



House of Commons  
Public Administration Select  
Committee

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**Goats and Tsars:  
Ministerial and other  
appointments from  
outside Parliament**

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**Eighth Report of Session 2009–10**

*Report, together with formal minutes, oral and  
written evidence*

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## The Public Administration Select Committee

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## Summary

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In recent years Prime Ministers have brought an increasing number of people from outside Parliament into government as ministers—generally via appointment to the House of Lords. Some of these people have had long and successful careers outside politics, others have more traditional political backgrounds. Some have been more successful than others.

The presence in government of ministers with a range of experience is designed to make government work in a more effective way. However, more people would be available from within Parliament if Prime Ministers were prepared to make use of the full range of talent within their parliamentary parties.

The Westminster system of government was never designed to support substantial numbers of appointments made from outside Parliament. The practice is better suited to countries with a full separation of powers, with corresponding checks and balances. An increased use of the practice here should not be considered in isolation from wider constitutional developments. There is a place for appointments from outside Parliament, but they should be exceptional, driven primarily by governing need and subject to scrutiny by the House of Commons. It is not appropriate that ministers appointed to the Lords should have a guaranteed seat in the legislature and a title for life when they leave office.

Such appointments have also focused attention on the role of ministers in the House of Lords more broadly. The total number of Lords ministers now is broadly consistent with historical trends. The practice of outside appointments should not lead to an increase in these numbers. Senior Ministers in the House of Lords should be directly accountable to all members of the elected House of Commons, although the way in which this can be achieved needs to be debated fully. We also heard practical arguments in favour of enabling ministers from either House to be able to speak in both; although such a change would be controversial.

An alternative to direct appointment to the House of Lords might be the appointment of a limited number of ministers who would be members of neither House, but would be accountable to both. This would be a considerable, although not entirely unprecedented, constitutional innovation.

As well as ministers, prominent people in particular fields have been employed as government ‘tsars’ or ‘champions’, to lead on or promote particular government policies. There needs to be greater transparency around these posts, so that their effectiveness can be effectively scrutinised.

The increasing number of ministers appointed directly from outside Parliament suggests that the nature of government may be changing; and with it the role of Parliament. This needs to be considered as a part of the wider picture of constitutional change and not allowed to evolve in a piecemeal fashion.

#### 4 Goats and Tsars: Ministerial and other appointments from outside Parliament

# 1 Introduction

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1. Upon becoming Prime Minister in 2007, Gordon Brown said that he would build a “government that uses all the talents” by appointing people from outside Parliament to be ministers. These ministers became known as ‘goats’ (‘government of all the talents’). This report examines the appointment of ministers from outside Parliament. It also looks at the ad hoc appointment by government of prominent people to be its public face on a particular policy area—so-called ‘tsars’.

2. We recently completed a separate inquiry into external appointments to senior posts within the Civil Service and our conclusions were published in *Outsiders and Insiders: External Appointments to the Senior Civil Service*.<sup>1</sup> This Committee and its predecessors have also undertaken extensive work on the role of special advisers within government.<sup>2</sup>

3. We took oral evidence from four people with extensive experience and knowledge of central government: Rt Hon Sir John Major, Prime Minister from 1990 to 1997, Lord Turnbull, Cabinet Secretary from 2002 to 2005, Jonathan Powell, Chief of Staff to the Prime Minister from 1997 to 2007, and Professor Anthony King, of the University of Essex. We also took evidence from three people who had been brought into the House of Lords to take up ministerial posts: Rt Hon Lord Adonis, Secretary of State for Transport, Admiral Lord West of Spithead, Parliamentary Under-Secretary of State at the Home Office, and Professor Lord Darzi of Denham, former Parliamentary Under-Secretary of State at the Department for Health. We also received written evidence on the recruitment of government ‘tsars’. We would like to thank all those who gave evidence and the House of Commons Department of Information Services, in particular the House of Commons Library’s Parliament and Constitution Centre, for their assistance.

4. During our evidence, several of our witnesses raised concerns about the increasing number of holders of ministerial and quasi-ministerial posts. These issues have been raised with us during other inquiries and we intend to address them in a short report soon.

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1 Public Administration Select Committee, Seventh Report of Session 2009-10, *Outsiders and insiders: Outside Appointments to the Senior Civil Service*, HC 241

2 For example: Public Administration Select Committee, Fourth Report of Session 2000-01, *Special Advisers: Boon or Bane?*, HC 293; First Report of Session 2003-04, *A Draft Civil Service Bill: Completing the Reform*, HC 128-I; Tenth Report of Session 2007-08, *Constitutional Renewal: Draft Bill and White Paper*, HC 499

## 2 Background

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5. The requirement that ministers should be members of the legislature is a feature of most Westminster-derived systems of government. For example, the New Zealand Constitution Act 1986 requires ministers to be Members of Parliament.<sup>3</sup> Some countries, such as Canada and India, allow ministers to be appointed prior to finding a seat in Parliament, so long as they find a seat within a set period after their appointment. South Africa is exceptional in allowing up to two ministers to be appointed who are not members of Parliament.<sup>4</sup>

6. There is a strong convention that members of the United Kingdom Government should be a member of either the House of Commons or the House of Lords. The exceptions have been few and far between. Non-parliamentarians have been appointed to ministerial posts in time of war, although not without controversy.<sup>5</sup> Similarly, ministers have been appointed to their posts before gaining a seat but in the expectation that they will do so. For example, in October 1964 Patrick Gordon Walker was appointed Foreign Secretary by Harold Wilson, despite having lost his seat at the preceding General Election. He stood in a by-election in January of the following year, only to lose again and had to resign from the Government as a result. In summary, whilst the UK constitution has been flexible enough to accommodate non-parliamentarians holding ministerial office under exceptional circumstances, they have very much remained exceptions. The overwhelming majority of ministers have been selected from the ranks of sitting parliamentarians.

7. This convention ensures that the ministers are directly accountable to one or other House of Parliament. There is also an expectation that the majority of ministers should be elected members of the House of Commons.<sup>6</sup> This ensures that there is a “democratic character” to the Government and that its key members are accountable to the people’s elected representatives.<sup>7</sup> However, the existence of two Houses of Parliament means that there has always been a proportion of the Government drawn from the members of the unelected House of Lords.<sup>8</sup>

8. The graph below gives an indication of the number of paid government posts and the percentage of paid government posts held by Members of the House of Lords at ten yearly intervals since 1900.<sup>9</sup> This gives a broad overview of the trend in the number of Members of the House of Lords holding government posts. It shows how the proportion of Lords Members in Government has averaged around 20% since the 1960s – findings supported by a 1997 study showing that 20% of post-war Conservative ministers and 15% of post-war

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3 R. A. W. Rhodes, John Wanna, and Patrick Weller, *Comparing Westminster*, (Oxford, 2009) p. 136

4 *Ministers in the House of Lords*, Standard Note SN/PC/05226, House of Commons Library, January 2010 p. 14-15

5 There have been three during the twentieth century, J. Smuts in 1917, J. Powell in 1918 and R. Casey in 1942. See Chapter 4 for a discussion of Casey.

6 See for example, Rodney Brazier, *Ministers of the Crown*, (Oxford, 1997) p. 37

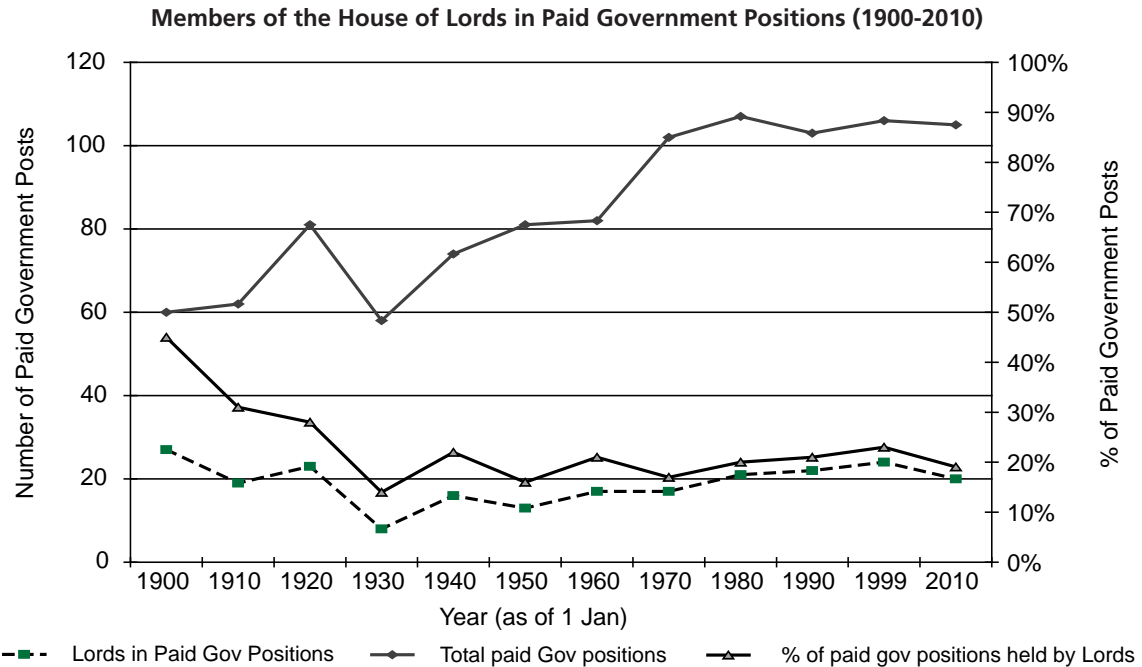
7 Q 149 [Lord Adonis]

8 Q 68 [Lord Adonis]

9 We have used paid government posts to ensure comparability of data across the time period. 1999 is used instead of 2000 following the data in Butler and Butler.



Labour ministers had been Members of the House of Lords.<sup>10</sup> However, the figures do obscure the fluctuations within and between administrations. For example, only 7% (7 of 98) of posts in Tony Blair's first administration were Lords Members, a figure that had risen to 19% (14 of 113) by the time he left office.<sup>11</sup>



Source: David Butler and Gareth Butler, *Twentieth-Century British Political Facts*, (Basingstoke, 2000) p. 71 (1900-1999); House of Commons Information Office (2010)

9. A study of the careers of ministers in the House of Lords published in 1997 found that most of them achieved their ministerial position either through a period of apprenticeship, working their way up from being an assistant whip, or were continuing a ministerial career which had begun in the House of Commons.<sup>12</sup> However, in recent years, Prime Ministers have appointed more people from outside Parliament as ministers and elevated them to the House of Lords.

10. This practice of direct appointment of ministers is not new. For example, Margaret Thatcher appointed the government adviser and former businessman David Young (Lord Young of Graffham) as Minister without Portfolio in 1984. He went on to become Secretary of State for Employment and subsequently Trade and Industry.

11. Prior to 2000 these appointments were relatively rare. However, in recent years there have been a growing number of such appointments at increasingly high levels. As Prime Minister Tony Blair appointed several such individuals—Charles Falconer (Lord Falconer of Thoroton) initially as Solicitor General for England and Wales, David Simon (Lord Simon of Highbury) as Minister for Trade and Competitiveness in Europe, Andrew Adonis (Lord Adonis) initially as Parliamentary Under-Secretary of State in the

10 Phillip Cowley and David Melhuish, "Peer's Careers: Ministers in the House of Lords, 1964-95", *Political Studies* XLV (1997) p. 21

11 House of Commons Information Office figures. These figures include whips and law officers.

12 "Peers' Careers: Ministers in the House of Lords", pp. 21-35

Department for Education and Skills, and Gus Macdonald (Lord Macdonald of Tradeston) initially as a junior minister in the Scotland Office.

12. Since June 2007 the current Prime Minister, Gordon Brown, has made ten such appointments from a wide variety of backgrounds. A list is given below:

Name, position and background	Date Introduced	Date resigned
Lord Malloch-Brown (Minister of State, Foreign and Commonwealth Office), former diplomat and Deputy Secretary-General of the United Nations	28/06/2007	24/07/2009
Lord Darzi of Denham (Parliamentary Under-Secretary, Department of Health), pioneering surgeon	29/06/2007	21/07/2009
Lord Jones of Birmingham (Minister of State, Department for Business, Enterprise and Regulatory Reform), former Director-General of the CBI	29/06/2007	05/10/2008
Lord West of Spithead (Parliamentary Under-Secretary, Home Office), former First Sea Lord	29/06/2007	
Baroness Vadera (Parliamentary Secretary, Cabinet Office), former investment banker and government adviser	25/01/2008	28/09/2009
Lord Carter of Barnes (Parliamentary Under-Secretary, Department for Business, Enterprise and Regulatory Reform), former businessman and government adviser	05/10/2008	21/07/2009
Lord Myners (Parliamentary Secretary, HM Treasury), former businessman	05/10/2008	
Lord Davies of Abersoch, (Minister of State, Department for Business, Enterprise and Regulatory Reform), former businessman	02/02/2009	
Lord Mandelson (Secretary of State, Department for Business, Innovation and Skills), former MP, cabinet minister and European Commissioner	06/06/2009	
Baroness Kinnock of Holyhead (Minister of State, Foreign and Commonwealth Office), long-serving MEP	30/06/2009	

Source: House of Commons Library

13. The number of such outside appointments in a relatively short space of time is unprecedented. Also of interest is the profile of recent appointments in the House of Lords. These include not only the appointment of two Secretaries of State but also the greater visibility and policy influence of some of the more junior appointments outlined above—some of whom have been entitled to attend Cabinet. As *The Times*' Chief Political Commentator, Peter Riddell, has written:

In the past, all but a handful of Lords ministers were primarily spokesmen, answering questions and doing the tricky and often arduous task of carrying through legislation, but with no real role in their departments. This began to change under Tony Blair, but it has been taken a big step farther by Mr Brown.<sup>13</sup>

**14. The appointment of people from outside Parliament to be ministers via the House of Lords is not new, but the scale of such appointments in recent years is. It raises questions about why such appointments are being made and their impact on government and Parliament.**

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13 "Mervyn Davies joins herd of worldly ministers in the Lords", 15 January 2009, *The Times*

### 3 Why outside appointments?

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15. Ministers are drawn from the governing party in Parliament, and sometimes from outside, for a variety of complex reasons.<sup>14</sup> However, we can assume that certain factors will come into play. Merit is one. People with previous ministerial experience – or with shadow cabinet status – may expect to be accommodated. The Prime Minister will probably also want to have gender, ethnic and regional balances in mind when forming his administration.

16. A Prime Minister in a secure position, with a large parliamentary majority, may decide to appoint people who are of a similar political stripe or who are friends and colleagues who share a common history and outlook. As Jonathan Powell put it, “You are going to choose people who will support the Government”.<sup>15</sup> The ‘proximity factor’ may also be a consideration; people who work closely with the leader of a political party and with a Prime Minister may get rapid promotion.

17. On the other hand, a Prime Minister in a weaker position, with a smaller majority, may have to accommodate people with a wider range of view points from his or her political party and appoint people he or she would not otherwise choose. Sir John Major acknowledged that “it was necessary to keep a political balance within the party, so I had to look at a political balance as well as straightforward merit”.<sup>16</sup>

18. It follows that the decision to make outside appointments as ministers will, similarly, be for a range of complex reasons.

#### Fewer options?

19. The principal argument we heard in favour of the appointment of ministers from outside Parliament was that the requirement to recruit from the legislature limits the Prime Minister’s choice of prospective ministers. Some of our witnesses compared this system of appointing ministers unfavourably with that used in some, predominantly European, countries where the head of government regularly appoints ministers who are not members of Parliament. Jonathan Powell observed that:

in Europe, pretty much all of continental Europe, and the US your gene pool from which you can choose is the entire country to be ministers, whereas here we have 300-odd MPs on the government benches...It is a much narrower group from which you can choose.<sup>17</sup>

20. They went on to argue that the number of potential ministers could be further reduced over time. Recent political history has seen two long periods of the same political party being in power—the Conservatives from 1979 until 1997 and Labour from 1997 to date. Sir

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14 For one of many discussions of this issue, see Rodney Brazier, *Constitutional Practice: The Foundations of British Government* Third Edition (Oxford, 1999), pp. 63-67

15 Q 9

16 Q 157

17 Q 4

John Major told us that the length of time his party had spent in office had caused him difficulties when forming a government:

the longer the government's life exists, the more people have passed through being minister, are no longer a minister, are unlikely to come back and the gene pool correspondingly reduces.<sup>18</sup>

Lord Turnbull agreed. He also drew attention to the possibility that reductions in a Government's majority over the time it had been in power might also reduce the number of people available to serve in office.<sup>19</sup>

21. Jonathan Powell drew attention to another potential aspect of this issue. A party coming into government after a long absence may find itself with a scarcity of people who, in the Prime Minister's view, are ready to take up ministerial office. As he put it, "lots of people do not think it is a very good idea to go and be an MP and sit on opposition benches for 18 years."<sup>20</sup>

22. However, there are three assumptions underpinning these arguments that can be challenged. The first is that former ministers, having 'done their time', would not wish to return to ministerial life. Ministers leave government for a variety of reasons, sometimes by choice, sometimes under duress and sometimes for reasons which are unclear—often for reasons that are related to politics rather than competence. Some former ministers who have left government may be able to return to a different post or even the same post under different circumstances—and some have done so.

23. Secondly, these arguments give the impression of Prime Ministers that have meticulously gone through their parliamentary parties and exhausted every possible minister.<sup>21</sup> The current situation does not bear this out. Immediately following the last three general elections, the Labour Party held 418 (1997), 412 (2001) and 355 (2005) seats in the House of Commons. 164 current Labour MPs, nearly half the total, have never held ministerial office, including a dozen or more who were previously leaders of major local authorities. By no stretch of the imagination had the reservoir of talent on the government benches been exhausted.

24. Thirdly, the size of government is something that, below a statutory upper limit, is within the gift of the Prime Minister. As Professor King pointed out, much of the perceived problem comes about because increasingly large administrations are being appointed from a relatively small number of people.<sup>22</sup> Part of the motivation to appoint a large administration is to secure a significant payroll vote. As Jonathan Powell put it:

If the Prime Minister had his way, he would appoint every single backbencher in his party to a ministerial job to ensure their vote.<sup>23</sup>

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18 Q 153

19 Q 1

20 Q 4

21 Q 7

22 Q 1

23 Q 32

We intend to examine this issue in more depth in a separate report. However, for our purposes it is sufficient to note that the size of government has increased through Prime Ministerial choice.

**25. The reasons why a Prime Minister chooses particular individuals to be ministers are complex. Over time the number of prospective new ministers within a governing party is likely to diminish. However, where a Prime Minister considers himself short of prospective ministers in the House of Commons, this is often because candidates are being sifted out because of politics or personality rather than competence. It is likely that some outside appointments are similarly driven by political and personality considerations rather than a lack of options on the government benches.**

### Career politicians

26. Similar arguments apply when looking at the range of experience that is brought into government. The upper reaches of politics have, in common with many disciplines, become a specialist career dominated by people who have pursued it—or closely related fields—for the majority of their working lives. Sir John Major argued there was a “shortfall” in certain areas of expertise and experience:

If you compare the House of Commons today with, say, 30, 40 years ago, where are the businessmen, the farmers, the soldiers? ... Politics has changed, I do not disparage the role of someone who is a professional politician at all, it is the question of whether you have the right mixture in the House of Commons.<sup>24</sup>

27. Lord Turnbull spoke of a “growing gulf” between the requirements of managing a government department, particularly where technological and scientific issues were concerned, and the experience of ministers:

There is a growing trend for people to come into politics more or less straight from university. They lick envelopes in Central Office, become a Special Adviser, on and on it goes, and by the time they are in their mid-thirties they are Cabinet Ministers, barely touching the sides of real life.<sup>25</sup>

He went on to argue that it was increasingly difficult to have a successful career in another field and then enter politics at a senior level:

You have no chance if you come in at 50 [years old] of getting anywhere in politics now, so how can you develop in a senior position in local government or in trade unions or in business? You are so far behind in the climb up the greasy pole that you never catch up.<sup>26</sup>

28. There are two separate issues here. One is the range of experience within the House of Commons; the other is the experience of people who have been brought into government.

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24 Q 159

25 Q 1

26 Q 19

Career politicians have increasingly dominated the top positions of government. As Professor King wrote as long ago as 1981:

Most of the top posts in British politics and government have been occupied for many years by such career politicians. Until quite recently, however, a significant number of these posts were occupied by people who were not career politicians. Now these non-career politicians have largely disappeared from the scene; with a few exceptions only career politicians remain.<sup>27</sup>

29. It does not follow that Prime Ministers have chosen largely career politicians to make up their governments because they have been limited by the makeup of the House of Commons. The proportion of MPs whose previous occupation was “politician or political organiser” has been increasing across the House as a whole since 1987.<sup>28</sup> Nonetheless, this group still comprised only 14.1% of Members of Parliament in 2005, fewer than the 19.2% with a business background and 39.3% from the professions.<sup>29</sup> In short, career politicians fill many of the top posts of government because Prime Ministers have chosen them for those posts.

