabinet Manual will be useful very much in its own right, but it will also be useful and I think those who are in favour of a written constitution would start with it. They may well not end with it, but they would certainly start with it.

Q269 Stephen Williams: You mentioned earlier that you have biennial discussions with your peer group in Commonwealth countries. Have any of them offered you an opinion on the strengths or otherwise of a written constitution?

Sir Gus O'Donnell: No.

Q270 Stephen Williams: Do you study written constitutions of other countries?

Sir Gus O'Donnell: I have looked at them briefly, but for now, forgive me, I'm concentrating on the first bit, which is the Cabinet Manual.

Q271 Stephen Williams: So the Cabinet Manual could well be the first bit leading to a written constitution?

Sir Gus O'Donnell: I'm sorry, I'm concentrating on the Cabinet Manual. I take the first bit back.

Q272 Stephen Williams: You say you don't want to offer opinions, but do you see any advantages for Cabinet government of a written constitution?

Sir Gus O'Donnell: You are trying to get me to offer opinions. All I would say is that I think there will be great advantages from having a Cabinet Manual that brings together the existing issues. I think it's for others to think about whether they want to turn that into a written constitution.

Stephen Williams: I think you're stonewalling me, Sir Gus.

Sir Gus O'Donnell: It's a matter for you is what I'm saying.

Q273 Stephen Williams: Given that we're going to have quite a lot of constitutional change and innovation over a relatively short period of time in terms of how we develop that constitution in this country-we may have before the end of this Parliament a wholly or mainly elected House of Lords-the powers of the second Chamber are going to have to be codified in some way. Does that not lead inextricably to us having to have a written constitution so we know what our powers are as Members of Parliament, or elected senators maybe in the other Chamber? We're hopefully going to change the relationship between central and local government. Doesn't that all suggest that we're going to have to have rather more than a Cabinet Manual within a very short period of time?

Sir Gus O'Donnell: I don't think it means there's any inevitability about the need for it. I think you're absolutely right that it will be odd to separate out the discussion about whether you have an elected House of Lords from the question of powers. I think those two things have to intimately go together, so you would have to sort that out.

Chair: I think, Sir Gus, just as we rightly expected, you read everybody's minds about being ready for a Coalition Government. No doubt you are thinking about whether there is indeed a refresher agreement in the middle of the Parliament. Certainly one of the coalition parties is committed to codification or a written constitution and may want other things worked up to keep its radical edge, or whatever you'd like to call it. I think Stephen must probably leave that with you to continue your mind-reading process, which I'm sure you're doing.

Q274 Mrs Laing: On the same subject, just going back to what we were exploring earlier. I'm sure that at this very moment, there will be academics throughout the country teaching their students something along the following lines. There is in existence a Cabinet Manual. It is a codification of rules. It has been acted upon, therefore it is a document of some importance." It has never been before Parliament, it is the property, as you've said, Sir Gus, of the Cabinet. It is a useful, practical tool that has been very useful and acted upon in recent months. If it is Parliament that makes important rules-all the rules in the United Kingdom-should it not be that a document of this kind should come before Parliament for scrutiny and authentication?

Sir Gus O'Donnell: I put forward the draft chapter to the Justice Committee, so I would expect in due course, when the draft manual is there, it will come to this Committee, absolutely.

Mrs Laing: Thank you.

Chair: But I think you were talking about legislative authority.

Mrs Laing: I mean legislative authority.

Sir Gus O'Donnell: Oh well, then that's a question that Ministers will have to consider.

Q275 Mrs Laing: Yes, I appreciate that you can't answer that question, and I realise that I, who have always argued against a written constitution, am convincing myself in this hour and a half that perhaps we're well on the way to a written constitution. If we are, then if it has already happened by development, as these things do-because you had to act on the circumstances that were before you, and rightly so-and if this document could be part of a written constitution or the beginnings, the first step to a written constitution, it should come before Parliament, not just before Committees for scrutiny, but for legislative authority. But you don't have to answer that.

Sir Gus O'Donnell: I should stress, the draft manual is a long, long way away from a written constitution.

Q276 Simon Hart: Can we leave the manual behind just for a moment? Just to pick up on a point you made earlier on. I think I heard you correctly, when you suggested that the relationship between the Executive and Parliament was a satisfactory one, in your view. Was that a correct assumption?

Sir Gus O'Donnell: All I can operate on is I think Government is operating effectively, in the sense of when I compare and contrast with other legislatures, I think we have a legislature that works.

Q277 Simon Hart: It's a pretty obvious question, the next one: to what extent is that sort of satisfactory balance dependent on the relative numbers-you can see what I'm coming to-and to what extent is it about something that is far more of subtle? If it is affected at all by numbers, to what extent do changes in numbers need to be, if you like, written down and included in some kind of constitutional arrangement?

Sir Gus O'Donnell: I think you have two issues here. How many Ministers do you need to do Government business? That could give you one way of looking at this. An alternative would be to say that it's important to have a fixed ratio of Ministers to MPs. Now, people will have different views about that, but on the degree of Government business, I suggest there's no reason to expect that to change very much as we go forward.

