

## **Is Whitehall prepared for a hung Parliament?**

by Professor Robert Hazell

Recent opinion polls have suggested there might be a hung Parliament after the next election. The UK civil service has no recent experience of minority or coalition government. The last occasion was the last few months of the Major government in 1997; before that the Callaghan government of the late 1970s. Neither experience was edifying: there was little by way of clear or strong policy, and both governments were forced into short term expedients to survive.

Westminster politicians are convinced that minority government is bound to be like this; but minority governments are quite common in Europe, and increasingly common in other Westminster parliaments. Recent minority governments in Scotland and New Zealand have been surprisingly stable, with clear strategies, and effective in delivering their programme. How can the civil service help to ensure that minority government works equally well at Westminster?

The main lesson is to plan carefully for each stage of the process. Pre-election planning needs to prepare for different election outcomes, and for the civil service to stand ready to support negotiations between the political parties after the election. Scotland and Wales have recent experience: in Wales before 2007 senior officials used awaydays to plan for every possible combination of minority or coalition government. New Zealand has rules to guide the role of civil servants in supporting negotiations between the political parties.

Preparations need to include planning for a prolonged period of government formation: much longer than we are used to, from seeing the removal vans in Downing Street the day after the election. In Scotland it has taken one to two weeks for each government to be formed. In the meantime the civil service must continue to serve the incumbent government, which governs subject to the caretaker convention. Whitehall has produced little guidance on this, and none readily available on the Cabinet Office website.

Another shock for Whitehall may be the need to relax the rules on collective responsibility, whether in a coalition government or in a minority government with support parties. New Zealand has an 'agree to disagree' provision similar to the Wilson government's device which enabled Cabinet members to campaign on opposing sides of the 1975 EC referendum. They also have portfolio-specific limitations on collective responsibility for ministers from support parties. These ministers are bound by collective responsibility only in relation to their portfolios: on all other matters they are free to criticise government policy. This can be made to work, so long as the parties observe Cabinet confidentiality; and follow the basic principles of good faith and no surprises (rules which can equally be applied to ministers from within the same party).

Minority government can be debilitating, for officials as well as ministers. Canada offers a sharp reminder of how bad it can be: recent minority governments there have been nasty, disputatious and short. The Harper government conducts all its business with an

eye to the next elections, which might be any time soon. There is less scope for the civil service to advise and improve on the government's policy proposals because of the imperative for speedy delivery. The Canadian parliament has become intensely partisan, with constant skirmishing and ambushes from the opposition parties. This increases the risk of surprise and uncertainty, and doubles the need for contingency planning by the civil service.

But minority government need not necessarily be unstable and short term and opportunistic. In New Zealand the last four minority governments have served their full term. They developed clear strategies through the programme for government agreed with their support parties. Likewise in Scotland, where the SNP government has clear goals and overall targets, published on the Scotland Performs website. Officials report that the SNP minority government has had a clearer purpose and set of overall objectives than the previous coalition majority government.

The final lesson from all our case studies is the importance of having a clear set of rules to guide the behaviour of ministers and officials. New Zealand shows how a set of rules can gradually be developed, and refined and strengthened in the light of experience. In some cases they have been tightened (e.g. the rules on dissolution), in others relaxed (the rules on collective responsibility). The Cabinet Manual is drafted and periodically revised by officials, and the Cabinet Secretary involves all the key stakeholders (Governor General, law officers, politicians, constitutional experts) in the process. The Cabinet Secretary holds the ring, but it is a set of rules with no single constitutional guardian. Through their involvement in helping to articulate the rules, and revising them, all the key actors are more likely to observe the rules in practice. Can we hope for a more open procedure in revising the Ministerial Code in Whitehall, and for the Code to be debated and approved by Parliament?

This is drawn from *Making Minority Government Work*, published in December by the Institute for Government and the Constitution Unit at University College London. For the full report see <http://www.instituteforgovernment.org.uk/pdfs/making-minority-gov-work.pdf>