30. Career politicians undoubtedly have advantages when competing for ministerial jobs. They will have a long record of party work and, presumably, extensive contacts. Traditionally, UK ministers have not been expected to have technical knowledge or experience of their areas of responsibility—political skills are seen as more important. Giving evidence to our previous inquiry into *Skills for Government* the former Minister, Nick Raynsford, told us:

I was very struck in international meetings how many ministers from other countries are appointed on the basis of their technical expertise in the area in which they have responsibility rather than simply because of political background. We have a culture which rightly emphasises the importance of political accountability to Parliament, and that means the overwhelming majority of ministers come into the job without any technical expertise in the area that they are responsible for.<sup>30</sup>

31. Moreover, as Sir John Major argued, someone who has served in the House of Commons will tend to have a much better grasp of the political skills necessary to running a government department and presenting government policy than an outsider.<sup>31</sup> Lord Adonis, perhaps unsurprisingly, agreed—arguing that his employment as a special adviser had served as “an absolutely invaluable apprenticeship for being a minister”.<sup>32</sup> Lord Darzi and Lord West stressed that their experience outside politics was not sufficient for them to become successful ministers. They needed to acquire political skills and generalist knowledge through their ministerial work.<sup>33</sup>

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27 *The Rise of the Career Politician*, p. 277

28 *Social Background of MPs* Standard Note 1528, House of Commons Library, November 2005, Table 4, p. 4

29 *Social Background of MPs* Table 5, p. 4; note that around 40 MPs are not accounted for in this survey.

30 Public Administration Select Committee, Ninth report of Session 2006-07, *Skills for Government*, HC 93, para. 148

31 Q 162

32 Q 69, also Q 95 [Lord Adonis]

33 Q 95 [Lord West and Lord Darzi]; Q 145 [Lord Darzi]

32. Set against this background, the appointment of a significant number of ‘outsiders’ is a notable counter trend. It would have been unthinkable in 1981. Indeed, Professor King wrote that:

The rise of the career politician...and the increasing burdens of political life in general, make it unlikely that many such outside appointments will be made in future.<sup>34</sup>

The same could have been said prior to the 1997 election – in the previous sixteen years there had been only one such outside appointment. Even following Tony Blair’s first such appointments in 1997-8 the resulting controversy indicated that parliamentary experience would remain a key criterion for selection as a minister.<sup>35</sup> To some, therefore, the recent spate of outside appointments may represent a change in government towards valuing technical expertise.

**33. Career politicians have an important place in government. Despite this, government will be more effective if people in ministerial roles come from a wide range of backgrounds and experience. Appointment of people from outside parliament is one route to achieve this. A greater willingness on the part of Prime Ministers to appoint from a broader cross section of their own parliamentary party would be another.**

### Gaps in skills and experience

34. In part, this counter trend may have occurred because some outside appointees can bring in experience that is rarely to be found within Parliament. As Professor King argued, a largely decentralised system of candidate selection means that many MPs will be selected largely on the basis of their potential performance as a constituency MP, rather than how they fit into the broader picture of a prospective government.<sup>36</sup> This may mean that a governing party has few people with experience in a particular field. For example, following the 2005 General Election, the Parliamentary Labour Party contained only one doctor, whilst the Conservative Party had no-one who had been a lecturer in Further or Higher Education.<sup>37</sup>

35. Some of the ministers who were appointed from outside by the present Prime Minister some have brought skills from long and successful careers in other fields, which it would be highly unlikely to find in Parliament. For example, Lord Darzi and Lord West outlined the skills that they brought to the job—in Lord Darzi’s case credibility within the NHS and a first-hand understanding of the needs of patients and staff, in Lord West’s case a long career of senior work in intelligence and counter-terrorism.<sup>38</sup> Others have had more conventional political backgrounds—such as Lord Mandelson or Baroness Kinnock. Then there is an intermediate category, where an individual has extensive experience of a

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34 Anthony King, “The Rise of the Career Politician in Britain-and its consequences,” *British Journal of Political Science*, Vol. 11( 1981), No. 3, p. 277

35 See for example the discussion in Meg Russell, *Reforming the House of Lords: Lessons from Overseas*, (Oxford, 2000) p. 196

36 Q 17

37 *Social Background of MPs*, Table 5, p. 4

38 Q 74, Q 81, Q 123, Q 138

particular field, but it is not clear that similar experience could not have been found in the House of Commons.

36. Sir John Major was in favour of making a small number of outside appointments to fill particular roles where gaps might arise. However, he also suggested that membership of the House of Commons was not an attractive prospect for older people who had had successful careers in other fields or indeed for people on average incomes with a family. He argued that reforms to ensure greater independence for the House of Commons could also benefit government by ensuring a greater diversity of people standing for Parliament leading in turn to a more diverse talent pool for ministerial office.<sup>39</sup> **There are circumstances in which an outside appointee may have particular experience, skills or expertise which are not readily available within the House of Commons. However, outside appointments should not be a substitute for efforts to make the House of Commons more diverse and representative, or for using untapped talent that already exists. Some ministers are clearly less competent than some of those in the House who are not ministers.**

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39 Q 152, Q 155, Q 163



## 4 Can outside appointments be justified?

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37. The previous chapter examined some of the reasons why ministerial appointments from outside Parliament may have occurred. This chapter asks whether such appointments can be justified. It looks at three issues: the democratic mandate of the Government, accountability to the House of Commons and the success or failure of such appointments.

### Democratic mandate

38. As we discussed in Chapter 2, there has always been a proportion of the Government without a personal electoral mandate. Indeed, Jonathan Powell rejected the idea that election as a Member of Parliament was integral to establishing a minister's legitimacy:

I do not really recognise this concept of elected ministers because no-one is elected as a minister; they are elected as an MP. It is the Prime Minister of the day who chooses them as a minister, so all ministers should be on the same footing from that point of view.<sup>40</sup>

39. There is some truth in this argument. The Succession to the Crown Act 1707 had required MPs who took up ministerial office to submit themselves for re-election in a by-election. In 1919 the requirement was limited and in 1926 it was abolished completely. Since then, the democratic legitimacy of ministers has primarily been derived from the confidence of the Prime Minister, whose own legitimacy derives from his or her party's performance at the last general election and the confidence of the House of Commons.

40. However, electoral performance cannot be disregarded. We have already discussed the case of Patrick Gordon Walker, who was forced to resign his post as Foreign Secretary following his failure to win a by-election. A Prime Minister would find it politically very difficult to appoint someone as a senior minister via the House of Lords if the person in mind had recently stood for election to the Commons and lost—especially, as in this case, if they stood again and lost again.

41. There are two reasons why the appointment of ministers from outside Parliament to the House of Lords may potentially call into question the democratic legitimacy of the government. The first is that ministers who are not MPs should not be allowed to undermine what Lord Adonis called “the democratic character of the Government”. In other words, they should not form too large a proportion of the Government as a whole or of its senior posts.<sup>41</sup>

42. The second is that such appointments can separate the Government from the parliamentary party. If the Prime Minister derives his or her mandate to govern from the performance of party colleagues in the general election, it follows that there is a reasonable expectation that such colleagues will form the basis of a Government that reflects the range of opinions across that party.

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40 Q 66

41 Q 149

43. Lord Turnbull drew a contrast with systems like that in the United States, where governments are predominantly or entirely appointed from outside the legislature. In such cases, checks and balances exist to ensure there is a democratic element to the appointments process, a separation of powers between legislature and executive and the election of a President with a personal mandate to make such appointments. Lord Turnbull did not think that outside appointments to government could be easily separated from a package of measures to introduce such safeguards, ultimately leading to a separation of powers.<sup>42</sup> Sir John Major did not accept this argument but he did acknowledge that outside appointments “should not be overdone”.<sup>43</sup>

44. Neither of these arguments suggests that outside appointments should be prevented entirely. However, they should be limited. As we have seen, countries with Westminster systems of government that allow outside appointments limit their numbers. At present no such limits exist in the UK.

**45. The use of the House of Lords to appoint ministers from outside Parliament gives Prime Ministers potentially presidential powers of appointment, without the checks and balances that would apply in a presidential system. Such appointments can be justified if they bring clear benefits to government, but they should be exceptional. When making such an appointment a Prime Minister should set out clearly to the House of Commons why the appointment has been made from outside, under what terms and what he or she expects the minister to achieve during their time in government. Moreover, the appointment should be subject to scrutiny by the House of Commons. This could involve a select committee hearing and report. If the Committee was not satisfied with the appointment it could recommend a debate and vote on the floor of the House.**

46. As we have seen, the proportion of government posts filled by Members of the House of Lords in early 2010 was at around the average for the post-war period. This suggests that increasing use of outside appointments has not led to a decline in the proportion of government posts held by elected Members of Parliament. However, there has been a perceived increase in the number of senior government posts in the Lords, in particular of two senior Cabinet Ministers—Lord Mandelson, Secretary of State for Business, Innovation and Skills, styled as ‘First Secretary of State’, and Lord Adonis, Secretary of State for Transport. There have also been other ministers who have been entitled to attend Cabinet despite not being members of it. These included Lord Drayson, as Minister for Science and Innovation, and Lord Malloch-Brown, as Minister for Africa, Asia and the United Nations.

47. The presence of Cabinet Ministers in the House of Lords has diminished markedly since the turn of the twentieth century, when there were nine Members of the House of Lords in the Cabinet, including the Prime Minister. Attlee’s first Cabinet in 1945 and Macmillan’s in 1957 contained five Lords, and Churchill’s in 1951 included seven. By the mid-1960s, however, it had become the norm for an incoming Prime Minister to recruit

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42 Q 17

43 Q 154

only the Leader of the House of Lords and the Lord Chancellor from the House of Lords into his or her Cabinet.

48. There were, however, exceptions to this rule such as Lord Carrington's appointment as Secretary of State for Defence in 1970. Margaret Thatcher's governments included several Secretaries of State based in the Lords, including Lord Carrington as Foreign Secretary from 1979 until 1982, Lord Cockfield as Trade Secretary from 1982 to 1983, and Lord Young as Employment Secretary, from 1985 to 1987, and subsequently Secretary of State for Trade and Industry, from 1987 to 1989. However, it was not until Tony Blair's government briefly included Baroness Amos as Secretary of State for International Development in 2003 that there were two Secretaries of State based in the House of Lords at the same time<sup>44</sup>—the first time this had occurred since Macmillan's Government in the late 1950s.

49. Whilst this might suggest that having two Secretaries of State in the House of Lords has been very rare, Lord Adonis argued:

It is true in that we do have two secretaries of state in the House of Lords but, of course, the Lord Chancellor, pre the latest reforms, was tantamount to a secretary of state. The Lord Chancellor ran a department, and a very important one. It was quite often the case that you had a secretary of state in the House of Lords and, of course, the Lord Chancellor, so having three Cabinet ministers in the Lords, of whom two headed departments, has been a frequent occurrence in recent decades.<sup>45</sup>

**50. So long as there is a predominately appointed House of Lords, there will be members of the Government who are not elected Members of Parliament. Since the 1960s this has tended to be around 20% of the Government including a maximum of three Cabinet Ministers. The inclusion in this group of a small number of ministers appointed from outside Parliament does not threaten the democratic legitimacy of the Government. Any substantial increase in the overall number of ministers in the Lords, and any increase at all in the number of Cabinet ministers, would do so.**

## Accountability to the House of Commons

51. As discussed above, it is important that ministers, especially senior ministers, are directly accountable to the people's elected representatives. As Jonathan Powell put it:

If you put these ministers who you bring in from outside in the House of Lords, they are not accountable to the elected representatives of this country and that is wrong.<sup>46</sup>

52. At present, ministers' personal accountability to the House of which they are not a member is restricted to appearances before select committees and grand committees.<sup>47</sup>

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44 The other being Lord Falconer as Secretary of State for Constitutional Affairs and Lord Chancellor. The post of Secretary of State was created in June 2003 as part of the reform of the position of Lord Chancellor.

45 Q 135

46 Q 27

47 Standing Orders allow a "Minister of the Crown, whether or not a Member of the House, to make a statement" to the Scottish, Welsh, Northern Irish and Regional Grand Committees.

Although in principle the Commons may request that a Member of the House of Lords attend at the Bar of the House, this has not happened since the nineteenth century.<sup>48</sup>

53. The presence in the House of Lords of two senior Cabinet Ministers holding departmental portfolios has led to a new procedure for questions in that place. It has also led to increasing calls for Cabinet Ministers who sit in the Lords to be more accountable to the Commons. For example, the Speaker of the House of Commons said in a recent speech to the Hansard Society:

I suspect that both of these individuals [Lord Mandelson and Lord Adonis] would concede that they should be responsible to backbench MPs and would be more than willing to participate in an experiment in which they were made available publicly through Westminster Hall, as one option, and I intend to consult on how we might take this forward.<sup>49</sup>

54. Lord Adonis himself said that he had arranged to answer questions from the Transport Select Committee on a regular basis. However, he was willing, even eager, to answer questions in the Commons if requested to do so. In his words:

I think it is right that ministers in the Lords should be as accountable to the House of Commons as the House of Commons wishes to make them.<sup>50</sup>

55. The Business and Enterprise Committee examined this issue in relation to the then Department for Business, Enterprise and Regulatory Reform in November 2008. It observed that a new element in the current situation was the relative lack of senior ministers able to speak on behalf of the department based in the House of Commons. It recommended that “a mechanism is needed” for Secretaries of State based in the House of Lords to answer questions in the House of Commons.<sup>51</sup>

56. A survey of eight bicameral legislatures undertaken in 2000 shows that the UK is “unusual” in only permitting ministers to speak in the House of which they are a member. Of the eight countries, the only other one to have such a rule was Australia. Legislatures as diverse as Canada, the Republic of Ireland, Germany, France and Italy all permit ministers to address both chambers—in some cases because ministers do not have to be or are not allowed to be a member of either chamber.<sup>52</sup>

57. Understandably, however, the proposal that ministers should be able to appear in a House other than that to which they belong has raised concerns about giving greater legitimacy to ministers who do not have a personal electoral mandate. It has been argued that this would encourage government to appoint more ministers in the House of Lords.

48 See *Ministers in the House of Lords*, p. 8 and Business and Enterprise Committee, Fourteenth Report of Session 2007-08, *Departmental Annual Report and Scrutiny of the Department for Business, Enterprise and Regulatory Reform*, HC 1116, para. 13

49 Rt Hon John Bercow MP, 24 September 2009, Parliamentary Reform: From here to there, A Speech by the Speaker of the House of Commons, <http://www.hansardsociety.org.uk/files/folders/2188/download.aspx> accessed 19 January 2010

50 Q 133

51 *Departmental Annual Report and Scrutiny of the Department for Business, Enterprise and Regulatory Reform* para. 15

52 *Ministers in the House of Lords*, pp. 13-14; see also, *Reforming the Lords: Lessons from Overseas*, pp. 199-200

Such views have been expressed by, among others, the Shadow Secretary of State for Business, Innovation and Skills, Kenneth Clarke, and the former minister Tony Benn.<sup>53</sup>

**58. So long as there is an unelected second chamber, there is a strong argument of principle that senior ministers should be directly accountable to the democratically elected chamber as a whole. However, there is a debate to be had about how this can be achieved. We understand that the Procedure Committee is investigating this issue and look forward to the House being given the opportunity to debate any proposals that may emerge. Such a move should not be used as a justification for appointing more senior ministers via the House of Lords. The purpose of such a change would be to assert the primacy of the Commons, not to undermine it.**

59. We also heard two practical arguments for going further and introducing a change that would not simply allow Cabinet Ministers from the Lords to speak in the Commons, but would also allow senior ministers from the Commons to address the Lords. The first argument relates to the size of government. Sir John Major argued that the number of ministers could be reduced simply by changing parliamentary rules

so that senior ministers may appear in both Houses, but only vote in the House to which they are a member. If you did that you would automatically diminish the number of duplicated ministers which are at present necessary to make sure that both Houses have a proper representation.<sup>54</sup>

60. The second argument concerns the presentation and scrutiny of policy, particularly legislation. Sir John Major and Lord Turnbull both argued that allowing the minister in charge of a particular piece of government business to appear in either House would improve both the presentation of the business and the scrutiny of it.<sup>55</sup> Lord Turnbull said that, under the current arrangements:

a bill would be taken through by a Secretary of State and then it would be handed over to a Lords minister, who could well have been a hereditary or something, and was not really plugged into the department. Some of those ministers really struggled. In some ways I think it is now the other way round. The Human Embryology and Fertilisation Bill was taken through the House of Lords by Lord Darzi, and he made a million times better job of it than the person who took it through the House of Commons.<sup>56</sup>

**61. Allowing ministers to present their policies and answer questions in both chambers could have benefits for both government and Parliament. It would allow government to ensure that their policies were being presented in the most effective way by the person best placed to debate them. It would ensure that Ministers based in the House of Lords were fully accountable to the primary, elected House and expose Secretaries of State from the Commons to the very different style of scrutiny practised in the House of**

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53 "Hung parliament would be a disaster, says Kenneth Clarke", *The Guardian*, 10 November 2009; "Coming soon, Peter Mandelson's question time for MPs", *The Guardian*, 15 October 2009

54 Q 155

55 Q 155 [Sir John Major]; also Q 12 [Professor King]

56 Q 3

**Lords. It would also remove the need to appoint Members of the Lords as ministers to ensure departmental representation in both Houses.**

### Successes and failures

62. It has been argued that, whatever their other skills, a lack of political experience means that outside appointees to government have tended to be unsuccessful as ministers. Certainly there have been ministers who have been appointed from outside government and whose careers have been seen as failures. Similarly, there have been ministers who have left government expressing discontent with elements of their time there. Lord Jones of Birmingham, for example, described the experience of being a junior minister as “dehumanising” whilst Lord Malloch-Brown was reported as having seen the running of government as being “chaotic” and “cobbled together”.<sup>57</sup>

63. Further evidence in support of this assertion derives from the fact that five of the ten ministers directly appointed via the House of Lords by Gordon Brown since June 2007 have since left the government. Another such minister was moved from the post to which she had been appointed on the basis of her particular experience. These six had an average time in office of 514 days.<sup>58</sup> This apparently short time in office has been taken by some commentators to indicate that they had been failures.<sup>59</sup>

64. Professor King, however, disputed that this was an accurate inference to make. He pointed out that:

attention is drawn to the ministers who have been brought in from outside who have been failures. They are never matched against the people who have been brought in from outside who are successes, and they are never matched against the people who have been brought in from inside who have been failures. I am not at all clear that the ratio would be...against people brought in from the outside.<sup>60</sup>

65. Our witnesses gave various examples of ministers who came straight from non-parliamentary backgrounds into ministerial posts and whom they believed to be successes. Professor King identified Ernest Bevin, Herbert Morrison and Stafford Cripps—although it is worth noting that all three were major political figures before they entered Parliament.<sup>61</sup> Sir John Major identified three ‘goats’ as successes, arguing:

Plainly some of those brought in are going to be a success, have been a success I think, and others perhaps less so, but that is true of all ministers and all political careers.<sup>62</sup>

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57 Public Administration Select Committee, Eighth Report of Session 2008-09, *Good Government*, HC 97-II, Q 283; *The Times*, 12 July 2009, “Minister Lord Malloch-Brown tells of ‘chaos’ under Brown”

58 Figures supplied by the House of Commons Library

59 For example, “The Lost Herd”, *The New Statesman*, 23 July 2009

60 Q 35

61 Q 25

62 Q 154, Q 160

66. Professor King’s argument is supported by a rough comparison between the average terms of office for ministers appointed from outside Parliament and those for all ministers. The average time in one post for a government minister during the present Parliament was 509 days, very slightly less than that for those outside appointees who have entered government since June 2007.<sup>63</sup> Where there is a difference it is that most ministers will have moved to other jobs in government, rather than out of government entirely. In a sense, however, this does not reflect their relative successes or failures, but rather the difference between a career politician and a non-career politician. Lord Darzi stressed that he saw his job as different to that being undertaken by other ministers. As he put it, when discussing his resignation:

I felt I had done what I was brought in to do...It is a bit like surgery you know, you need to know when you have done the job and discharge the patient.<sup>64</sup>

**67. As with ministers from all backgrounds, there have been both successes and failures among ministers appointed from outside Parliament. There is no evidence to suggest that such ministers are, as a group, less likely to be successful than other ministers.**

68. Where ministers with non-parliamentary backgrounds have not been successful, it has tended to be because—in Jonathan Powell’s words—“they can’t do the politics”.<sup>65</sup> There are many reasons why this may be the case. However it does not help that, as Lord Darzi said, no-one tells incoming ministers what “being a minister” or “being a parliamentarian” actually involves, and that these competencies have to be learnt on the job.<sup>66</sup>

69. In our report on *Skills for Government* we recommended that more could be done to professionalise the ministerial side of government and, in particular, that there should be more professional development opportunities for ministers. **We have previously recommended that government should pay more attention to the professional development of ministers. There would be particular advantages to doing so where a minister does not have prior experience of politics or Parliament.** We note that the National School of Government has begun to offer professional development programmes for ministers.