Q278 Simon Hart: The Government's rejection of attempts to make sure that the Executive and Parliament were sort of proportionate was-I'm thinking of a polite word to use to describe it, but anyway, leave that to one side-it's suggested that you couldn't look at this in isolation just in the House of Commons. It would have to be Parliament as a whole, and therefore we're slightly playing for time. But again, it's going back to the question I asked earlier, there must be somewhere advice-not that you give but the civil service gives-or something that we can enshrine in law that suggests that a Government cannot go outside certain limits as far as that relationship is concerned.

Sir Gus O'Donnell: I think it's fair to say, this is a matter for Ministers, but Mark Harper in the Cabinet Office, who is responsible for constitutional matters brought into the DPM, has said that this issue about the number of Ministers is something that will need to be returned to during this Parliament.

Simon Hart: During the Parliament rather than during the passage of the Bill?

Sir Gus O'Donnell: He said during Parliament.

Q279 Chair: One other thing, which I mentioned briefly earlier on, Sir Gus, just to put on your radar. It's not a question, but this Committee's next big inquiry is about not the localism agenda but the balance between local and national Governments and their constitutional relationship. So we'd like to examine that up until Christmas and see if everybody's on a square footing. So, again, just one other little thing to stick on your radar there, which again might be helpful for anything that colleagues are considering inside the Government machine.

Sir Gus O'Donnell: Thank you.

Q280 Mr Chorea quick question. What about the Coalition Committee? Do we know who sits on that? Is that public knowledge?

Sir Gus O'Donnell: I don't see any reason why it shouldn't be, but it's 50:50 between the two parties.

Q281 Mr Chope: So who are the people who sit on that?

Sir Gus O'Donnell: It's jointly chaired, Prime Minister, Deputy Prime Minister, and there are-I'll give you the list. It's the people you would expect: the Chancellor, Chief Secretary, I think. I can give you the list.

Q282 Mr Chope: So would it be fair to say that we didn't have a Cabinet government so much as Coalition Committee government, because the Coalition Committee seems to be the ultimate decision-making body within the Government, more powerful than the Cabinet itself?

Sir Gus O'Donnell: No, I wouldn't say that. It's actually not more powerful than the Cabinet. On day one of a coalition, you're thinking about, "What's the appropriate committee structure?" so we said, "Well, what about chairs of one, deputy chairs of the other and a dispute resolution mechanism, which would be the Coalition Committee, 50:50?" That was all set up. In fact, the Coalition Committee has met very, very rarely. I think it's fair to say that Ministers from both parties and I thought that it would meet much more regularly. It has met, I think, a couple of times, whereas Cabinet is obviously meeting every week, Cabinet committees have met very regularly. So it is there, but it's interesting that the business has been done through Cabinet committees and Cabinet, not through that Coalition Committee.

Q283 Mr Cope's the Coalition Committee doesn't report to the Cabinet?

Sir Gus O'Donnell: Yes, absolutely, it would report to Cabinet.

Mr Chope: So it could in theory be overruled by the Cabinet?

Sir Gus O'Donnell: Indeed.

Mr Chope: I see.

Sir Gus O'Donnell: Cabinet is the ultimate authority.

Q284 Mr Chope: Towards the end of this Parliament, whether it be a fixed-term Parliament or whatever, you're going to have two rival political parties vying for votes and they're going to be out trying to draw up their separate manifestos, emphasising their differences rather than what they've got in common. How is all that going to work while at the same time you've got these two parties tied up together in government and even in government together as Government Ministers during the course of the ensuing general election campaign? How do you see all that working out?

Sir Gus O'Donnell: It's interesting. I've always thought year fives of government are always somewhat difficult. In the past, just with single party government, they've been quite rare, and obviously when you go to a year five it's probably because you didn't think you could win in year four, so you're probably not the most popular Government of all time. As we think about what will happen in the last year, you are right, parties will be trying to differentiate, as it were. I think we've already had that-a test with a by-election-so you've had the two parties having to compete while being in the same Government. We may have a number of by-elections before the end.

There will be issues like the AV referendum, where the parties may be in different positions. So I think we're going to go through a number of periods where we're going to have to learn that there's a coalition Government, but at times they will operate as individual parties. We'll go through that learning process and then we'll come up to the point when we move towards an election. It is uncharted territory, what that final period will be like.

It's interesting, this point about the purdah rules that we were talking about earlier. Well, the point about them is that the purdah rules govern that period when an election is called, because up until then you didn't quite know when it would be, because you've never had a fixed end point. Parliament might well create a fixed end point, and then I think you're into an interesting question

as to, yes, there will be the period when the election is actually called, but everyone will know what date it is. So I think we've got an as yet somewhat unanswered question about how you operate during that period. It won't be, I think, as black and white as one day there's an election called and previously there wasn't, because people will know that end date in advance.

Q285 Mr Chope: And this is something that the Cabinet Manual is going to address?