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63 Figures as of 27 January 2010, supplied by the House of Commons Library

64 Q 139

65 Q 35

66 Q 145

## 5 Bringing outsiders into government

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70. In the previous two chapters we examined why a Prime Minister may wish to draw upon people from outside Parliament when appointing a government and some of the arguments against such a move. In this chapter we examine the ways in which such appointments are made.

### Appointment to the House of Lords

71. As discussed in the previous chapter, bringing outsiders into government is a long-standing practice, with the majority in recent times being brought in through appointment to the House of Lords. Such individuals are appointed as life peers by the Queen on the recommendation of the Prime Minister.

72. Several of our witnesses raised concerns that the House of Lords was not an appropriate vehicle for appointing such ministers, but that it was being used in the absence of a better alternative. They drew attention to several issues around this use of the Lords, some of which are discussed below.<sup>67</sup>

73. It is important to acknowledge that all three main parties are committed to the reform of the House of Lords. The decision still outstanding is whether the reformed Chamber is either wholly elected or substantially elected. This development can be expected to have significant implications for the way in which Ministers are recruited. However, it does not seem sensible to use the prospect of wider Lords reform, which has been a slow and indefinite process, as a reason for failing to consider immediate improvements to the current system for appointing ministers.

### Life membership?

74. The appointment of ministers via the House of Lords brings with it the complication that the Prime Minister is also appointing a life-long member of the legislature and of the peerage. A Member of the Lords, once appointed, remains a Member for life, even if, for example, they were simply appointed in order to take up a ministerial job that they then held for a relatively short period of time. The Justice Committee has drawn attention to some of the implications:

The present Prime Minister has appointed 11 people to be life peers so that they could serve as ministers or as an adviser to the Government, some of whom have already given up ministerial office but remain members of the House of Lords. These measures accentuate a trend towards an appointed second chamber, contrary to the view expressed by the three main parties and by the House of Commons. Moreover, it is likely to lead to a continuous trend in future governments appointing peers to rebalance the numbers and this is unsustainable.<sup>68</sup>

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67 Q 1 [Jonathan Powell]; Q 12 [Professor King]; Q 43 [Lord Turnbull]

68 Justice Committee, Eleventh Report of Session 2008-09, *Constitutional Reform and Renewal*, HC 923, para. 58



75. A possible resolution to part of this problem would be to allow Members of the Lords to resign their seat, a measure we have previously recommended.<sup>69</sup> This proposal was supported by Lord Jay of Ewelme, the Chairman of the House of Lords Appointments Commission, giving evidence to us in July 2009.<sup>70</sup> Government amendments have been tabled to the Constitutional Reform and Governance Bill that would permit this. There have also been suggestions that some Members of the House of Lords could be appointed for fixed periods.

76. This would, however, only partially resolve the issue. Former ministers who had been directly appointed via the Lords would be under no obligation to resign and it could therefore remain an incentive for Prime Ministers to appoint many such ministers in order to boost the numbers of their party in the Lords. Sir John Major argued that ministers appointed to the Lords should only hold their seat in the Lords for as long as they serve in government.<sup>71</sup>

77. Lord Darzi defended his continued membership of the Lords, and that of other former directly appointed ministers. He argued that former ministers had skills and experience that allowed them to become successful parliamentarians.<sup>72</sup>

**78. Former ministers bring valuable experience to the work of Parliament. However, we do not believe this is a sufficient reason to allow ministers appointed from outside Parliament via the House of Lords to retain their seats after they leave government, especially when there is no requirement on them to be active members of the House.**

**79. We support moves to allow peers to resign and recommend that the Ministerial Code require ministers who were appointed to the House of Lords in order to take up their duties to resign from that House upon their departure from government. Those former ministers who wished to remain active members of the House of Lords could seek reappointment through the party nomination process or, if they could convince it of their independence from party politics, the House of Lords Appointments Commission.**

80. A related issue is the automatic association of a title with membership of the House of Lords and whether former ministers should keep such titles after they resign. Lord Turnbull regarded the giving of titles to Members of the Lords as an undesirable complication, referring to the whole issue as “this ghastly business”. His view was that “basically you should just be Andrew Turnbull and everything else that describes what you are or have been comes after your name”.<sup>73</sup>

**81. The giving of titles for life to ministers who may only be in government for a short time will, rightly or wrongly, raise the suspicion of patronage. We have previously recommended that the honour of a peerage should be separated from a place in the**

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69 Public Administration Select Committee, Second Report of Session 2007-08, *Propriety and Peerages*, HC 153, para. 147

70 Oral evidence taken before the Public Administration Select Committee on 16 July 2009, HC (2008-09) 744-i, Q 36

71 Q 161

72 Q 145

73 Q 16

legislature.<sup>74</sup> **We continue to hold this view and believe it is especially relevant where an individual is made a Member of the House of Lords in order to take up ministerial duties. On ceasing to be a minister, such a person should be required to relinquish the title too.**

### *Propriety*

82. Members of the Lords who are appointed as ‘working peers’ by their parties are subject to propriety checks by the House of Lords Appointments Commission. However, those who have been ennobled in order to take up ministerial office are not vetted in this way. Lord Jay told us that he recognised that pressures of time meant that ministers appointed during a reshuffle might not be able to be vetted, but

where I think there is a real anomaly which can be corrected, straight away are those ministerial appointments which take place outside reshuffles where there is no particular time pressure—and I cannot see any reason why the Commission should not be asked to vet those in the usual way.<sup>75</sup>

83. Lord Turnbull did not agree. He argued that the Prime Minister was responsible for the appointment of ministers and should therefore be responsible for all aspects of those appointments.<sup>76</sup> Jonathan Powell said that there was a “standard process” for vetting all ministerial appointees.<sup>77</sup>

**84. We agree that in principle the Prime Minister should be responsible for propriety checks on ministers. However, making an individual a Member of the Lords to take up ministerial office means that they also become a life-long member of the legislature. So long as this situation holds we believe that the House of Lords Appointments Commission should be allowed to vet ministerial appointees for propriety in the same way as for any other working peer.**

### *Limits*

85. These two issues indicate the fundamental problem with the use of the House of Lords in this way. It is in effect a constitutional fudge, a device to allow Prime Ministers directly to appoint people of his choosing to government. We have already acknowledged the need for limits on such appointments and the fact that most Westminster systems that allow direct appointments have such limits. The only limit that applies to the Prime Minister in making such appointments is the extent to which he or she is willing to endure political discomfiture.

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74 *Propriety and Peerages*, para 141

75 Oral evidence taken before the Public Administration Select Committee on 16 July 2009, HC (2008-09) 744-i, Q 8

76 Q 62

77 Q 65

## Appointment without being a member of either House

86. Problems such as these tend to flow from the use of the legislature to facilitate the outside appointment of ministers. An alternative was proposed initially by Sir John Major and the former Foreign Secretary, Lord Hurd of Westwell. They suggested that a small number of ministers could be appointed who were not members of either House, but who would be directly accountable to either the Commons or both Houses.<sup>78</sup>

87. This suggestion is not entirely unprecedented: the posts of Lord Advocate and Solicitor General for Scotland have, at times, been held by non-parliamentarians.<sup>79</sup> A similar system to that proposed operates in South Africa, where up to two ministers may be appointed who are not members of the legislature.

88. Non-parliamentarians have also been appointed to ministerial posts in time of war, although not without controversy. In 1942, for example, the then Prime Minister, Winston Churchill, appointed Richard G. (later Baron) Casey, then Australian Minister for America, as Minister Resident in the Middle East. Responding to questions in the House Churchill argued that it was unnecessary to make Casey a member of the Commons.<sup>80</sup> Since Casey was to be based in Cairo it was impractical that he should appear in the Commons to answer questions. A member of the War Cabinet therefore answered on his behalf.<sup>81</sup>

89. Several of our witnesses supported the idea of appointing ministers who were appointed to neither House, but were answerable to the Commons or to both. They saw the issue of House of Lords membership as a distraction, which brought with it unnecessary complications concerning titles, length of service in the House and the balance of the parties in the House of Lords. For them, the key issue was to ensure proper accountability to the House of Commons (discussed in the previous chapter).<sup>82</sup>

**90. Appointing a small number of junior ministers directly, without requiring them to be Members of either House, would resolve some of the problems resulting from appointment via the House of Lords. It would also provide a mechanism to place clear limits on the number of ministers that could be appointed in this way and their role. Whilst not completely without precedent, this would be a considerable constitutional innovation. It is an idea that deserves further consideration.**

**91. What is clear is that this whole issue of the external appointment of ministers needs to be considered in the round. It is not appropriate for moves in this direction to take place in isolation from a consideration of the wider constitutional implications.**

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78 Sir John Major and Lord Hurd of Westwell, "Bring outside talent to the dispatch box", *The Times*, 13 June 2009

79 Following devolution these posts ceased to be UK ministerial posts and became part of the Scottish Executive. They were replaced by at UK Government level by the Advocate General for Scotland.

80 House of Commons Debates, 19 March 1942, vol. 378, col. 1665

81 House of Commons Debates, 19 March 1942, vol. 378, col. 1664

82 Q 12 [Professor King]; Q 13 [Jonathan Powell]; Q 16 [Lord Turnbull]; Q 83 [Lord Adonis]

## 6 Advisers and ‘tsars’

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92. So far we have focused our attention on ministers. However, another way in which government has brought in expert or additional viewpoints is through appointment to an advisory role. This is usually done through appointment as a special adviser. However, there has been a relatively recent trend to bring in so-called ‘tsars’. In the British context, the term ‘tsar’ originated in the NHS,<sup>83</sup> with the appointment of National Directors and National Clinical Directors to oversee the implementation of a national service framework or major clinical or service strategy. The first use of the term in a wider political context was the appointment in 1998 of Keith Hellawell, Chief Constable of West Yorkshire Police, as an adviser to the Home Secretary on drugs policy.

93. The term ‘tsar’ and associated terms such as advocate, ambassador or champion are primarily media-driven terms. Attempts to create a clear and consistent definition covering these terms are therefore unlikely to be successful. However, we are interested in a specific type of ‘tsar’ appointment – that of an individual who has a high profile in a particular field, and who is asked by a minister personally to co-ordinate or promote (‘champion’ in officialese) a particular area of policy. Such appointments are different from other advisory roles in two respects – first the direct appointment by the minister or Prime Minister and second a degree of public personal identification with a particular policy or piece of work which would not normally be expected from a civil servant or special adviser.<sup>84</sup>

94. Given the problems of definition, it is not surprising that there is no comprehensive list of ‘tsars’ in government. Written evidence from academics who have studied this issue distinguish between those ‘tsars’ who hold formal posts within government or other public bodies and those who are appointed informally through a minister’s discretion. The extent to which these two categories blur into each can be surprising. The post of a National Clinical Director might sound like a formal post with a rigorous appointment process, but one appointee was quoted as saying “the fact of the matter is that I bumped into Alan Milburn [the then—Health Secretary] on the train”.<sup>85</sup>

95. In response to our request, the Cabinet Secretary produced a list of government appointed ‘tsars’, envoys, champions and ambassadors.<sup>86</sup> However, the list excluded people who have been appointed to NDPBs, task forces, ad hoc advisory groups, short-term reviews or to provide independent advice on a contract basis. As a result it either excludes or would have excluded some of those who have become well known as ‘tsars’ – such as Louise Casey, former head of the Government’s Respect Task Force.

96. Another related problem is that the work which ‘tsars’ undertake is often opaque. Lord Darzi admitted that he had faced some uncertainty about what his post-ministerial role as an “Ambassador for Health and Life Sciences” actually involved.<sup>87</sup> There was so much

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83 The use of the term to refer to prominent government advisers originated in the United States.

84 Ev 42

85 Ev 42

86 Ev 41

87 Q 105

confusion around Lord Sugar's appointment as Enterprise Champion that for a while it was believed he was to be a minister. Writing about National Clinical Directors, Professor Smith observed that "tsars' carry out very different functions and may not even be clear themselves about their status".<sup>88</sup>

97. Jonathan Powell argued that 'tsars' had two advantages. They could be effective at bringing together disparate parts of government to work on a particular area of policy and also brought an external viewpoint to a policy issue.<sup>89</sup> However, he had to admit that when it came to taking their ideas and turning them into practical policies, 'tsars' had not been immensely successful:

the problem is, if they do not have a budget, they do not actually have control of it, the departments will continue to insist on their particular bugbears and you will not actually achieve much.<sup>90</sup>

98. This view was reflected by other witnesses, who stressed the differences between working under a minister and being a minister. Lord West contrasted his experience as a minister with that of being First Sea Lord:

[as First Sea Lord] one could debate and talk about things but you were very constrained in what you could actually do, because of control of money and things like that...[whereas] as a minister you can actually deliver things<sup>91</sup>

Lord Darzi agreed:

I asked the Prime Minister whether I should be appointed as an adviser, and he was very reluctant to do that. His explanation at the time was that you needed to be a minister to make things happen and, in retrospect, I could not agree more with him.<sup>92</sup>

99. This distinction between the ability of advisers and ministers to achieve things is entirely right. As Lord Adonis argued, an adviser's job is to advise, a minister's job is to take decisions, to be responsible for the direction of and implementation of policy.<sup>93</sup> This begs the question as to whether 'tsars' are bound by collective responsibility: do they speak for the government or themselves? It also makes the effectiveness of 'tsars' difficult to evaluate. So why bring in eminent people from outside if they are not able to make a real impact? As the point was made to us in written evidence:

if these appointments are to be more than window-dressing, the appointees need to be enabled to exercise influence that is commensurate with their expertise. They are

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88 Ev 42

89 Q 11-12

90 Q 11

91 Q 75

92 Q 79

93 Q 73

likely to be critical of existing policies and practices, and this is to be welcomed, even if it is uncomfortable.<sup>94</sup>

100. In the absence of a clear public sense of what the role of a particular ‘tsar’ is, and how their effectiveness can be measured, it would be easy to conclude that many of the appointments of ‘tsars’ are simply “the loan of their reputation, even celebrity, to endorse established policy.”<sup>95</sup> Looking at the list of appointments supplied by the Cabinet Secretary there is a certain lack of coherence which does little to dispel this impression. For example, dance is the only physical activity to be “championed” in its own right and it appears on the list twice. The Department for Culture Media and Sport sponsors a National Youth Dance Champion whilst the Department for Health sponsors a Dance Champions Group (set up just over a year later) of which the former person is not a member.<sup>96</sup>

**101. At present there is little transparency concerning the informal and ad hoc appointments made by government to lead on, review or promote particular policies. Job titles are often uninformative, appointment processes informal and the work undertaken opaque and not clearly linked to results. The allegation that some of these posts might have been created for the sake of a press notice may be unfair, but it is difficult to refute without greater transparency.**

**102. We recommend that the Cabinet Office continue to maintain a list of such appointments and that guidelines should be issued to clarify how far ‘tsars’ speak for themselves or for the Government. Where ‘tsars’ do not speak for the Government they should be able to express their own views freely.**

**103. We further recommend that each department produce, in its Departmental Annual Report, a brief account of the work undertaken by such appointees during the year and the support from officials they have received. Finally, we recommend that upon appointing such an individual the appointing minister should write to the Chairman of the relevant select committee giving details of what will be expected from the appointee, their responsibilities and the support they will receive from the department.**

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94 Ev 44

95 Ev 44

96 Ev 42

## Conclusion

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104. The appointment from outside of people to be ministers or ‘tsars’ has been a controversial development. To some it represents a welcome change in emphasis towards extending the range of talent and expertise available to a Prime Minister when forming a government. To others it is an attempt to marginalise parliamentary parties and allow Prime Ministers to appoint closed cliques of people sympathetic to him.

105. The practice of outside appointment has been tacked on to a system of government that was never really designed to support it. Powers that were, in the past, used to appoint one or two specialists or close associates of the Prime Minister have been used to bring much more substantial numbers of people into government from outside Parliament. Some of these people have done valuable work, but the current appointment process does not help to establish their legitimacy. Neither do the accountability mechanisms for these ministers once in office. Such appointments should be exceptional and the Prime Minister should be capable of justifying them to the House of Commons. Appointees should be clearly accountable to the House of Commons. Similarly, ‘tsars’ need to be subject to greater transparency both in the way in which they are appointed and the work they undertake. If current trends on the appointment of outsiders to government are to continue, then it is essential that there should be a proper consideration of all the constitutional implications first.

## Conclusions and recommendations

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1. The appointment of people from outside Parliament to be ministers via the House of Lords is not new, but the scale of such appointments in recent years is. It raises questions about why such appointments are being made and their impact on government and Parliament. (Paragraph 14)
2. The reasons why a Prime Minister chooses particular individuals to be ministers are complex. Over time the number of prospective new ministers within a governing party is likely to diminish. However, where a Prime Minister considers himself short of prospective ministers in the House of Commons, this is often because candidates are being sifted out because of politics or personality rather than competence. It is likely that some outside appointments are similarly driven by political and personality considerations rather than a lack of options on the government benches. (Paragraph 25)
3. Career politicians have an important place in government. Despite this, government will be more effective if people in ministerial roles come from a wide range of backgrounds and experience. Appointment of people from outside parliament is one route to achieve this. A greater willingness on the part of Prime Ministers to appoint from a broader cross section of their own parliamentary party would be another. (Paragraph 33)
4. There are circumstances in which an outside appointee may have particular experience, skills or expertise which are not readily available within the House of Commons. However, outside appointments should not be a substitute for efforts to make the House of Commons more diverse and representative, or for using untapped talent that already exists. Some ministers are clearly less competent than some of those in the House who are not ministers. (Paragraph 36)
5. The use of the House of Lords to appoint ministers from outside Parliament gives Prime Ministers potentially presidential powers of appointment, without the checks and balances that would apply in a presidential system. Such appointments can be justified if they bring clear benefits to government, but they should be exceptional. When making such an appointment a Prime Minister should set out clearly to the House of Commons why the appointment has been made from outside, under what terms and what he or she expects the minister to achieve during their time in government. Moreover, the appointment should be subject to scrutiny by the House of Commons. This could involve a select committee hearing and report. If the Committee was not satisfied with the appointment it could recommend a debate and vote on the floor of the House. (Paragraph 45)
6. So long as there is a predominately appointed House of Lords, there will be members of the Government who are not elected Members of Parliament. Since the 1960s this has tended to be around 20% of the Government including a maximum of three Cabinet Ministers. The inclusion in this group of a small number of ministers appointed from outside Parliament does not threaten the democratic legitimacy of the Government. Any substantial increase in the overall number of ministers in the



Lords, and any increase at all in the number of Cabinet ministers, would do so. (Paragraph 50)

7. So long as there is an unelected second chamber, there is a strong argument of principle that senior ministers should be directly accountable to the democratically elected chamber as a whole. However, there is a debate to be had about how this can be achieved. We understand that the Procedure Committee is investigating this issue and look forward to the House being given the opportunity to debate any proposals that may emerge. Such a move should not be used as a justification for appointing more senior ministers via the House of Lords. The purpose of such a change would be to assert the primacy of the Commons, not to undermine it. (Paragraph 58)
8. Allowing ministers to present their policies and answer questions in both chambers could have benefits for both government and Parliament. It would allow government to ensure that their policies were being presented in the most effective way by the person best placed to debate them. It would ensure that Ministers based in the House of Lords were fully accountable to the primary, elected House and expose Secretaries of State from the Commons to the very different style of scrutiny practised in the House of Lords. It would also remove the need to appoint Members of the Lords as ministers to ensure departmental representation in both Houses. (Paragraph 61)
9. As with ministers from all backgrounds, there have been both successes and failures among ministers appointed from outside Parliament. There is no evidence to suggest that such ministers are, as a group, less likely to be successful than other ministers. (Paragraph 67)
10. We have previously recommended that government should pay more attention to the professional development of ministers. There would be particular advantages to doing so where a minister does not have prior experience of politics or Parliament. (Paragraph 69)
11. Former ministers bring valuable experience to the work of Parliament. However, we do not believe this is a sufficient reason to allow ministers appointed from outside Parliament via the House of Lords to retain their seats after they leave government, especially when there is no requirement on them to be active members of the House. (Paragraph 78)
12. We support moves to allow peers to resign and recommend that the Ministerial Code require ministers who were appointed to the House of Lords in order to take up their duties to resign from that House upon their departure from government. Those former ministers who wished to remain active members of the House of Lords could seek reappointment through the party nomination process or, if they could convince it of their independence from party politics, the House of Lords Appointments Commission. (Paragraph 79)
13. The giving of titles for life to ministers who may only be in government for a short time will, rightly or wrongly, raise the suspicion of patronage. We have previously recommended that the honour of a peerage should be separated from a place in the legislature. We continue to hold this view and believe it is especially relevant where an individual is made a Member of the House of Lords in order to take up ministerial

duties. On ceasing to be a minister, such a person should be required to relinquish the title too. (Paragraph 81)

14. We agree that in principle the Prime Minister should be responsible for propriety checks on ministers. However, making an individual a Member of the Lords to take up ministerial office means that they also become a life-long member of the legislature. So long as this situation holds we believe that the House of Lords Appointments Commission should be allowed to vet ministerial appointees for propriety in the same way as for any other working peer. (Paragraph 84)
15. Appointing a small number of junior ministers directly, without requiring them to be Members of either House, would resolve some of the problems resulting from appointment via the House of Lords. It would also provide a mechanism to place clear limits on the number of ministers that could be appointed in this way and their role. Whilst not completely without precedent, this would be a considerable constitutional innovation. It is an idea that deserves further consideration. (Paragraph 90)
16. What is clear is that this whole issue of the external appointment of ministers needs to be considered in the round. It is not appropriate for moves in this direction to take place in isolation from a consideration of the wider constitutional implications. (Paragraph 91)
17. At present there is little transparency concerning the informal and ad hoc appointments made by government to lead on, review or promote particular policies. Job titles are often uninformative, appointment processes informal and the work undertaken opaque and not clearly linked to results. The allegation that some of these posts might have been created for the sake of a press notice may be unfair, but it is difficult to refute without greater transparency. (Paragraph 101)
18. We recommend that the Cabinet Office continue to maintain a list of such appointments and that guidelines should be issued to clarify how far 'tsars' speak for themselves or for the Government. Where 'tsars' do not speak for the Government they should be able to express their own views freely. (Paragraph 102)
19. We further recommend that each department produce, in its Departmental Annual Report, a brief account of the work undertaken by such appointees during the year and the support from officials they have received. Finally, we recommend that upon appointing such an individual the appointing minister should write to the Chairman of the relevant select committee giving details of what will be expected from the appointee, their responsibilities and the support they will receive from the department. (Paragraph 103)

# Formal Minutes

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**Thursday 4 March 2010**

Members present:

Dr Tony Wright, in the Chair

Paul Flynn  
Kelvin Hopkins  
Mr Gordon Prentice

Paul Rowen  
Mr Charles Walker

Draft Report (*Goats and Tsars: Ministerial and other appointments from outside Parliament*), proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 105 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the Eighth Report of the Committee to the House.

*Ordered*, That the Chairman make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report, together with written evidence reported and ordered to be published on 15 October 2009, 22 October 2009 and 14 January 2010.

[Adjourned till Thursday 11 March at 9.45 am

## Witnesses

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### Thursday 15 October 2009

Page

**Professor Anthony King**, Professor of Government, University of Essex, **Mr Jonathan Powell**, former Chief of Staff to the Prime Minister and **Lord Turnbull, KCB CVO**, former Cabinet Secretary

Ev 1

### Thursday 22 October 2009

**Rt Hon Lord Adonis**, a Member of the House of Lords, Secretary of State for Transport, **Professor Lord Darzi of Denham, KBE**, a Member of the House of Lords, former Parliamentary Under-Secretary of State, Department of Health, and **Admiral Lord West of Spithead, GCB, DSC**, a Member of the House of Lords, Parliamentary Under-Secretary of State, Home Office

Ev 15

### Tuesday 10 November 2009

**Sir John Major KG, CH, ACIB**

Ev 29

## List of written evidence

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- |   |   |       |
|---|---|-------|
| 1 | Sir Gus O'Donnell KCB, Secretary to the Cabinet and Head of the Home Civil Service                                  | Ev 41 |
| 2 | Professor Martin Smith, Department of Politics, University of Sheffield   | Ev 42 |
| 3 | William Solesbury, Senior Visiting Research Fellow, Kings College London and Dr Ruth Levitt, Independent Researcher | Ev 44 |

# List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

## Session 2009-10

First Report	Bad Language: The Use and Abuse of Official Language	HC 17 ( <i>HC 394</i> )
Second Report	Work of the Committee in 2008-09	HC 20
Third Report	Selection of a new Chair of the Advisory Committee on Business Appointments	HC 42 ( <i>HC 139</i> )
Fourth Report	Parliament and the Ombudsman	HC 107
Fifth Report	Lobbying: Developments since the Committee's First Report of Session 2008-09	HC 108 ( <i>HC 393</i> )
Sixth Report	Top Pay in the Public Sector	HC 172
Seventh Report	Outsiders and Insiders: External Appointments to the Senior Civil Service	HC 241

## Session 2008-09

First Report	Lobbying: Access and influence in Whitehall	HC 36 ( <i>HC 1058</i> )
Second Report	Justice Delayed: The Ombudsman's Report on Equitable Life	HC 41 ( <i>HC 953</i> )
Third Report	Ethics and Standards: Further Report	HC 43 ( <i>HC 332</i> )
Fourth Report	Work of the Committee in 2007-08	HC 42
Fifth Report	Response to White Paper: "An Elected Second Chamber"	HC 137 ( <i>HC 59</i> )
Sixth Report	Justice denied? The Government response to the Ombudsman's report on Equitable Life	HC 219 ( <i>HC 569</i> )
Seventh Report	Further Report on Machinery of Government Changes	HC 540
Eight Report	Good Government	HC 97 ( <i>HC 1045</i> )
Ninth Report	The Iraq Inquiry	HC 721 ( <i>HC 992</i> )
Tenth Report	Leaks and Whistleblowing in Whitehall	HC 83

## Session 2007-08

First Report	Machinery of Government Changes: A follow-up Report	HC 160 ( <i>HC 514</i> )
Second Report	Propriety and Peerages	HC 153 ( <i>Cm 7374</i> )
Third Report	Parliament and public appointments: Pre-appointment hearings by select committees	HC 152 ( <i>HC 515</i> )
Fourth Report	Work of the Committee in 2007	HC 236 ( <i>HC 458</i> )
Fifth Report	When Citizens Complain	HC 409 ( <i>HC 997</i> )
Sixth Report	User Involvement in Public Services	HC 410 ( <i>HC 998</i> )
Seventh Report	Investigating the Conduct of Ministers	HC 381 ( <i>HC 1056</i> )
Eighth Report	Machinery of Government Changes: Further Report	HC 514 ( <i>HC 540, Session 2008-09</i> )

Ninth Report	Parliamentary Commissions of Inquiry	HC 473 ( <i>HC 1060</i> )
Tenth Report	Constitutional Renewal: Draft Bill and White Paper	HC 499 ( <i>Cm 7688</i> )
Eleventh Report	Public Services and the Third Sector: Rhetoric and Reality	HC 112 ( <i>HC 1209</i> )
Twelfth Report	From Citizen's Charter to Public Service Guarantees: Entitlement to Public Services	HC 411 ( <i>HC 1147</i> )
Thirteenth Report	Selection of a new Chair of the House of Lords Appointments Commission	HC 985
Fourteenth Report	Mandarins Unpeeled: Memoirs and Commentary by Former Ministers and Civil Servants	HC 664 ( <i>HC 428, Session 2008–09</i> )
<b>Session 2006–07</b>		
First Report	The Work of the Committee in 2005–06	HC 258
Second Report	Governing the Future	HC 123 ( <i>Cm 7154</i> )
Third Report	Politics and Administration: Ministers and Civil Servants	HC 122 ( <i>HC 1057, Session 2007–08</i> )
Fourth Report	Ethics and Standards: The Regulation of Conduct in Public Life	HC 121 ( <i>HC 88, Session 2007–08</i> )
Fifth Report	Pensions Bill: Government Undertakings relating to the Financial Assistance Scheme	HC 523 ( <i>HC 922</i> )
Sixth Report	The Business Appointment Rules	HC 651 ( <i>HC 1087</i> )
Seventh Report	Machinery of Government Changes	HC 672 ( <i>HC 90, Session 2007–08</i> )
Eighth Report	The Pensions Bill and the FAS: An Update, Including the Government Response to the Fifth Report of Session 2006–07	HC 922 ( <i>HC 1048</i> )
Ninth Report	Skills for Government	HC 93 ( <i>HC 89</i> )
First Special Report	The Governance of Britain	HC 901
<b>Session 2005–06</b>		
First Report	A Debt of Honour	HC 735 ( <i>Cm 1020</i> )
Second Report	Tax Credits: putting things right	HC 577 ( <i>HC 1076</i> )
Third Report	Legislative and Regulatory Reform Bill	HC 1033 ( <i>HC 1205</i> )
Fourth Report	Propriety and Honours: Interim Findings	HC 1119 ( <i>Cm 7374</i> )
Fifth Report	Whitehall Confidential? The Publication of Political Memoirs	HC 689 ( <i>HC 91, Session 2007–08</i> )

# Oral evidence

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## Taken before the Public Administration Committee on Thursday 15 October 2009

Members present

Dr Tony Wright, in the Chair

Paul Flynn  
Kelvin Hopkins  
Julie Morgan

Mr Gordon Prentice  
Mr Charles Walker

*Witnesses:* **Professor Anthony King**, Professor of Government, University of Essex, **Mr Jonathan Powell**, former Chief of Staff to the Prime Minister and **Lord Turnbull, KCB CVO**, former Cabinet Secretary, gave evidence.

**Q1 Chairman:** Let me call the Committee to order and welcome our witnesses this morning to this hearing on our inquiry on unelected ministers and other similar sorts of appointments. We are delighted to have Jonathan Powell, former Chief of Staff at Number 10, and many other things before that and after that; Lord Turnbull, distinguished former Cabinet Secretary and much else besides; and Professor Anthony King, who, as I have just said to the Committee, knows about everything. We are delighted to have you all. We are worrying away, as you will know, at this issue about whether it is a good idea to bring these outsiders into government, what issues it raises and, if it raises issues, how we might solve them. That is the broad context. Perhaps I could just ask each of you in turn to say something very briefly, no more than a minute, to kick us off, and then we will deal with the questions. Jonathan, would you like to start?

**Mr Powell:** Yes, absolutely. Thank you for inviting me. I think this is actually a very timely debate to have. We certainly, when we came into office in 1997, had a problem with a lack of talent to appoint to ministerial jobs, and I think if the Conservatives were to win the election next year they will have a very similar problem. They have a very thin layer of talent from which to choose. So I approach this from a sort of utilitarian point of view, that it is good to have a wide choice of people to appoint to office, and you may not have that if you have been in opposition for a very long period of time. I do not think putting people in the House of Lords is a very satisfactory way of meeting the point. They are not accountable to the House of Commons, the elected representatives, and I think it would be much better if one could have people who are ministers who came from anywhere in the country, from any profession, but were answerable to the Commons. I believe that is a soluble problem. There would be opposition to it from Prime Ministers, who like to have the payroll vote; possibly from MPs, who may like the closed shop on jobs, but I do believe—and I hope we can discuss this as we go on—there are ways of solving that problem and meeting that need.

**Lord Turnbull:** I think there are two related issues. One is the implications of the overlap of the executive and legislature, which means the pool from

which ministerial appointments are made is limited; and the second is the way in which political careers are currently developed. Traditionally, we have seen the overlap of the executive and legislature as part of the strength of the constitution: the Government gets its legislation, by and large, and it is politically highly accountable, but people are beginning to become more conscious of the weaknesses. In particular as a parliament gets older, by the time we are into the third term, possibly with a smaller majority, i.e. an even smaller pool to choose from, and a lot of people who have done their time, you really are struggling. Jonathan used the word “utilitarian”; I think the word I would use is “expedient”; appointing ministers to the House of Lords helps the Prime Minister get out of a hole but I am not sure it is actually the long-term constitutional solution that we want. Therefore, I too am attracted to this idea that someone could be a member of one House and have rights of audience in another. There are one or two jurisdictions—not many—where you cannot be a member of either House; you may have started there but you have to come out of them. That is a possible solution. The second issue is that I think there is a growing gulf between the requirements to manage a modern, huge department, with big issues, large budgets and large numbers of people, huge technological issues, issues of science, in which the House of Commons has almost zero capability, and also very international. There is a growing trend for people to come into politics more or less straight from university. They lick envelopes in Central Office, become a Special Adviser, on and on it goes, and by the time they are in their mid-30s they are Cabinet Ministers, barely touching the sides of real life. I asked, for example, Nigel Lawson, “How old were you when you came into the House of Commons?” I think he was 44 and Douglas Hurd was 42. That is old these days. Those requirements, these two forces, are moving in opposite directions and the bringing in of older, more experienced people into the House of Lords is again something expedient to get round that.

**Professor King:** Three points quickly: Jonathan referred to lack of talent. I think there is a real problem about recruiting to what are nowadays very large administrations from a very small number of

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people, since the majority of ministers of any standing do have to be in the House of Commons. I am very struck by the number of people I talk to who have had business frequently with government, with ministers, and they say a lot of them are not very competent, that few of them are really knowledgeable about the activities of the department or their bit of it, that many of them are not very committed to the job but most of them are committed to furthering their own political careers. As we know in this country and it is often pointed out, there is essentially one ladder of career advancement and that is up the ministerial ladder. Lots of people have said it is too bad that there is not a House of Commons career and I cleave to that view. The second point has been touched on by Andrew. Our political class is more and more recruited from people whose entire working lives, practically all of them, have been in politics in some guise or another. If you go back 100 years, the House of Commons was replete with industrialists, trade union leaders and so on. I published an article in a learned journal of which I am rather proud. It was called "The Rise of the Career Politician in Britain and its Consequences" and it was published in 1981. This has been going on for quite a long time. My third point is one that has not been touched and it is this. There is in this country an astonishingly high turnover of ministers, changing departments, coming and going and so on. This is a consequence partly of the sheer number of ministers but notice it is a consequence of having the vast majority of ministers being also members of the House of Commons. You get a domino effect: if somebody resigns, dies, retires, is sacked, you do not just put somebody else in, as you would do in many other systems; you have to put somebody else in who is probably at the moment in some other department and the effects ramify through the system. I do think it is a very general problem, not unconnected with the fact that we require most of our ministers to be MPs, that we have this very high turnover of ministers, which I think is extremely unfortunate.

**Q2 Chairman:** Thank you for that. All that is interesting. Let us just take stock of what you are telling us. I think what you are saying is that the gene pool of elected politicians is so poor that it makes forming effective administrations increasingly difficult and that this is accentuated by the rise of the professional, career politician, who has done little else in life and probably run nothing at all, and that we have to answer this in some way by bringing people in to rectify the problem. Then we have to deal with the accountability issues that come from having these non-elected people. What I want to ask is—and we can talk about whether the analysis is true—is the direction of travel one which takes us in really a very radically different direction? Andrew, you suggested in an article in the *Financial Times* that this is the case. You have argued not only that we are moving in the direction of a separation of powers but that we ought to be. We can tweak the system now but are we not really moving in a direction which says: let us be like Obama. Let us

have the ability to bring the talent of the land into government and then separate that off from the business of scrutinising it?

**Lord Turnbull:** That is the second half of the argument. Not only is the development of careers of ministers dysfunctional, but I do not think it is good for the House of Commons either that 100 and something ministers are taken out into the government and others become all sorts of quasi-ministers, like envoys and so on. Who is left to do the work of scrutiny? You are a shining counter-example to this but, by and large, if you have a choice, you are a backbencher and became a Committee Chair, and I believe you get an extra £14,000, whereas if you become the most junior Parliamentary Under-Secretary, you might be offered three times that or something. So a lot of the people in the House of Commons are there really not looking to make their career as parliamentarians—as I say, with some distinguished exceptions; they are there waiting for the telephone to ring next time there is a reshuffle. I do not think this is good for the House of Commons as a scrutinising body. Therefore separating the two, the people that are the executive and the people who do the scrutinising, both of them constituted in ways where that is the job they really want to do, may be a better outcome than this historical overlap that we have at present.

**Q3 Chairman:** When you were in government as a Permanent Secretary and then as Cabinet Secretary, did you form the view that actually, these politicians were not good enough? Is that what you are telling us?

**Lord Turnbull:** There were good times but, in general, no. In some cases I used to think actually that the House of Lords was the weak part. A bill would be taken through by a Secretary of State and then it would be handed over to a Lords minister, who could well have been a hereditary or something, and was not really plugged into the department. Some of those ministers really struggled. In some ways I think it is now the other way round. The Human Embryology and Fertilisation Bill was taken through the House of Lords by Lord Darzi, and he made a million times better job of it than the person who took it through the House of Commons.

**Q4 Chairman:** We will come back to the Lords. Jonathan, you said, I think, when Tony Blair formed his government in 1997 that you felt there was not enough talent around and wanted to do something about it.

**Mr Powell:** Yes, I think when a party has been in opposition for a long period of time, lots of people do not think it is a very good idea to go and be an MP and sit on opposition benches for 18 years or, in the case of the Tory party, 13 years. I think it would be far better if you have a wider choice. There is a reason that in Europe, pretty much all of continental Europe, and the US your gene pool from which you can choose is the entire country to be ministers, whereas here we have 300-odd MPs on the government benches from which you can choose. It is a much narrower group from which you can



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choose, and I think it would be far better if we were able to do that. I would not advocate, as Andrew was hinting at, a full separation of powers. If you actually required MPs to resign as MPs to become ministers, as they do in some continental European countries, you would then have to change our electoral system. You could not start having by-elections every time that happened. You would have to have a list system and there are quite a lot of good arguments against that. I would be much happier with a mixed system, where you can choose people from outside as well as MPs. That would give you a wider talent pool, as they have in most other countries.

**Q5 Mr Prentice:** Tony Blair famously had not run anything when he became Prime Minister. He had not even been on a parish council. You said there was a lack of talent in 1997. How did you know who was talented and who was not talented? Did the Prime Minister sit down with you and others to go through the list of Labour MPs, marking out those people with potential, those people who were talented? How did it work in 1997?

**Mr Powell:** Of course, in 1997 we had an elected Shadow Cabinet, as you recall, in the Labour Party, so the first point was to, generally speaking, appoint the people who were in the Shadow Cabinet. It was not all of them but it was a large part of them.

**Q6 Mr Prentice:** But Tony Blair struggled to get on to the Shadow Cabinet when Labour was in opposition. He never talked the Shadow Cabinet elections so why should being in the Shadow Cabinet be a mark of distinction?

**Mr Powell:** That is a very good question but that was the rule in the Labour Party during the period of opposition. No, we did not sit down and go through every single MP to work out who was the most talented, but nor were we able to look around the country and say if we really wanted to form a government of the most talented people—not necessarily experts; I don't think this necessarily needs to be a matter of choosing experts to go into particular jobs; it could just be choosing very talented people to have ministerial jobs, who could well be partisan, party members, but might have that wider experience outside.

**Q7 Paul Flynn:** But you had a list which said "possible", "probable", "over my dead body". I could draw you up a Cabinet now of present Members, backbench Members, who are brilliant, who would make wonderful ministers, including some members of this Committee, but would never have a hope in hell chance of getting in as ministers. You start off by saying it is a limited gene pool but it is not the genes that are the problem. It is a question of whether the MPs at that time had undergone the new Labour lobotomy and were biddable to some of the absurdities that came from Downing Street, such as the Iraq war, for instance. It was! You are limited to the choice of these zombies who do the bidding of the Prime Minister. Really, it is a nonsense to suggest

there is not talent in the Labour Party on the backbenches. There is an enormous amount of talent!

**Mr Powell:** I am not suggesting there is not talent on the backbenches of the Labour Party, and it is true that politics enters the forming of any government or any cabinet. You tend to rule out a number of people who would be patently mad, and a number of people who patently would not be up to the job, but you are again limiting your choice of people. Why should you limit it as opposed to other countries where you are allowed to choose from anywhere?

**Q8 Paul Flynn:** You also limit it to people who are courageous enough to make an independent stand, which should have been done on the Iraq war. We have heard a distinguished academic, Professor Hennessy, saying here that if the members of the Cabinet had had their backbones removed and replaced by water, they would have made a stronger stand on the Iraq war and dismissed the shrivelled account they were given of the advice on whether it was a legal war or not, and not one of the gutless Cabinet at the time did stand up. Two of them did resign later but at the time they accepted that we should send 179 of our soldiers to die in vain in a war that we could have avoided altogether. What sort of a Cabinet is that? You want in the Cabinet people who are credible, who will do the work, but when you have original thinkers and people with strong backbench opinions here, they are excluded from office.

**Mr Powell:** I do not think that is true. A notable example would be Chris Mullin.

**Q9 Paul Flynn:** We know Chris Mullin's book very well.

**Mr Powell:** Exactly. He would be a very good example of it but there will be politics when you form a government. You are going to choose people who will support the Government.