Sir Gus O'Donnell: No, not yet. It's one of those issues that I'm pondering. I think it's something that people will need to think about. I think as we go through, as I said, the experience of coalition and some of these areas where the parties do have to operate as separate parties, we'll be learning from that. But it is one of the consequences of a fixed term that needs to be considered.

Q286 Chair: I think, Sir Gus, it's obviously right that all of us consider some of the problems of a fixed-term Parliament, but equally I'm sure you're considering the opportunities as well, and I'm speaking very personally. I'm interested in this concept of early intervention with babies, children, and young people, to give them social and emotional capability. That's breaking an inter-generational cycle, which is destroyed by the old electoral cycle and the uncertainties, because it doesn't allow you long-term planning, whereas blocks of five-year capability will hopefully allow consensus building on stuff like that. That's apropos of nothing really, but just to say there are some very important things. For our own work, to set out a stall for five years, rather than, "Well, let's do it for a couple, because we're not quite sure what's going to happen" I think will be-

Sir Gus O'Donnell: Yes, I stress since this is going through Parliament, I'm not trying to offer a view-

Chair: No, no, I'm not trying to draw you on it.

Sir Gus O'Donnell: However, I do think we should consider anything that allows Governments to become more long-termist, if you like, and think about long-term consequences. When you think about the issues we face-your much awaited review on early intervention; climate change; ageing-you think that lots of them are very long-terms issues.

Q287 Chair: I have one last question and then if you'd like to take a couple of minutes to wind up and give us your thoughts on the overall picture. This inquiry starts with a look at coalition making, because we'd like coalition making to be even more effective than it was on the last occasion. I think it was done very well but nonetheless there are, from our remit, political and constitutional matters that arose from that, where we feel perhaps we can improve. We'd certainly like your continued advice on how we can help produce even better structures, and you've probably got the sense of structures that allow the politicians to make the decisions insofar as it is possible under less immediate pressure from media and market forces, but I appreciate that's a very difficult ask.

That leads us to the Cabinet Manual. Very helpfully, the relevant chapter was out and available, and I want to put on record our thanks that that happened, because I think that was very important and was a breakthrough. That leads us, because we thought it was good, to be greedy and want to see the full Cabinet Manual and to be able to discuss that and make a very positive and hopefully constructive contribution to that. Certainly from my point of view, that then leads me to the whole question of Executive authority and the role, above all, of Prime Ministerial prerogative or the former Royal prerogatives, which in this essence are now Executive prerogatives.

In the Cabinet Manual there is a section entitled "The Executive, the Prime Minister and Ministers". Will that, Sir Gus, encompass most of those issues that we normally would think of as prerogative

powers-the powers of the Prime Minister-or are we still needing to look beyond the Cabinet Manual to draw in even more of those powers whenever, if ever, we choose to have an inquiry into the area?

Sir Gus O'Donnell: Well, I think we will try and cover some of those areas. Again, I would doubt if it'll be completely comprehensive in that area, but there are very important areas-prerogative powers, international treaties, all those sorts of things-that I think are very important and will need to be there, no question about that. We will definitely try and do that.

Chair: But even the fundamental that, "There shall be a Prime Minister, the powers of the prime ministership shall be", that's not covered in this.

Sir Gus O'Donnell: No, exactly. I come back to what is codified is existing legislation and conventions. It doesn't start off attempting to be a written constitution.

Chair: No, no, but at some point it might be useful just to give the incumbent a sense of job security, that he has a job in statute and it's official.

Sir Gus O'Donnell: I can certainly say that we were very pleased that Parliament chose to put the civil service on a statutory basis and I'm really grateful to them for that.

Chair: Well, I think Tony Wright had a great deal to do with that, but it did take a long time. It wasn't something that necessarily the Executive felt should happen as quickly as some of us in the House. So you have got allies even in places you don't know sometimes, Sir Gus.

Sir Gus O'Donnell: Thank you.

Q288 Chair: Thank you very much for taking your extremely valuable time to talk to the Committee today. We've appreciated it. You've been very frank in your answers and very, very helpful. We, I repeat, would like to be equally helpful over the five-year period that we will serve in this capacity. Since we've got a couple of minutes left, would you like to summarise or round up?

Sir Gus O'Donnell: In response to what you said, I stress I'd really welcome the Committee's interest in these constitutional matters. It is a period when there's going to be lots of constitutional change-there are proposals for lots of the constitutional change, many of them with Parliament at the minute. On the Cabinet Manual, I'm very, very pleased that you're interested in it. I was somewhat surprised that it got less coverage than it might have done, but with hindsight I think we're all pleased that we got that chapter out there. But absolutely, there are lessons to be learned. We are learning lessons about coalition government every day and how to make it work effectively, and so it would be good if we can work on that together and certainly the way in which the Cabinet Manual evolves. I very much look forward to working with the Committee on that.

Chair: Sir Gus, thank you very much for your time, much appreciated.

Sir Gus O'Donnell: Thank you, much appreciated. Thank you.