**Q10 Paul Flynn:** Chris Mullin's Cabinet career was destroyed because he occasionally was found in possession of an intelligent idea, and he could not survive because of that. Read his book! If we take an example of one of the acts by the new Labour Government when they came in, when they appointed the drugs tsar, he was a fairly preposterous figure, a snake oil salesman, in which he came forward with a list of objectives and targets that were greeted with derision by anyone knowledgeable. They were completely unattainable. There were the great trumpets when he came, this was a man who was going to solve drug problems in Britain and it was a 10-year strategy. None of those targets were met. He lasted for two years and he was sent on gardening leave and people wanted to forget all about him. When the 10-year period came up, there was no examination of how those targets failed, how there were virtually no improvements: there were no reductions, there were people still dying of this great scourge of drugs. All that had happened from the Labour Government was that they had produced someone who was a PR man at

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best, vacuous, useless, and the result of that is young people die on our streets from heroin. We made no progress whatsoever.

**Chairman:** There must be a question tucked away there somewhere.

**Q11 Paul Flynn:** How do you, who possibly had an influence on it, look on the drugs czar? Was that a success or a failure to appoint him?

**Mr Powell:** If the test is did it resolve the problem of drugs in this country, it was a failure but there have been lots of other failures in trying to meet that objective. I think the idea of tsars can work if you need to try to bring together policy areas, for example, with drugs, from health, the police, try and make them work together, it can help to have someone at the centre who can try and bring the threads together but the problem is, if they do not have a budget, they do not actually have control over it, the departments will continue to insist on their particular bugbears and you will not actually achieve much. Probably a few pointers are you would not want to have a permanent czar; you would want to make it a temporary job.

**Q12 Paul Flynn:** The Strategy Unit under Lord Birt produced a brilliant report, which was confidential—it was eventually leaked—suggesting a practical answer to the drugs policy such as has been put forward in Portugal, for instance, where they have reduced drug deaths by 50%. Is there anything in Downing Street that says let us look at the evidence, let us find out what works, or do they say, “What is going to play to the *Daily Mail*? What is going to give us this good feed of adulation in the press?”

**Mr Powell:** Not on the drugs policy in particular but I think what you flag up is actually the advantage of having someone like John Birt, who is prepared to think from first principles on some of these policy issues. The problem then comes that he produces a brilliant report, but trying to put it into practice, a practical policy, this is where the problem happens. Having someone like John Birt, or someone who is really prepared to think things through, is an example of how you can have someone in the centre who can make a difference, even if you cannot necessarily implement his full report.

**Professor King:** Can I just say something that was raised earlier? I think the phrase “separation of powers” is misleading. The vast majority of European countries do not have a separation of powers in the American sense, though France has a partial one—and they are parliamentary systems, which in many respects, even though they have coalition governments in most cases, resemble the UK more than they resemble the US. The fact remains that the only countries which require ministers to be parliamentarians are the United Kingdom and Ireland. There are a considerable number of countries—and, interestingly, it is a scattering of countries—that insist that ministers not be members of the legislature. In addition, there are quite a number of countries where ministers may or may not be members of the legislature. My own view

is that there is a lot to be said for the middle category of saying yes, it probably will be the case that a majority of ministers are at the time of their appointment members of either the House of Commons or—and I have worries, as others do, about the House of Lords in this connection—but need not be. That raises immediately the question of accountability, of answerability. Andrew spoke of rights of audience. I would say requirement of audience. It seems to me that if you are going to have ministers, they should be able to speak in both Houses of Parliament, if we have two, and that they should be required, indeed, to answer questions, to appear before committees like this, to be able to take bills through Parliament. In other words, the issue of membership and the issue of the extent to which ministers are involved in legislative proceedings are separable and are separated in the large majority of European countries, a larger number than require, since it is only the UK and Ireland, that ministers should also be parliamentarians.

**Q13 Chairman:** But one of several problems in this area is that we use the House of Lords as a way of getting people in, as it were, through the back door into ministerial roles. There is nothing new about this. We are at about the average level for the whole political period at the moment. It is a well-used practise. What seems odd though is that people might come into government to do a job through that route for what can be a very short space of time and they finish up as a member of the upper House for the rest of their lives. That seems bizarre, does it not? I wonder if a better suggestion is the one that John Major and Douglas Hurd originally made, which is to have a category of non-elected ministers who are members of neither House but are accountable to both Houses in the normal way and they just do the job for a period and then leave government.

**Professor King:** Yes.

**Mr Powell:** I would agree very strongly. I do not know that a person need be answerable to the House of Lords but I do think they should be answerable to the House of Commons and able to move legislation and able to appear on the floor of the House. You should be able to be a minister without having to go into the House of Lords. Being in the Lords strikes me as a distraction.

**Q14 Chairman:** Once we start having this conversation, we are actually moving towards a more separated system.

**Mr Powell:** No, because you can have a mixed system. There could be some ministers who are MPs—the Prime Minister would almost certainly be an MP—but others who would be people appointed from outside but simply answerable to the Commons and able to appear before the Commons. Just putting them in the Lords strikes me as an odd thing to do with them.

**Q15 Julie Morgan:** I was going to ask whether you thought ministers appointed from outside should be members of the governing party.

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**Mr Powell:** That seems to me to be a political decision by the government at the time. If I were doing it, I would certainly appoint people from the party and partisan but you might also want to appoint some experts as ministers. I do not see why you should not be able to do either of those if you wanted to.

**Lord Turnbull:** There is a New Zealand example, that Helen Clark appointed someone from an opposition party as Foreign Minister and he said, "I will support you on foreign affairs but I reserve the right to vote with the rest of my party on everything else." It seems slightly odd.

**Q16 Julie Morgan:** That sort of step seems to deny the wishes of the electorate.

**Lord Turnbull:** You are right. On this question of doing two years or even less than two years and then remaining as a member of the House of Lords, basically, I think there are several steps that are missing. One is that you cannot resign from the House of Lords and I think that should be possible. If you are still using the House of Lords as the vehicle for this—and I think we are really saying if we have not got anything else, that is a change I would make. In a new House of Lords I would definitely have term limitation. I think everyone should have about 15 years and that is it. You should be able to retire. So someone who comes in, does a ministerial job, may want to stay as a performing member of the House of Lords as long as everyone else and, provided they accept those obligations, then they can stay. If they say "I am now going to go back to my previous career", I think they should do the decent thing and resign. The only question then is, what about their name and title? We then get this ghastly business where basically you should just be Andrew Turnbull and everything else that describes what you are or have been comes after your name, and get rid of this business of giving people names and giving their wives names but not their husbands names. Then it will be much more flexible. You could come in, do the job, either stay if you are going to stay as a member of the House of Lords and work there like everyone else, or resign from it and go off and do something else. It all depends if you are still using the House of Lords as the vehicle. If you devise something else, you would not need to do all that.

**Q17 Chairman:** Can I just try one more thing on you and then I will bring Charles in. Andrew, particularly you, because of where you come from, are we not really wrestling with the fact that in our system we are right at the end of the spectrum in international terms in terms of the political element in government? Because it is a fundamental principle of our system that we have this independent, impartial civil service, where ministers do not come in and appoint their own people to senior administrative posts, we have to find our own way around getting people that we want, who we think will deliver our programmes, into government in some way. So we use these devices like special advisers and all the rest of it, which get into great trouble because they go off and become spin doctors

and all the rest of it. Would it not be more helpful if we could be more sensible about thinking about what the right balance is between the politically appointed element in government and, as it were, the permanent element in government? At the moment we seem to be wriggling around a constraint that is built into the system without being able to think more openly about it.

**Lord Turnbull:** In parts of northern Europe, Germany and Sweden, they have this concept of the State Secretary. The State Secretary is usually the number two level minister. The minister is usually an elected politician but, if you take the man who is now the President of Germany, Horst Koehler, he was a career official in the Ministry of Finance and then he became the State Secretary, which was a political appointment. These are effectively unelected ministers but also with a lot of professional expertise. The difficulty with that is this requirement that you should hand over an administration of the quality that you left and not cannibalise it when you leave. Once someone like Horst Koehler becomes a State Secretary, with a change of government, they will nearly always move on, so their expertise is then lost to the successors—that is the advantage of our system—but it does actually bring some very good people in. You find if you go to a European or OECD meeting and you meet these people, they are of a very high quality, but it is just another device. What I do not like though, particularly about the French system, which seems to me pernicious, where people all claim to be part of the *fonction publique* or whatever, but actually they have undeclared allegiances, so when the Gaullists are in, you get a job but when the Gaullists are out, you are sent somewhere else. That is a system which does not have any rules to it. There are other systems where ministers, or Secretaries of State, have greater rights of appointment of the rest of their ministerial team. But you have to bring in the whole package. I do not think you can just pick that particular element. The American system has various checks and balances, there are confirmation hearings and, by and large, they can bring some very good people in. They also bring some disastrous people in like, "Hey, Brownie, you're doing a great job," if you remember the former Secretary of the Arabian Horse Society who handled Hurricane Katrina. But by and large they bring good people in but they do get tested through confirmation hearings. I would not transfer the right appointment of ministers without also changing some other parts of the constitution.

**Professor King:** Let us come back to the question of rate of turnover. I do think this is a very serious problem and one that is not unconnected to the business of having most ministers come from the House of Commons, the domino effect I referred to earlier on. If I look at the UK system of government and compare it with that of just about any other established liberal democracy, the rate at which people go from one post to another—John Reid I lost count of at some point—we can talk about defence but we have had eight Education Ministers since the Labour Party came to power in 1997. I do not think we have an Education Minister at the

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moment because of course departments keep swirling around as well. If you count Peter Mandelson twice, we have had eight Business or DTI Secretaries. This is closely related to the fact that we have to draw our MPs from the House of Commons in a situation in which, as you said earlier, Mr Chairman, most MPs are from a political background. The second point, and I think it is a serious one, is that I think we ought to be straightforward about the gene pool—this is the term that Andrew introduced into the discussion. The gene pool, in my view, for ministers is simply too small to begin with and, to be honest, not good enough. Do constituency Labour parties, do constituency Conservative Associations ask themselves as a core question: “Has this person had the kind of experience, does he or she have the talent that would enable him or her to play a major part in running the country?” I do not think that is very often a serious criterion.

**Q18 Mr Walker:** I think I am wholly unsuited to be a minister. I really am. I am emotional, I judge people quickly, I have none of the characteristics that would make me a good manager, but I have many of the characteristics that might make me a good legislator. I can stand up for those who elected me. I think it is, as you say, madness to expect the 350 people in the governing party to have the requisite skills to become ministers, senior managers, in a hugely complex world. I think this really does lead to the need for the separation of powers, where we can have two big stories. We can have the President or Prime Minister, whoever he is, picking his team, doing great things, and we can have Parliament becoming a story again for the right reasons, holding him to account, holding the Number 10 Policy Unit to account. Do you not think if we move towards the separation of powers that actually might restore some confidence in our democratic processes in this country? The one thing it would do would be to remove patronage from this place. It is patronage that kills Parliament. If you want to be independently minded, the Chief Whip says, “We are all working so terribly hard on your behalf to get you into government. David is desperate to promote you. Can you just do us this one favour on this one occasion?” It would be called blackmail in any other walk of life!

**Professor King:** I would only just add to that that I think you can achieve a good deal without going as far as you are advocating, because there are a considerable number of—and I emphasise the word—parliamentary systems where you do not have anything approaching the American-style separation of powers where nevertheless there is, as it were, a career structure—I use the term loosely—in the legislature in countries in which the legislature has a very considerable say in what actually happens. I cite Germany, for example. The leaders of the parliamentary factions in Germany are serious people. The committee system is so structured to enhance the power of what in this country would be thought of as backbench MPs. In other words, I am

not disagreeing with you. I am just saying that one does not have to go the whole hog to get some pretty good parts of the pig.

**Q19 Mr Walker:** “Backbench” in this country is a term of derision as opposed to a term of celebration, and I think that is poisonous. It really is. “Oh, he is just a backbencher.” Being a Member of Parliament should be an important job in itself. Is it going to drive David Cameron wild in eight years’ time, when he has worked his way through 150 or 200 ministers and somebody puts my name in front of him? That is the weakness of the system, is it not? We have had a Labour government for 13 years. My God, Gordon Brown must be beside himself when he looks at who is left. The same after 18 years of a Conservative government. Surely, the direction of travel must be towards either full separation of powers or far greater separation of powers but not decided on the whim of the Prime Minister of the day. We cannot have the Prime Minister of the day saying, “I think we will cut Parliament by 60” and the next one saying, “Why not go 180?” Surely we need some new constitutional settlement, perhaps even a written constitution.

**Professor King:** May I say parenthetically that it seems to me that if one of the principal functions of the House of Commons at the moment is to constitute the gene pool from which ministers are drawn, the idea of reducing the size of the House of Commons has an inevitable arithmetical consequence of reducing the pool from which ministers are drawn. If that is what the House of Commons is about, there should probably be 2,000 rather than 500.

**Lord Turnbull:** That assumes that the Ministerial Salaries Act is unrepealed. So long as 110 salaries are permitted, 110 salaries will be given out. If you did a Myers-Briggs test, one of these psychological tests, I suspect this is partly why politicians always have tensions with civil servants, because civil servants are completely different. Politicians I think are small organisation people—not in the pejorative sense. They believe that you get results by what you do yourself. You have been an analyst or a university lecturer or a journalist or something, or particularly a lawyer, and there is a very direct relationship. I thought Jonathan’s boss used to think that he had an absolutely direct link, that what he did should then translate into something else. Civil servants are big organisation people. They think in terms of structures and hierarchies and mandates. When the Prime Minister said to me, “I want something done,” my immediate action was “I need to find a person who does this.” I did not think I was going to do it myself. I think one of them is actually better suited to the running of very large organisations and very few large organisation people now get into the House of Commons. Take Peter Mandelson’s beloved grandfather. He was a senior politician over the river there. At the age at which he came into national politics I would think nowadays all the jobs would have been taken. You have no chance if you come in at 50 of getting anywhere in politics now, so how can you develop in a senior position in local

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government or in trade unions or business? You are so far behind in the climb up the greasy pole that you never catch up.

**Q20 Mr Prentice:** Sir Richard Dannatt has run something, has he not? He ran the British Army, and David Cameron thinks that his Defence team does not really cut the mustard because they do not have military experience. So General Sir Richard Dannatt is taking the Conservative whip, becoming a peer, and will probably end up in the MoD. Should we welcome this or be concerned about it?

**Lord Turnbull:** If you want my personal view—

**Q21 Chairman:** When you were Cabinet Secretary you did not tell us these interesting things but now you do.

**Lord Turnbull:** I think this is a very major error of judgement, to be perfectly honest. Why is it objectionable? One, it subverts the chain of command. One day the Chief of the Defence Staff has this guy as his deputy; a few weeks or months later he is issuing instructions to him. Where does it leave the position of the new Chief of the General Staff if his predecessor is in the ministerial team? In the Diplomatic Service there are very strict understandings that if you are the ambassador in Rome, you do not hang around in Rome after you have retired. It is a nice place to be, but you leave and you do not take a job there and you do not live there. Bishops are encouraged to leave the diocese, and for very good reasons. This appointment undermines that. The second reason is that there will be something like a Defence Review—either capital letters or lower case—and different services are going to have to give up their toys. What objectivity does the former Chief of the General Staff have as part of the ministerial team deciding this? If you talk to admirals, they are incandescent about this. They do not believe he can be objective. Most important of all, it casts a shadow over his successors. In the Civil Service Code there are words that you have to behave in a way which gives an assurance not only that you are serving with commitment your current boss, your current political master, so to speak, but that you would do the same for a different government. I think this appointment calls that into question because ministers will be thinking “Which way is he going? Is he one of these new Labour people?”

**Q22 Mr Prentice:** Would it be okay if General Sir Richard Dannatt took a job in the Department of Children, Families and Schools or whatever it is called now? Would that make a difference? Is it only if he goes back into Defence?

**Lord Turnbull:** You are on to the Admiral West case. You can argue that even that was not desirable but there is a huge difference: Admiral West does not work in the Ministry of Defence.

**Q23 Chairman:** If you say, as you do, it was a major error of judgement, was it a major error of judgement on the part of Sir Richard Dannatt or David Cameron or both?

**Lord Turnbull:** I will leave you to judge that. I do not know who proposed him, for example, so I cannot say.

**Professor King:** I will have a go: both.

**Lord Turnbull:** I think it is thoroughly . . .

**Q24 Chairman:** Reprehensible?

**Lord Turnbull:** Yes. Another thing is, I was part of the small cabal that eventually forced a change in the constitution whereby we no longer accepted that a senior judge could be a minister at the same time, and that we should get rid of the conflicting role of the Lord Chancellor. I think it would be a great shame if we started having one of the top three or four military people in the country coming back as a Minister. I think that is retracing ground which I thought we had won with the Lord Chancellor case.

**Q25 Chairman:** Thank you for all that. Tony, you wanted to add something?

**Professor King:** I simply want to repeat that I think it was an error of judgement on the part of both David Cameron and Sir Richard Dannatt to do what the two of them have done. Just quickly going back, I do not want to give the impression that there was a golden age, or it was at most ever a silver age, but if you go back to what I acknowledge as an extreme case, the immediate post-war Attlee administration, we talk about GOATs, we talk about people being brought in from outside. Somebody who was brought in from outside was a man called Ernest Bevin, who really worked out rather well, first as Minister of Labour during the war and then as Foreign Secretary, and one of the reasons he worked out well was that he had done something; he had run a very large, complicated trade union in difficult circumstances. He had dealt with Communists within his union and he knew what they were like, and he knew a bit about negotiating. Herbert Morrison, Peter Mandelson’s grandfather, had run the London County Council before he became a minister. Stafford Cripps had run one of the most successful law practices in the country. I do think there is a problem to have the kind of political class we now have and rely on that political class, largely people without much in the way of background, actually, to use the phrase I used before, to run the country. I think there is a problem; there is a dysfunction there.

**Q26 Chairman:** Surely, if all that is true, the choice is either that you attack it from the end of whether we can change the political class by saying someone should have 10 years of a proper job before they come in, they must have been involved in running something, and therefore you improve the recruitment pool for ministers, or you say, as Charles did, that people who come into Parliament come in to represent people in a whole variety of different ways, and what we need to do therefore is to correct the problem with ministerial talent by being able to recruit from outside and let Parliament just do the job that Parliament does and be the political class that it is.

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**Professor King:** I cannot speak for others but, speaking for myself, I would come at it from the latter angle rather than the former, not least because I have thought about it quite a lot and I have totally failed to come up with any account of what one might do about the political class, holding the rest of the system constant.

**Q27 Mr Walker:** A tiny question: if we had the separation of powers, David Cameron, Gordon Brown, would be free to pick whoever they wanted from across the UK to be their ministers but then you could also have less Members of Parliament, you would perhaps cut Parliament down to 400 or 450, and you would get by dint of that better Members of Parliament potentially because competition would be higher and the cream would rise to the top. Is that not a possibility? Then you would satisfy the public's desire for less politicians and better government potentially.

**Professor King:** It is a possibility, though an improbability.

**Mr Powell:** About the House of Lords, which we have not discussed, which I think is a problem, I think if you put these ministers who you bring in from outside in the House of Lords, they are not accountable to the elected representatives of this country and that is wrong. You need to have these people able to appear before the House of Commons. Putting them in the House of Lords is a distraction. They do not need to be in the House of Lords. They should be doing their ministerial jobs and be able to come along here and answer questions, move legislation, and act as they do in most other European countries. I cannot see why that should be a problem. As I understand it, it does not require a huge amount of change; it is a matter of changing the rules and procedure of the House of Commons rather than anything else.

**Q28 Chairman:** That would be the answer to the Mandelson issue.

**Mr Powell:** Yes. There is a reason why since Lord Carrington there have not been senior Secretaries of State in the House of Lords and they have all been in the Commons: because people did not think you could have Secretaries of State in the Lords who were not answerable to the Commons. I think there is a problem if you are going to bring in people from outside. You need to find a way of making them accountable here.

**Q29 Paul Flynn:** One of the issues that has disturbed us greatly on this Committee is the revolving door and the way that the decisions of ministers, generals and top civil servants when they are in office might well be distorted by their hopes of better jobs when they retire, when they stand down as ministers. We have striking examples of this. In evidence when I said to a witness "Surely pay is distorted because there are 179 people in public service earning more than the Prime Minister," the answer was "Ah, yes, but when you stand down as a Prime Minister, you can get a job that earns millions." We have a case now where recently John Hutton, who gave a

contract worth £12.5 billion to a company this time last year, was reported to be considering an offer of a job with that company, which I think he has delayed for a little while but we have ministers who have given contracts while in office and within a year of standing down as ministers, they get lucrative jobs. The problem is the distortion of their decisions when they are in office. If we take this with General Dannatt's position now, is it not extremely dangerous if we do not put some period of five or 10 years before former ministers, former generals, former civil servants, can take work with the bodies they deal with? Otherwise, there is a grave danger that their decisions will be influenced by nods and winks in order to look forward to having their Hacienda in Spain when they retire rather than doing a proper job when they are holding their high offices.

**Lord Turnbull:** Well, we have a system for vetting..

**Q30 Paul Flynn:** We have had a look at that. Yes, go on.

**Lord Turnbull:** I can only answer from the civil service point of view; I obviously cannot answer from the ministerial point of view. What you are saying is that when you become a civil servant, once you have joined, you have no possibility of going out and doing anything else. That means you also have no possibility of bringing anyone else in mid-career because first, there are not the spaces because people do not go out and also anyone who comes in then finds that they are locked in because they cannot go back to the world that they came from. I think is absolutely essential that we have people moving across. The Civil Service for years was too hermetically sealed. You need a process which enables this to work. If you are going to say to someone effectively "You have worked here for 15 years but you cannot work for another five years," you have to pay them for the five years that they are effectively on gardening leave.

**Q31 Paul Flynn:** I am not sure you are getting my point. If I can take an example of a minister, a Health Minister, who objected strongly to a report by the Health Select Committee because it attacked the pharmaceutical industry and, remarkably, when he stood down as a minister, he is employed by five pharmaceutical companies. What determined his judgement in office? Should you not be automatically debarred from working in that area after you stand down as a minister in order that your decisions as a minister or as a general or as a top civil servant are not distorted?

**Lord Turnbull:** If you have been a regulator of someone or a contract issuer, then the bar needs to be set higher, the quarantine times need to be longer or the conditions attached to it, but for a large number of people, you have to look at whether you really think this has actually distorted their behaviour. The test is not does Mr Paul Flynn think that their decisions may have been distorted. That is what this Committee has to look at.

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**Chairman:** This takes us into territory we have been in on other occasions. I do not want to go down that route particularly.

**Q32 Kelvin Hopkins:** Underlying all this there has been a massive shift of power from all the institutions of Britain into the Prime Minister's office. That is what has really happened over the last 20 or 30 years, but particularly since 1997, and it was done deliberately. I have described it as a process of Leninisation. I am not a Leninist myself; I am a pluralist. Lenin secured control of the party first of all and used that as a weapon to drive power to the centre. You talk about Parliament but is it not the case that the crucial difference now is that the control of who is in Parliament is now almost entirely with the party leadership and we have thus eliminated some of the democratic constraints within Parliament? It may be true of the Conservative Party as well but it is certainly true of our party. Democratic constraints have been hacked away so that the leader has enormous power. Cabinet government has been praised—and I think rightly so—for a long time. I think it was one of Andrew's predecessors who at this Committee said that the Wilson and Callaghan Cabinets typically would consider some 200 policy papers a year. Cabinet meetings would last a long time, there would be a range of views expressed, a consensus would come out of that. The Prime Minister was *primus inter pares* but not an absolutely dominating, controlling figure, which is what happened under Blair. The Cabinet became a cipher under Blair and one guesses it still is, more or less. Is that not unhealthy and have we not gone wrong simply because we have allowed that accretion of power to the leader and not maintained democratic constraints through Cabinet government, through a strong independent civil service, a strong Parliament and so on?

**Mr Powell:** No, I do not think it has. Actually, what happens if you look at it historically is that it varies depending on how strong or weak the Prime Minister of the time is. It tends to be weak Prime Ministers who talk about Cabinet government and stronger ones, like Thatcher, for example, or Blair, who have a more directive view of what they want the government to achieve. I do think there is a point relating to that which Charles Walker made, which is that there ought to be an alternative career path for MPs where they are not aspiring to be ministers but are aspiring to hold the executive to account through committees and through fulfilling their job in that way. I do not think it requires the separation of powers but I do think it requires the ability to bring in ministers from outside. I think Prime Ministers would be slightly disinclined to do that because they like having the payroll vote. The reason they appoint the number of ministers allowed in the Ministerial Salaries Act is that that is a way of making sure you have that many votes in the House of Commons. That is why you have unpaid ministers increasing in number too, because they all have their private secretaries, their offices and their drivers and all the rest of it. If the Prime Minister had his way, he

would appoint every single backbencher in his party to a ministerial job to ensure their vote. They may be disinclined to do it but actually, if they think about it a little bit longer and they are planning to stay around and be Prime Minister for a while, they might take into account the equation you run into as Prime Minister if you have been there a long time, which is the balance between the appointed and the disappointed, and the problem with ministers who are MPs is that they do not go away when you sack them; they sit around on the backbenches and make your life miserable. So it may be an advantage to have ministers who come from outside because at least they will go away when you sack them rather than still being there.

**Q33 Kelvin Hopkins:** It is not surprising that you see things entirely through the eyes of the Prime Minister, preferring strong Prime Ministers who are more dominant. If we want strong leaders, we can go to North Korea. I do not think that is a good idea personally. If you go back to the Cabinet of Wilson and Callaghan, and it was said, again by one of Andrew's predecessors when they came to this Committee, that any one of perhaps a dozen of those could have been a very fine Prime Minister. We had everybody from Benn and Castle, right across to Roy Jenkins, Shirley Williams, Denis Healey, and a dozen more, each of whom would have been a perfectly credible Prime Minister, but there was a range of view there. There was debate in Cabinet; strands of opinion even within the party, let alone the country, were actually heard in Cabinet and the Prime Minister had to work with this team. There was a collective, consensual view and also better decisions, because if you isolate yourself from opposition, as I think our leaders have done, and isolate yourself even from countervailing voices, surround yourself with people who will just do what you want and do what you say, always saying, "Yes, Prime Minister," that is not healthy for democracy and we do not see the country properly represented in government.

**Professor King:** Can I go back to the point that Paul Flynn was making earlier on? Notice that the problem of the revolving door exists whatever your arrangements. You can have a complete separation of powers, you can have any old system you like, you can have the American, you can have the UK, and the revolving door problem is there. In that sense, it is tangential to what we are talking about here. Can I just go back to the point that Jonathan touched on a moment ago, and that is the question which I think you are interested in, which has not to do with where ministers come from but how many there are. Lord Turnbull has a table that he has worked out and that he was showing us in the corridor in which you might be interested—I do not think it is a secret document. I did a back-of-the-envelope calculation. A hundred years ago in 1909 there were 34 ministers, leaving the whips out of it. Fifty years later in 1959 there were 58 ministers. There are now, using the same basis of calculation, 95 but since the number of ministerial opportunities has grown, it is at least 95—I think

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Lord Turnbull thinks it is well over 100 and I am sure he is right. That seems to me to raise all kinds of serious questions about the sensible use of resources. There is an old saying that the devil makes work for idle hands. I suspect a lot of junior ministerial activity is motivated by the desire to do and to call attention to oneself rather than fitting into any kind of sensible programme of government.

**Lord Turnbull:** Can I give you the figures?

**Q34 Chairman:** Yes. In fact, could you leave your table with us?

**Lord Turnbull:** Yes, certainly. In 1997 I am told that the number under the Ministerial Salaries Act was 110 but there were actually 113 ministers, so three unpaid. That included the ministers who oversaw Scotland, Wales and Northern Ireland. We now have 122 ministers and because the Lord Chancellor has gone, I think it is 109 who are paid, so there are 13 unpaid. I think, on a quick calculation, if you add up the number of ministers and deputy ministers, i.e. basically people who get a car, in Scotland, Wales and Northern Ireland, it is something like 75. You would have thought the number of ministers would go down when we gave power to Scotland but it has actually gone up. So the ministerial cadre for the United Kingdom is now around 190 whereas it was about 110.

**Q35 Chairman:** I think we are at one in thinking we are over-ministered and now we have these breeds of quasi-ministers and all the rest of it. It is a rash that has to be dealt with. Can I just ask this question: the problem in a sense with some of this argument is the assumption that bringing people in is (a) a great idea and (b) a great success. The problem is we have a lot of experience which suggests that it is not often a great success, and it is not a great success in part because of what the ministerial job is, which is all this heavy grind of accountability, which some of the kind of people that we bring in do not want to do. We have heard from some of them here. Is that not a real problem? It is all right saying there are all these talented people and we had better bring them in, but actually, if they are not very good at the political stuff, which is what ministers in our system are required to be, they are going to fail, are they not?

**Mr Powell:** I think that is a fair comment. If you look at the history, as Tony was, there are some very great figures who came in in recent times. Most people who have come in have not necessarily done that well because they cannot do the politics. There may be two reasons for that. One is that they are stuck in junior ministerial jobs, generally speaking, and they are not able to take Secretary of State jobs, where they can play that politics in a sensible sort of way and, secondly, because they are not answerable to this House, and playing politics in the House of Lords is a second-best type of thing to do. It may be because the system is stacked against them that the right sort of people are not coming in and they are not able to exercise that political skill. You do not have to appoint experts, as I was saying earlier in

answer to Julie Morgan's question. You can appoint partisan people who just do not happen to be MPs who may be just as good at politics.

**Professor King:** Can I just add very quickly to that by pointing out—I notice this in the newspapers endlessly—that attention is drawn to the ministers who have been brought in from outside who have been failures. They are never matched against the people who have been brought in from outside who are successes, and they are never matched against the people who have been brought in from inside who have been failures. I am not at all clear that the ratio would be all that against people brought in from the outside. I think there are successes and failures under both headings.

**Q36 Mr Prentice:** Was Digby Jones a success or a failure?

**Lord Turnbull:** He was a caricature.

**Q37 Mr Prentice:** I was looking at you, Tony. You were hesitating; you did not know what to say!

**Professor King:** I did not know what to say because I am not a student of the career of Digby Jones, so I lack an empirical base, as we social scientists say. In addition, success and failure vary along different dimensions. If you had asked me about Lord Darzi, he left soon. It is alleged his only accomplishment was to save the life of a fellow peer—that might be regarded not as a success by some people! If I knew more, I might be able to make out a case that he achieved a great deal in two years or however long he was there, which nobody without his particular background could have achieved. In other words, I would want to ask what the criteria were and I would need to know more about some of these people than I do.

**Q38 Mr Prentice:** Do you think it is a good idea for the Prime Minister to put people in the House of Lords when they are going to stay for a very, very short period? Digby Jones told us that he had told Gordon Brown, the Prime Minister, that he only wanted to stay in government for two years but he only lasted 14 months. Malloch-Brown said that he only wanted to stay two years. Lord Carter, with his peerage for life, lasted 12 months. Do you think it should be in the public domain, that when these talented people are brought into government it should be a matter of record that they are only going to be ministers for one year or two years or three years?

**Professor King:** I think the House of Lords is a separate question and a second-order question. I share the scepticism that I think the three of us have about the central place that the House of Lords currently plays for all kinds of reasons. No, I do not think that people who come in from outside should be term-limited. Again, I am not a romantic about the past but Ernie Bevin was brought in in 1940, he was still there in the late 1940s, he was there for nearly 10 years—should he have been chucked out in 1942 on the grounds that he had been time-limited? I would not want to be that rigid.



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**Q39 Mr Prentice:** That is not quite my question. My question was: should we have been told that Digby Jones was only going to be a minister for two years because that is what he told the Prime Minister on his appointment?

**Professor King:** Probably.

**Q40 Mr Prentice:** We should be told?

**Professor King:** Yes.

**Mr Prentice:** Yes, because I have asked the Prime Minister and he would not tell me.

**Q41 Chairman:** I thought there was agreement that we do not think these people need to become lords.

**Professor King:** Indeed.

**Q42 Chairman:** But part of the problem then is that—we had better not say the names but some of these people quite like the idea of becoming lords, and that could be part of the attraction.

**Professor King:** That is their problem.

**Lord Turnbull:** Another personal theory is that there are a number of people in the House of Lords who have been very successful ministers and I would say the women in the House of Lords have a better record in this sense than the men. Maybe this is because being in the House of Commons is a bit more macho, alpha male. You have to project your voice in that chamber with all you guys bellowing at you. The style of operating in the House of Lords suits women better. A lot of the women have done remarkably well, in my opinion. I think the real answer to Gordon Prentice's question is, if they are not really going to continue in the work of the House of Lords, it should be possible for people to resign. I do not know whether the new corporate constitutional governance Bill now has some clauses about that.

**Q43 Chairman:** It does.

**Lord Turnbull:** I think that is helpful. What do you do about the title? That is too difficult at the moment. Really, it is because we are using the House of Lords for a purpose for which it was not really designed because we do not have the right system in place.

**Q44 Julie Morgan:** I wanted to go back to government being too big and the growing number of unpaid ministerial posts. Do you feel there is any problem with having ministers who are unpaid?

**Lord Turnbull:** They are not costless to the taxpayer. If you give a minister three private secretaries, a press officer, a driver, a car, there is not much change from half a million pounds.

**Q45 Julie Morgan:** But no salary.

**Lord Turnbull:** No salary, no, but still tying down a lot of civil service resources.

**Q46 Julie Morgan:** Soon after 1997, when ministers were appointed, there was a minister for Women appointed who was not paid. There was a lot of concern, particularly amongst the women Members

of Parliament, that this signalled the value of the job. So I think there are implications myself but I would be interested to know your views about that.

**Mr Powell:** Actually, what it signalled was that the provisions of the Ministerial Salaries Act and its various limits are incredibly complicated and need lawyers to look at them. Sometimes you get to the end of the reshuffle and discover you have appointed more ministers than there are salaries. So you are left with a choice of either dismissing that minister or having them as an unpaid minister. There is certainly a case for a couple of unpaid ministers but I think there are too many ministers altogether anyway.

**Q47 Julie Morgan:** What do you think would be an ideal number of ministers?

**Lord Turnbull:** I think most departments should probably run with three.

**Professor King:** How many departments are there?

**Lord Turnbull:** There do not need to be as many as there are actually. I do not quite understand why Climate Change has been taken away from Environment when what we worry about with climate change is not that it is warmer but that it damages the environment in various ways. It damages the oceans, the coral, the fish stocks or whatever. Slicing that into two departments—I am not quite sure of the logic. You could certainly quite easily construct a cabinet with four or five fewer ministers. I used to do a lecture on the Department of Environment, Transport and the Regions—which was “Joined up governmental sprawling monster?” It clearly was a sprawling monster in the end but all this has been divided up into about three different bits now.

**Q48 Julie Morgan:** The growth that we have already mentioned of the regional ministers, assistant regional ministers and the envoys, and I think Jonathan was saying that is a way of binding people into the government and extending the range of the Prime Minister. What relationship do they have with the Civil Service? Are there any difficulties with having this range of people where they are not free to scrutinise the Government, which I think is the point Anthony was making?

**Lord Turnbull:** I think if you are in an over-ministered department, I do not think it can be a very happy job. You get a very small slice to deal with. I do not think this makes for very satisfying posts actually. I am sure a lot of what they do could be done by officials. If you are receiving a delegation from such and such, who would you rather talk to? An official who really knows their stuff or the minister, who has only been there since July? I think it could work better. Apart from the fact that people will accept these jobs because it is a step on the ladder to where they want to get to, otherwise the junior ministerial existence I do not think is a very happy one.

**Professor King:** Could I just add to that that it seems to me that some of the jobs that junior ministers are doing probably should not be done at all. There is a real problem of making work. Also, for what it is worth, the people I talk to who deal with junior

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ministers say what Andrew Turnbull has just said, that they would really much rather be dealing with people who actually knew what they were doing than with junior ministers who may have been there for weeks or months.

**Q49 Mr Walker:** Can I just make one point? We have a list here of unpaid members of the government and there is a really nice chap here who has been in the Cabinet. He has been in the Cabinet! He is now Parliamentary Under-Secretary of State Digital Britain, unpaid. What on earth is going on here? Someone who has been in the Cabinet ends up at the tail end of a government as Parliamentary Under-Secretary of State, unpaid.

**Lord Turnbull:** Does the Data Protection Act apply.  
**Mr Walker:** It is the Rt Hon Stephen Timms. His career has just gone to . . . Why would you do it? Why would you offer it? Do you have any thoughts on that, following on from Julie's line of questioning?

**Q50 Mr Prentice:** You will think I have a fixation about Digby Jones but I asked Digby Jones if there was an exit interview, if when he left the Government he saw the Prime Minister and he said, "I am leaving the Government because it is just like pond life being a junior minister and I am bigger and better than a tadpole" or something like that. I just wonder, Jonathan, when Tony Blair was Prime Minister and all these reshuffles were happening over the years, whether he did this, these exit interviews. He brought people in and he said, "You have got to leave the Government. I have to make space for rising talent but let me have your take on things." Was that ever done? Was it done systematically?

**Mr Powell:** Systematically would be an exaggeration but certainly every minister who was leaving the Government would speak to the Prime Minister and react in different ways to the news that they were leaving. Some would tell the Prime Minister what they thought of the way government was run, some would react in more emotional ways, but there was not a systematic way of surveying them on what they thought.

**Q51 Mr Prentice:** Why not? Mark Fisher—I am not telling tales out of school; this is on the public record—I think his telephone call with the Prime Minister lasted about 15 seconds when he lost his Culture job. How can the organisation learn if the Prime Minister does not have any sense of what ministers feel about the job they are doing?

**Mr Powell:** Quite a lot of emotion was packed into that 15-second phone call, as I recall. You would expect a junior minister who had some views on this to express them before he was actually leaving the Government. You would have thought if he really had some views, he would have come and made them clear before. As we have all said, there is a problem that there are too many junior ministers. Again, talking about Chris Mullin's book, that illustrates exactly the problem, that there is an awful lot of make-work in junior ministerial jobs.

**Lord Turnbull:** I think you are applying managerial principles to something that is inherently non-managerial. In a big organisation—it could be the Civil Service or BP—you have things called career development interviews. Every year you have an annual report and then there is a discussion about where you should be going from now on, what you might be doing next and exit interviews all fit into that kind of world. Reshuffles are not about developing talent and saying, "I can't move this person because they've only just got there. They need to do at least another year, and I'm moving this person into that post because they have not had exposure to that kind of work and that would really build them up."

**Q52 Mr Prentice:** So it is all capricious.

**Lord Turnbull:** Things that are absolutely standard in big organisations, public and private, do not happen, because this is all about political reward and competition. That is how the political system works, and it is very difficult to bring this other philosophy into it.

**Q53 Paul Flynn:** Do you disagree with Charles's line that backbenchers are failed frontbenchers or never will be frontbenchers? Would you agree that there is a serious role for backbenchers, certainly in history, people like Leo Abse and so on, have pursued an independent line, and that there is a good record of independent MPs and independent MPs who masquerade under party labels?

**Lord Turnbull:** Are you saying that those independent members stay as parliamentarians?

**Q54 Paul Flynn:** They have no ambition to be members of the government at all and would find their lives inhibited if they were?

**Lord Turnbull:** Absolutely what I am saying is the Chairs of Select Committees and the members of Select Committees should see that as important work that they want to become good at and specialise in, but many of them, particularly the newer ones, are thinking "I am doing this while I'm waiting to get the call from Number 10."

**Q55 Paul Flynn:** I do not know if I have misunderstood you but you seemed to say at one point that you agreed with the line that MPs of a certain age should not become ministers.

**Lord Turnbull:** No, I am saying they should become ministers but the system makes it increasingly difficult for them to.

**Q56 Mr Walker:** Going back to patronage, it is not just the title of minister, obviously. I think all three of you touched on the salary discrepancy. As a Member of Parliament you are on £64,000. As soon as you become a minister, even the most junior minister, you are on £90,000. How would we address that to make the gap less pronounced? I am not suggesting you raise the salaries of Members of Parliament but perhaps reducing the salaries of ministers—is that something that is worth

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considering—or removing the trappings, removing the cars, for example, shrinking the private offices? Have you had any thoughts on that?

**Lord Turnbull:** I am not against establishing some kind of parity between a Select Committee Chair and a Minister of State.

**Chairman:** Nor am I!

**Q57 Mr Walker:** What about people who chair Standing Committees, for example? Would you see that as part of this parliamentary career path, being a very good Chairman of Standing Committees? After all, that is where most parliamentary business takes place on the legislative front.

**Lord Turnbull:** Yes, that should be recognised. That is important work and the people who do that well at that are the people who get asked to do the next bill when it comes along. It should be recognised. You stigmatise backbenchers when say you are the people who are left behind when better people have been taken off. It is not a good metaphor at all.

**Mr Walker:** I think some colleagues' ambition probably outstrips their ability though and, as one of my colleagues said, if you thought promotion in this place was based on ability, you could drive yourself mad because, as we know, in many cases it is not based on ability. It is based on balancing the party structure within government: do we need to have this chap on board to stop this fraction over here misbehaving? Look at Tony Wright. Tony should be a Cabinet Minister. I say that as a Conservative Member of Parliament. Perhaps because his face did not fit or his views were seen as a little too independent, he never got a sniff of it and that is another part of the problem of the way we structure our Parliament at the moment.

**Chairman:** You do not have to reply!

**Q58 Paul Flynn:** Do you expect Alan Sugar and Arlene Phillips to make a major contribution to the running of the country in the next few years?

**Lord Turnbull:** I do not understand the relevance of Arlene Phillips.

**Q59 Paul Flynn:** She is the dance czar.

**Lord Turnbull:** All I am saying is that, as a Spurs supporter, I hope he makes a better job of this than he did in the years he was Chairman of Spurs. They were not our greatest years.

**Q60 Chairman:** We do not want to get into the House of Lords issue generally but of course, it is a paradox, is it not, that if we were one day to finish up with an elected House of Lords, we would have closed the back door that we are using at the moment to bring people into government and to answer some of these problems that we are dealing with? We would have to find another way of achieving what we are now achieving through the House of Lords.

**Mr Powell:** You would have a different problem, would you not? You would have ministers who were responsible to two different majorities of different sorts. So you would have ministers in the House of Lords who were accountable to the majority, which might be a Conservative majority because of the

electoral cycle, and to a Labour majority in the Commons, so you would find yourself with a completely different set of problems.

**Q61 Chairman:** This is why I did not want to go down the House of Lords route but I just said that as a way of asking this question, which is, at the moment when a minister is appointed to the Lords, when a Lords minister is appointed, they do not have to go through the propriety checking process that everybody else who enters the Lords has to go through, through the House of Lords Appointments Commission. Is that not just an anomaly?

**Mr Powell:** Yes, it is an anomaly but, as I say, I do not think they should be in the Lords anyway. Indeed, I do not think there should be a Lords so I would start from a slightly different position on this.

**Professor King:** Can I just chip in that a lot of people who think there ought to be a predominantly elected House of Lords—of whom I am not one, by the way—but a lot of people who believe that nevertheless allow for the possibility of a, say, 80% or whatever elected House of Lords, but also I go back to the point that was made earlier, with which I concur: it seems to me that it would not be beyond the wit of man or woman to invent a number of slots, if you like, a number of opportunities, half a dozen or a dozen, for people to become ministers who are not members of either House of Parliament but who nevertheless are expected to be answerable to one or other House of Parliament.

**Q62 Chairman:** That was my second question, which is . . .

**Lord Turnbull:** Can I just say on this question of who is responsible for appointment vetting, and by and large I think the Prime Minister should be responsible for the calibre of people and the background of people, so he should do these checks.

**Q63 Chairman:** So they should be exempt from any further propriety check?

**Lord Turnbull:** No, they should be done by the Prime Minister. I do not think you would have divided accountabilities, “Who on earth let this guy in?” If he is coming in as a prime ministerial appointment, the Prime Minister should take responsibility for all the background checks and so on.

**Q64 Chairman:** Does that happen?

**Lord Turnbull:** I think they check whether someone has a CRB record or something, yes, or if he is disqualified as a director. With all ministerial appointments you basically make sure that our friends in various places have no objections.

**Q65 Chairman:** Is this true, Jonathan, that you vet people for decency?

**Mr Powell:** There is a standard that has existed for decades, a standard process for vetting anyone who becomes a minister, which would apply to these people too, yes.

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**Q66 Chairman:** We could go there but we will not go there. Could I just pose this final question, which is, if we do go down the route of bringing people in, letting them be ministers, holding them to account in the normal way, which is the route we seem to be going down, would it make sense to add in the other bit from the more separated power system, which is to have these people submit to confirmation hearings in the Commons, if these are people who are not elected by anybody?

**Professor King:** Could I just say about that that I am tempted by the idea but I think there is one very serious problem which has manifested itself in the United States, which is that very often in the US the quantum of clearance that takes place, to which is added confirmation hearings, simply puts an awful lot of people off. They are very reluctant to allow their names to be put forward, not because they are crooks or for any reason like that but simply the quantum of hassle is far too great. If you ask a very able person to do a job, he or she may think “Yes, I will do it if I am offered it,” but if I have to spend a couple of months appearing before committees or whatever, I may not want to do that. That is a serious problem in the US.

**Mr Powell:** I think if you had confirmation hearings, you would need to have them for all Ministers. I do not really recognise this concept of elected ministers

because no-one is elected as a minister; they are elected as an MP. It is the Prime Minister of the day who chooses them as a minister, so all ministers should be on the same footing from that point of view.

**Q67 Chairman:** You are quite in favour of confirmation hearings for all Ministers, are you?

**Mr Powell:** I think the practical problems that Tony raises are pretty serious but in principle, if you are going to have this new role for the House of Commons where committees are playing a bigger role and there is a role for backbenchers, it seems to me a logical extension of that, yes.

**Lord Turnbull:** I am rather against it. I think the Prime Minister should take responsibility for the appointments that he makes.

**Chairman:** Fascinating stuff! The sense is that there is a direction of travel going on here in a rather disorganised way. I think what we are trying to do is to give some shape to it so that we can work out where we might want to go, so we do not see all these as problems with the system but are probably edging towards a rather different way of doing some of this. You have been immensely helpful. Is there anything else you think you would like to say before we end that we have not asked you? If not, let me just thank you all very much for coming along and for talking to us.

Thursday 22 October 2009

Members present

Dr Tony Wright, in the Chair

Paul Flynn  
Kelvin Hopkins  
Mr Ian Liddell-Grainger

Julie Morgan  
Mr Charles Walker

*Witnesses:* **Rt Hon Lord Adonis**, a Member of the House of Lords, Secretary of State for Transport, **Professor Lord Darzi of Denham, KBE**, a Member of the House of Lords, former Parliamentary Under-Secretary of State, Department of Health, and **Admiral Lord West of Spithead, GCB, DSC**, a Member of the House of Lords, Parliamentary Under-Secretary of State, Home Office, gave evidence.

**Q68 Chairman:** Let us make a start and extend a warm welcome to our witnesses, Lord Darzi, Lord Adonis and Lord West. As you know, the Committee is doing an inquiry into the whole subject of unelected ministers and sundry other unelected people who hold various posts. You all bring different distinctions but your unifying characteristic is that you are all unelected and you are all ministers, or have been. We would just like to ask you about some aspects of your experience. Could I just ask a general question to start with, which is, what do you think people like you, coming from very different backgrounds, bring to government that warrants you, as an unelected person, being brought in to help with running our affairs? Andrew, would you like to start?

**Lord Adonis:** Thank you, Chairman. I would answer that in two ways. First of all, we have always had a proportion of unelected ministers because our constitution has two chambers and there have to be ministers in the House of Lords. The number of ministers in the Lords has not in fact increased much—I was looking at the figures as I was preparing to appear before you but I am also a constitutional historian and I know these things. We have 19 ministers in the House of Lords now; we had 15 ministers in the House of Lords 20 years ago, so the numbers have not changed that much. We need ministers in the House of Lords because of the working of our constitution in any event. What do we bring? We bring a range of different experiences. I had three careers, I suppose, before I became a minister. I was a policy adviser for the years immediately before becoming a minister in Number 10. I was a special adviser in Number 10 and then Head of the Policy Unit in Number 10. That gave me a great deal of experience of the working of government and I developed as a specialist area education and the public services and of course, I became Education Minister in 2005. Before that I had been a journalist. Being a journalist I suppose trains you for nothing and everything but I had seen a lot of politics and I had been an education correspondent so had worked intensively reporting the areas I was later to be responsible for as a minister. In my twenties I had been an academic. That was the range of experience I brought to bear on my life as a minister after 2005.

**Q69 Chairman:** Do you think the experience of being a special adviser is a particularly useful career route into the life of a minister?

**Lord Adonis:** For me, I found it invaluable. I found being a special adviser a kind of apprenticeship for being a minister. I worked very closely in the field of education specifically but also the wider public services for seven years before I became a minister, and I was engaging constantly on the development of the Government's education policy and wider policy in respect of the public services, and of course, I got to know the workings of Whitehall extremely well as a special adviser, and got to see a number of ministers, highly effective ministers, at first hand. I have to say, in my experience as a minister since, and now as a Secretary of State, being a special adviser was an absolutely invaluable apprenticeship, not only in the policy areas I was going to deal with but also in the art of being a minister, actually learning the trade. I have to say, if you ask me what was my second most useful experience after being a special adviser, rather to my surprise, I would say it was being a local councillor in my twenties. I was elected as a local councillor when I was 24 and I spent four years as a councillor, including four years on a planning committee, where you are dealing with very powerful vested interests and bureaucracies. Those four years as a member of a local council and on a planning committee were hugely useful to me in the trade of becoming a minister.

**Q70 Chairman:** Some people say, not least people like Estelle Morris, that, even as a special adviser, you were acting like a minister.

**Lord Adonis:** I do not think that is a fair description. I do not think it is actually a description that Estelle would herself subscribe to. The Prime Minister of the day had very clear views on education reform because, and in my experience, of course, advisers tend to reflect the preoccupations of their minister, where a Prime Minister or a minister has very strong views on an issue and is determined to put them into effect, of course, their advisers tend to come into the limelight in that respect.

**Q71 Chairman:** This may all be wrong but I have David Blunkett saying here, "What is the bloody point of my being here? Who is the Education Secretary, me or Andrew Adonis?"

**Lord Adonis:** It was him, for the record, Chairman. It was not me.

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Admiral Lord West of Spithead GCB, DSC

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**Q72 Chairman:** Estelle Morris spoke of her frustration with what she said were “the Andrew Adonises of this world. Sometimes they were just plain wrong,” she said. “It was my job, not their job. I was elected; they were not elected.”

**Lord Adonis:** She is absolutely correct. It was her job, and she was a very distinguished Education Secretary, who carried through big reforms. It was very much her job to be responsible for those reforms as Secretary of State.

**Q73 Chairman:** Being a minister is a more natural role for you than being a special adviser, I think, is it not?

**Lord Adonis:** They are very different roles. I would say rather than one being more natural, I found being a special adviser a very useful training for being a minister in due course but the whole point of being an adviser is that you advise. You are not responsible for implementation or the direction of policy, and it is important that advisers understand that. Where advisers want themselves to become players, then that tends to make the role very difficult.

**Q74 Chairman:** Let me move to Lord West and ask the same question: what do you think someone like you brings to government?

**Lord West of Spithead:** I think in my case I brought a deep background knowledge into the area that I was asked to be involved in. The Prime Minister asked me to come into government. I have to say, I was surprised when he asked me that. I thought when he asked to see me he might be asking me to give advice on something, and initially I was very reluctant to do it, for a number of reasons, not least because one is in the public eye, the media are always extremely difficult with politicians, and the family have to go through all of that. It actually meant taking a dramatic reduction in money. Money is not my driver but you have to think of your family in these things. It was a huge drop in income. Also, there are issues of security for my family and, actually, I knew I was going to have a very full and very busy programme. I had done that all my life, and I had had a nice break, earning lots of money and not having to work too hard, which was rather fun. Anyway, the Prime Minister convinced me how important he felt the security of this country was. I felt he really felt that. He showed me the latest threat assessment, which was really very bad, and he said, “I think you could do something to help make the country safer.” I said, “I think there are probably people better than me who can do that.” He said, “I don’t know them, and I would like to ask you to do that.” What did I bring? I suppose I had first fought against terrorists, although they were called Freedom Fighters then, 40 years before and I had been involved in counter-terrorism through my career on and off. I had a very deep knowledge of intelligence. I had had three years running naval intelligence and links with NATO, NATO intelligence. I had three years as Chief of Defence Intelligence. I was Deputy Chairman of the JIC for

those three years, so very involved in the JIC and understood that. I knew a lot about crisis management, how to organise structures for that. I had helped with Cobra and those sort of areas, and of course, when one gets up to the top level within the military, you are dealing across Whitehall and I understood dealing with civil servants. I think all of those things together were very useful.

**Q75 Chairman:** No minister has a fraction of that experience, so I can see why you would be turned to for assistance but you said yourself just now that you thought you might have been asked for advice; you did not expect to be asked to be a minister. What would be the difference if the Prime Minister simply said, “We want to tap your expertise. Come and advise us”? What is the difference and what is the advantage in being a minister rather than simply an adviser?

**Lord West of Spithead:** What I found—and I was aware of it from when I was First Sea Lord, where one could debate and talk about things but you were very constrained in what you could actually do, because of control of money and things like that—is that as a minister you can actually deliver things and there were a set of things when I came to the job. I looked at what I thought was required, I laid those down in my own mind, I talked to the Prime Minister, and I think I pretty well delivered all that. There was a brand-new refreshing of our counter-terrorist strategy, a new national security strategy for the country. I was very worried about cyber security. We now have a cyber strategy and are pushing forward very fast with that, and a science and innovation strategy, because I felt we were not tying in industry and all the people in this country pulling together to confront terrorists. I was able to actually do that, and I have other things I do. Sometimes one has to be a bit delayed because some things need primary legislation, and I prefer not to get into the legislative thing; it is much better to have less legislation in a way. Some things are a little tricky so one has to be careful how one does that. However, if you are not a minister, you cannot do that so actually it does have utility, being a minister.

**Q76 Chairman:** Had the Prime Minister asked you to go into the Ministry of Defence, would you have been troubled by that?

**Lord West of Spithead:** I do not think that would have been appropriate at all. I know a huge amount about defence, if I may say so, but I think it would be wrong to do that. I would have been thoroughly hacked off if I had been the new First Sea Lord, or indeed any of the Chiefs of Staff, to find that West had suddenly lobbied in as a minister. Quite rightly, they would have been very hacked off by it.

**Q77 Chairman:** Is that not the answer to the Dannatt issue? We had a former Cabinet Secretary sitting in front of us last week who said this was, in his words, “a major error”. What do you say? You sound as though you think it is a major error as well.

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*Lord West of Spithead:* I do not know exactly what he has been offered and what he has not been offered or what is going on, to be quite honest.

**Q78 Chairman:** Let us put it this way: if he were to finish up as a minister in the Ministry of Defence, as a former General . . .

*Lord West of Spithead:* Dannatt is a superb officer and a splendid man, who wears his heart on his sleeve. I think he made an error of judgement. He is still on full pay as an army officer until 22 November so he is fully in the army. The thought of saying, if he said this—and I am only going by what I read in the papers, that he is very much a member of the party and that there is an intention to make him a minister within the MoD. If that is what was said, if that is what is intended, then I think that is a terrible error. It was 14 months after I got my final pay packet from the Ministry that I was asked by the Prime Minister to come in, and even that was one of the issues that I thought about when I was thinking about it. I thought “This is quite close.” He was asking me to be in a very different area where I think all my skills and expertise that I had got within the military helped, but it was not directly in that department. I know historically the last military man to go into government like that was Earl Alexander of Tunis in a Tory government in 1951 and he did go into the War Department, I think. So it has happened before but I do not think it is a good idea. I think it was an error and a mistake and I think he will regret it.

**Q79 Chairman:** Thank you very much. Lord Darzi, could I ask you the same question about what you think you brought to government?

*Lord Darzi of Denham:* Yes. To start with June 2007, as Lord West started, I was more or less in the same position. I got a phone call to see the Prime Minister. I had a 20-minute meeting with him. The first 10 minutes was about what I did in life. He was extremely charming, and halfway through he asked me whether I would serve in his government as Health Minister. I really did not know what to make of that. He caught me by surprise. I was reluctant to take office, for all sorts of reasons, but I understand in retrospect probably what his thinking was. If you take yourself back to June 2007, no-one would ever doubt what this Government has done in relation to the NHS when it comes to investment, when it comes to doubling its expenditure, a huge increase in the number of doctors and nurses—I could go on and on. In June 2007, if you look at the whole of the NHS and where it was, you come to one conclusion: the staff were not engaged, there were significant difficulties at the time that happened to some of the PCTs and their financial deficits, there was the MMC fiasco which was going on at the time. What did I bring in? Firstly, I am not a First Sea Lord. I was a private in the NHS, frontline staff, a working clinician, a consultant. What I enjoy in life is to treat my patients. I held the Chair of Surgery in Imperial, so I had a scientific background. What drove me throughout my career was quality and innovation. I did contribute to one piece of work as a clinician in

London which I was very proud of, which was to lead the reform of health services in London. As you may know, the capital city has many challenges when it comes to health reform. That is really what I brought into the job. Whether I had to be a minister or an adviser, again, I had no feel as to that in June and in actual fact, I asked the Prime Minister whether I should be appointed as an adviser, and he was very reluctant to do that. His explanation at the time was that you needed to be a minister to make things happen and, in retrospect, I could not agree more with him. You can advise anyone. You have to remember as well, as a minister, as a minister I did receive advice from all quarters. Everyone wants to advise a minister but no-one is accountable to that advice and ultimately you have to make that decision. Being in a ministerial role, I felt certainly more conscious of that. You may know that I came in to do a project, a fairly large project, which was the Next Stage Review. It was highly focused. I had the support of all of my ministerial colleagues, so it was not just deciding on policy but I had the opportunity to implement, and that is very different. As an adviser, you do not actually implement things. You can advise people. I have always felt actually quite concerned about the minister I was advising because I knew that same person is being advised by all sorts of different lobbies, all sorts of different groups, and that is a very different role than a minister. So in retrospect I felt I made the right decision.

**Q80 Chairman:** Finally from me, looking at Lord Darzi and Lord West really, did it occur to you at all that one reason why Prime Ministers might like people like you on the ticket, a First Sea Lord, a distinguished surgeon, is to give a bit of glitter to the administration?

*Lord Darzi of Denham:* I do not think that was in any way the motive of such an appointment.

**Q81 Chairman:** No, but did it occur to you that that could be a motive?

*Lord Darzi of Denham:* No, not at the time, and certainly not subsequently. What was important for me, being a surgeon working in the NHS, is the credibility in engaging the near enough 60,000 people that I engaged in the process of the review. We were speaking the same language and we were trying to really see how reform . . . The whole purpose of reform changed, where government became the strategic adviser, empowering the consumer and allowing the professionals to exercise their skills and professionalism.

*Lord West of Spithead:* If I may say on that, that did cross my mind because, of course, it does add a certain glitter and it would be stupid to think that might not be the case. That was one of the factors that I was weighing up when I was in two minds about not doing it. That is why I made certain that I was convinced myself that the Prime Minister did feel that the security and safety of the nation was the primary concern that he had, and when I had convinced myself that was the case and he had

shown me that threat, I was happy to move forward. Of course it adds glitter to the thing; it would be silly to pretend it did not. I could see that there is that as well.

**Q82 Chairman:** I do not want you to think, Andrew, that the glitter question does not apply to you.

**Lord Adonis:** I added no glitter, apart from my name, which is very exotic.

**Q83 Mr Walker:** You talk about your reluctance to accept a peerage. I have to say, it sounds like a dreadful job to me: no elections, no constituents, legislating for life once you finish being a minister. Who would want that? Seriously, given your reluctance to take on this awesome burden, do you think a future Prime Minister, for example, David Cameron, will struggle to find talented people who want to become peers? If that is the case, would it not be better to get rid of this peerage nonsense and actually allow people to become ministers who do not have to take a seat in the House of Lords, move more towards the American system, where we have the separation of powers, for example, so David Cameron or Gordon Brown is free to pick from a talented pool of 60 million people? You, Lord West, would come and serve for three years. You might even be paid more than you are paid now—indeed, I hope so—and then, at the end of three years, when you have either had enough of Gordon Brown or he has had enough of you, or you want to go and earn more money, you can say, “Thanks very much. I have served my country once again. Now I will retire back to private life.” Would that not be a good idea? Lord Adonis, you have never been slow in coming forward.

**Lord Adonis:** Do I think that would be a worthwhile reform? My personal view is yes, I would support such a reform. I think it would be thoroughly worthwhile to make it possible to bring people into government who are not Members of either House, provided they are properly accountable. There would need to be proper arrangements in place in this House and in the House of Lords for them to be questioned. I would support that but I am also a constitutional historian who knows that this mediaeval constitution of ours changes very slowly and I think it would take a huge effort to bring about such a change. I imagine that the Commons collectively and the Lords collectively would be opposed because of course it would breach the closed shop in both cases.

**Q84 Mr Walker:** Lord West, what about an idea being proposed by my leader, that Lords if we could not make the constitutional leap, people come into the Lords, serve for three or four years as a sort of acting peer, and then, having finished serving, they would leave the Lords and go back to private life? Do you think that is something that is worth considering?

**Lord West of Spithead:** I think it is probably worth considering, yes. I have to say, you talk about legislating for life—I do not intend sitting doing political work constantly when I finish doing the job I have.

**Q85 Mr Walker:** But you will be a crossbencher?

**Lord West of Spithead:** I will of course be in the Lords, so one has some involvement. One of the things I have found very attractive about the Lords is, although difficult if you are a minister, on any subject you talk about, one of certainly this country’s greatest experts, sometimes the world’s greatest expert, is there to fire questions at you. In the Lords you cannot shout “Ya, boo, you lot were rubbish last time.” You actually have to answer the question. So it is quite tricky, and that is one of the strengths of it. I think the fact that one knew one was going into that chamber and would be in that chamber and how much you got involved in politics thereafter, I think that has an attraction. It is not the ultimate attraction.

**Q86 Mr Walker:** I would be hugely attracted to it, to be honest.

**Lord West of Spithead:** That does have an attraction and you have to make things attract because, as I say, actually, people step in from outside and although money might not be the driver, if you have always been in public service, although we are adequately paid, you suddenly discover how much money you can make elsewhere, and not doing that is quite a—

**Q87 Mr Walker:** You did that for 14 months.

**Lord West of Spithead:** Exactly!

**Q88 Mr Walker:** You said you got your last packet and 14 months later you were in the Lords, but in between that you were earning fortunes.

**Lord West of Spithead:** My income went up dramatically, yes, and I had to give up all that.

**Q89 Mr Walker:** In the area of defence?

**Lord West of Spithead:** No, in a number of areas.

**Q90 Mr Walker:** Lord Darzi?

**Lord Darzi of Denham:** I would have taken that offer if it was on the table when this was discussed in June but I have to point out in retrospect—because I have left now and I can say what I want to say—being in Parliament, the parliamentary experience, was a very valuable thing to do. I took three bills through Parliament. For me, the learning experience, standing on my feet, debating something—and you may call me an expert but I am not an expert in everything in healthcare—standing up, defending what I am trying to do, being held accountable in the chamber . . . I was called in three times to the Health Select Committee on my own to defend what I was doing. That is what makes democracy in this country. Do not lose that. I would not do away with that accountability. That I think would have a negative impact. There is a bit of a paradox in the



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questioning because the Chairman clearly said what gives you the power if you are unelected. I think the accountability in the chamber and also in the Health Select Committee was what kept me, the steer. I enjoyed that, I defended it, and it gave me all the opportunities I needed. In the future, in the next 20, 30 years, whether I am going to be a contributor in debates, I will certainly be there for health debates. I think it is interesting; when I was in the chamber, when I look at the peers who were debating on my Bill, most of them, if I could just say, most of the ones who made some significant contribution to the Bill and improved the health of the Bill were previous and ex-ministers in the last 20 years. That is very important because that experience was very valuable to me in the chamber, but I also consulted many ex-ministers outside the chamber.

**Mr Walker:** A 15-second question. I think actually the three of you are very talented and you have been huge successes. Would you serve in a Conservative government if you were asked to by David Cameron?

**Chairman:** Who are you looking at?

**Q91 Mr Walker:** All of them. Lord West?

**Lord West of Spithead:** The yes-no answer is rather difficult. I have to say, probably because I am a military officer, I feel a sense of loyalty, and as I was asked to come in, I think that would be disloyal. However, if there was something that was actually, I felt, crucial to the security and safety of my nation, I would do a job and I would not care, almost, who I did it for.

**Q92 Mr Walker:** We would be lucky to have you. Lord Adonis?

**Lord Adonis:** No.

**Q93 Mr Walker:** Oh, come on! Lord Darzi?

**Lord Darzi of Denham:** I have done my bit as a minister but I am always there to assure the NHS's values and principles—that is what brought me in. I was not recruited for my political experience and expertise. I have none. However, I could tell you that medical politics is sometimes more vicious than politics in Whitehall! I was brought in to really deal with the values and principles of the NHS, and I would advise anyone in relation to the principles and values and how we keep the NHS going, but I am not pursuing a political career. I have no real interest in doing that and I have been frank about that from day one.

**Q94 Chairman:** Fortunately, Charles will be available to Mr Cameron, so all will be well. Just on one aspect of that exchange, what I would quite like to know is whether when you had that initial discussion about becoming a minister anybody told you what being a minister was all about.

**Lord Darzi of Denham:** No. I could just tell you also, if I appointed someone in my department, for the first three months, I would sit down and tell them exactly how it works. To be fair, my private office did a lot to get me on the level as far as the policy-making

in the department but no-one took me to the side to say what it means to be a minister. To be fair, my views about politics and politicians and ministers and what they do completely changed, because they make a huge amount of sacrifices.

**Q95 Chairman:** What you say about accountability is interesting. When we had Digby Jones in front of us, who does not, I think, count as one of the conspicuous success stories of the Government, his line was, "I do not want to do all these boring ministerial things. I do not want to give evidence to committees. I do not want to take bills through the Commons. I want to be off selling the country in trade missions, that kind of thing." If nobody explains what the grinding work of being a minister is in terms of this political accountability, it is a funny thing to sign up to, is it not?

**Lord West of Spithead:** It was an enormous failure. You are absolutely right. It was like doing an A-level a night on some of these things, which were not to do with security. When I find I am answering questions on female genital mutilation, drug testing on gorillas, this is something I had not quite expected to do. It has been very good for my brain. I can actually learn poetry again now, that is not quite what I expected, I have to say, and it is a very broad spread. I think I am probably a better person for it at the end of it, because one has to get to grips with all of that and that is good.

**Lord Darzi of Denham:** I think the success of a minister is to convert yourself from being an expert into a generalist. A lot of what I did in the chamber was a more generalist thing and I thought that was very useful, bringing an expert view into a generalist debate.

**Lord Adonis:** On the issue of accountability, if as a minister you are not prepared to be fully accountable to Parliament, you have no place in being a minister. A good part of the job of being a minister is to explain the policy of the Government to Parliament, to answer questions and to engage in a constant dialogue. I think it was Attlee who said that democracy is government by discussion. Unless you have ministers who are constantly prepared to discuss, including in Parliament, you have no democracy. You asked what was the most surprising aspect of being a minister. I had been an adviser before so I had some idea of what the job of a minister was. What most surprised me on reflection, looking back at it over the last four years, was the impact that public exposure has on your life. As an adviser I had been occasionally in the news. I had not realised that you become public property when you become a minister. The first day I was a minister I had a bank of cameras outside my house, because it was an appointment of some transient controversy. Nothing really prepares you for that, except, I think, possibly being an MP. I think actually being an MP in terms of the public exposure probably prepares you for that side of being a minister quite well. There are very few other professions where you get the degree of public exposure and, at times, controversy, which prepares you for that side of being a minister.

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I know from some of my colleagues who have gone into the House of Lords and become ministers that that can become quite an issue. They suddenly become public figures to an extent that they had not realised would happen when they became ministers.

**Q96 Chairman:** Yes. That cannot be true of Lord Mandelson, can it?

**Lord Adonis:** He had had quite a lot of experience before.

**Q97 Julie Morgan:** Following on from Charles's questions, do you think to be a successful minister you should be a member of the same party as the governing party, or at least have sympathy with the views of the governing party?

**Lord West of Spithead:** I do not think you have to be a member of that party. Clearly, you have to take the government whip. It would be wrong to be a minister and not take the government whip, I think. I think you have to have sympathy. I think it would be impossible if every fibre of your being was against things that were their policy. I cannot see how that could work but I do not believe you have to be a member of the party and fully tied into it all, but I think you have to have a sympathy for it. If you are the opposite, I just do not think you could do it. I do not think you could be a minister of the government.

**Q98 Julie Morgan:** So did you join the Labour Party?

**Lord West of Spithead:** I am not a member of the Labour Party, no.

**Q99 Julie Morgan:** From your responses, you would feel from a sense of duty that you would be able to serve under a Conservative government?

**Lord West of Spithead:** No, I said I would not do it because I am a loyal sort of chap and I have worked for Gordon, but I said if in the future at some stage there was something where I felt and people thought they needed me to do something for the security of my nation, then certainly, as I think I did two and a bit years ago, I would do it, possibly—my wife might not let me but we would see.

**Lord Adonis:** You have to be completely in sympathy with the ideology of the government to be a successful minister. Parties are broad churches and you often have members of parties that form governments who are not in sympathy with the predominant ideological stance being taken by the head of the government but you could not be a successful minister if you were not, and indeed, it would be a bizarre act on the part of the Prime Minister to appoint as a minister somebody who was not broadly in sympathy with the policy of the government.

**Q100 Julie Morgan:** And you are a member?

**Lord Adonis:** I am of course a member of the Labour Party, yes.

**Lord Darzi of Denham:** I do not think being a member is relevant here, certainly in my task. I said it earlier: this is the government which for 10 years

has done huge amounts for the NHS, and I truly believe in the NHS's values and principles and what it is trying to achieve and contribute. With the Next Stage Review on High Quality of Care for All, one of the most gratifying comments I heard towards the end was that we had depoliticised the NHS. If you look at where we are as far as satisfaction rates of patients, public, staff—and I am not in any way claiming that it was because of me. One thing we have not touched on is that I felt very much a member of a team. I had a boss who was extremely supportive and sympathetic in everything I did, Alan Johnson. What I brought in my role was not party politics. It was NHS-related and how do we reform it, but I was very sympathetic to what this Government has done and always have been in relation to the NHS.

**Q101 Julie Morgan:** So did you join the Labour Party?

**Lord Darzi of Denham:** Yes, but I had no affiliation to any party before I started. I felt at the time it was very important. You are part of the government. You cannot just say "I have different views and I am out here." That is very, very important. You go in there to do a job and that is what I went to do.

**Q102 Julie Morgan:** In the 20-minute discussion that you had with the Prime Minister did he ask you about your political sympathies and whether you were prepared to join the party?

**Lord Darzi of Denham:** Absolutely not, no.

**Q103 Julie Morgan:** Was at the same with you, Lord West?

**Lord West of Spithead:** He said to me that as a minister I would have to take the government whip. That was all, and I understood that, and I think that is right. I think you do have to have a sympathy. I could not possibly do it if I felt everything they were doing in other areas was wrong. It would be impossible. You have to have sympathy with it all, or I do not think it would be possible.

**Q104 Julie Morgan:** Lord Darzi, now that you are not a minister, do you sit as a Labour peer?

**Lord Darzi of Denham:** I have not been back to the House, and I think all of that depends on what you are doing. I hold all sorts of other roles in life, leadership roles, and I think I would need to get the consent of different people to see whether that has any impact on my role as a clinician and an academic. I have not been back to the chamber.

**Q105 Chairman:** Just on the roles, could you tell us, because we are looking at tsars and those sort of people that we do not quite understand. You have become something else, have you not? You have become—is it an ambassador?

**Lord Darzi of Denham:** Yes, an ambassador for health and life sciences, which I was very grateful to receive. It took me a while to understand what it actually meant. Ambassador was not a title I was

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accustomed to before. What does that role entail? I have certainly been involved over the last few months in all sorts of different debates relating to health care and life sciences. I could go through them if you wish.

**Q106 Chairman:** It relates to other people who have similar roles. Do you get support from the official machine to do that?

**Lord Darzi of Denham:** There is one activity that I am doing at the moment called NHS Global, which is something we are doing the thinking through, and I have civil service support in relation to that. This whole concept is, if I can just say, all to do with aspirations. That is, I think, one of the things that I was very keen to bring to the Department of Health at the time. We spend £110 billion of taxpayers' money and any chief executive of any company which has a turnover of £110 billion a year should have some global aspirations. There is a lot that the NHS has done for the last 60 years that could be beneficial to many countries across the globe, and we are working on that piece of policy and I have support for that. That is not necessarily the ambassadorial role. That is a piece of work I am doing for the department. The ambassadorial role, if I need support, I could always contact certainly my ex-office or a couple of individuals whose names I have been given to contact. I could give you a few examples of what I did. I stepped down on 21 July and I decided for the first time that I would take two and a half or three weeks holiday, which I have never done before. I found myself within my first week, while I was on a beach somewhere, picking up the paper on the way back, and the headline was some of the right-wing attacks on the NHS and death panels and all sorts of things like that, which was quite alarming for me. The reason it was more alarming for me was because I work in the NHS. We recruit people from abroad and we actually send a lot of our gifted people to the US and other places. The NHS brand is very important for all of us. So I found myself while I was there writing an editorial with someone at Imperial for the *Washington Post*. My inbox was filled with 3,000 emails from the US. I went to the US to do an interview with CNBC, C-SPAN, just making the case for what the NHS is all about, and I felt very strongly about that. In actual fact, I feel more strongly about that than anything I felt very strongly about during my ministerial post, because this was the pride of our nation. That was not party political; to be fair, all parties actually supported that cause and what we were trying to do in defending the brand of the NHS. That is what I have been doing. That probably could be defined as an ambassadorial role.

**Q107 Chairman:** And bits of surgery?

**Lord Darzi of Denham:** Oh yes, very much.

**Kelvin Hopkins:** Charles Walker rather stole my question, which was the question I was going to ask about whether you would serve under a

Conservative government. I may say that the prospect of Charles Walker being a minister is for me one of the few attractions of a Conservative government.

**Mr Walker:** No chance!

**Kelvin Hopkins:** Seriously, you are three very distinguished, immensely able people and you have made a significant contribution, but was your role made easier by the almost infinitesimal philosophical difference between Tony Blair and the core of the Conservative leadership? I say this because it is not just my view. I was speaking to a senior Conservative backbencher shortly after the last election and he said, "If Tony Blair came to our party tomorrow, he would be our leader tomorrow." Did that difference make it easy to be a member of a government which was no different at the leadership level, from the alternatives? Did it make it easier for you, given that some of you came from non-party political backgrounds? Andrew obviously came from a party political background.

**Q108 Chairman:** I think the question is, because the tent was so big, was it easier to get inside it?

**Lord Adonis:** I was inside it already, Chairman, so for me it was not an issue. I think it is more a question for my colleagues who were not. Can I make one point about this partisanship issue? One of the features of the House of Lords which is simply a characteristic of an assembly that includes a lot of experts, people who have not fought elections, is that it tends to be less partisan than the House of Commons. So as a minister in the House of Lords, you tend to act in a less partisan way by nature of the assembly that you are part of. It does not mean to say you do not hold your views as strongly as ministers in the House of Commons but it does not operate as an essentially partisan assembly in the way that the House of Commons does. Ministers who act in a very partisan way in the Lords tend to go down very badly in the chamber. The House of Lords is essentially a chamber of experts in the way that it sees itself. It does not see itself as essentially a hard-edged, party political assembly. The bipartisanship can appear much more powerful in the Lords than in fact it is; underlying the extremely decorous proceedings and the absence of party political cut and thrust in fact are people who do have strongly held views, as you have heard from the three of us.

**Q109 Kelvin Hopkins:** Partisanship we can talk about, but in the Commons there are two sorts of partisanship. There is tribal loyalty, "Ya boo, we are Labour, you are Conservative" and all that, but there are also philosophical differences between people who call themselves Social Democrats or Socialists and people who call themselves free market neo-liberals or whatever. That is the real difference.

**Lord Adonis:** Of course, that difference is present in the House of Lords too.

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**Q110 Kelvin Hopkins:** Yes, but that difference can be evident when members put forward a view which is an alternative view to yours but even in the same party.

**Lord Adonis:** All of the parties represented here today are broad churches and they have people who hold a range of views, but of course, there is a broad division between left and right which is as marked between the political parties in the House of Lords as it is in the House of Commons.

**Q111 Kelvin Hopkins:** Lord Darzi mentioned democracy—he was I think the first of you to mention democracy. When the electorate votes, they are, in theory at least, offered a choice between two different philosophies, and these philosophies they expect to be represented in Parliament, both in the Lords and in the Commons. Has it not been a disappointment to the electorate that they have not got what they expected, and that people like yourselves, admirable and intelligent and capable though you are, do not present philosophical choice, if there is a swing to the left or the right?

**Lord Adonis:** I think you have heard from the three of us, and speaking for my colleagues, that we do hold views strongly. We are not, as it were, above the fray, experts acting independently of ideological convictions at all. On the contrary; we hold strong views which are in sympathy with the party that we serve in government. I do not think the fact that we are not elected makes any difference to the strength of our convictions or the strength of the choice that is offered to the electorate.

**Q112 Kelvin Hopkins:** Do you not represent the ultimate point in the drift towards managerialism in government, where there is no philosophical difference? In fact, you are managers representing a predetermined and decided philosophy, and you are all pursuing that. Would you feel comfortable, for example, if there were to be a government of the left elected?

**Lord Adonis:** I believe there is a government of the left in office at the moment, and I am proud to be a member of it. I do not think I share that analysis. I think the issue in respect of ministers who are not Members of the House of Commons is whether they can add to the strength of the government as an executive. I do not believe that their role is to dilute the clarity of the choice that is offered to the electorate or to make the government in any way less committed to the programme on which it was elected.

**Q113 Kelvin Hopkins:** Right at the beginning you said you were pleased to serve as a special adviser to the Prime Minister, as Head of Policy at Downing Street and so on. You were admiring of Tony Blair's drive, his determination to drive through a particular view from the centre. In the process, of course—and it happened before as well as after, but particularly after—those forces in society which act as a kind of break on wilful Prime Ministers have all been diminished. I am talking about the Cabinet,

especially the Cabinet; the Civil Service, which has been brought into line in a sense, I think; local government, which has I think been cut off at the knees, trade unions equally so; the political parties—in our own political party there have been enormous efforts to strip out opposition within it. The only opposition that we finish up with is the media, which is why Tony Blair, no doubt, with your assistance, was so concerned about the media, because it is the one area which he could not actually control.

**Lord Adonis:** I do not agree with any part of that analysis. Would you like me to go through it?

**Q114 Chairman:** Unfortunately, we do not have time to explore it.

**Lord West of Spithead:** I have to say I could not agree with that analysis either but one thing that has surprised me, because I was not aware of it before—I was not a political animal at all because I do not think it is right that you should be when you are in the services—is that I was surprised that Parliament does not have more power. I was surprised that the power of some of these committees, which I think are important to come before, does not seem to be as great as it should be, and it does seem to me that Parliament seems to have lost some of the power that I remember from lectures way back in time it had, and the executive is able to have really quite a lot of power.

**Chairman:** I think we would like to hear more from you on that.

**Q115 Kelvin Hopkins:** That was my last question about Parliament.

**Lord West of Spithead:** There were some other things. I am sorry, I could not agree with a whole raft of those, I am afraid.

**Q116 Chairman:** We might come back to what you just said right at the end, if we may, because that is extremely interesting for us.

**Lord West of Spithead:** Mr Chairman, I have a problem and I will have to go shortly after 11.

**Q117 Chairman:** In that case, say it to us now. Having dangled that in front of us, tell us how we could do better.

**Lord West of Spithead:** I do not think I am able to say how—

**Q118 Chairman:** Tell us how inadequate we are then.

**Lord West of Spithead:** I just think that, bearing in mind that you are an elected House, which gives you huge power effectively, because people have voted for you and elected you, it does seem when I have been talking to people and seeing what is going on that an awful lot of the backbenchers have very little ability to actually impact on what is going on and the ability of the House sometimes to call the Government to account—and I approve of the things this Government have done but any government needs to be called to account, and I do not think we are as good at that as I think probably historically, but I am not, I regret, very

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knowledgeable of this, as you are, Mr Chairman, but I do not think it has the same ability to do that as it used to, and I think that is very dangerous if you lose that ability. I think we need to look very carefully at how that can be done in the future. I am not very clear, I am afraid, because I do not have great detailed knowledge.

**Q119 Paul Flynn:** Can I ask something before you go? You were appointed as an independent expert. There was some speculation about a change of mind you had on the 28 days' detention and whether it was as a result of your own knowledge of security or whether there was any political pressure. Can we take the contemporary situation, where we hear opposition parties and the Government saying that the greatest security risks come from Afghanistan and from the Taliban when the evidence suggests that all the security threats to Britain have come from Pakistan and from Al Qaeda or are home-grown. Do you go along with what appears to be a self-serving political fiction of suggesting that there is a terrorist threat from specifically Afghanistan or the Taliban or do you go on your own judgement?

**Lord West of Spithead:** I do not think the way this has been put across is exactly as you say. I have no doubt whatsoever that our actions in Afghanistan, the initial invasion, did actually stop huge training camps that were there. We actually dismantled laboratories that were beginning to produce some very nasty things. We drove the people involved in that, a large number of them, across into the FATA in Pakistan. I have no doubt whatsoever that if we just disappeared from Afghanistan tomorrow, just went, that that space would be filled again with a lot of those from the FATA and it would be a real risk for us. So I do believe that this has a direct relationship to this country. There is no doubt that 80% of all the cases that come across my desk have a link to the FATA area and therefore I do believe this has a real impact.

**Q120 Paul Flynn:** I am just wondering about the political pressure on you. Other judgements would be that the incubation areas for terrorism are Yemen, Somalia, Pakistan and other countries there, and in fact the Taliban having a vested interest in excluding Al Qaeda and potential terrorists.

**Lord West of Spithead:** I could go into the detail. The answer is that I am not put under political pressure to give evidence or advice. For example, this afternoon we will be having a sub-committee of one of the NSID(A)<sup>1</sup> committees talking about the Horn of Africa and the advice I give will be pure advice. However, having said all that, clearly, if you are in a government, there will come a stage, as it did when I was Chief of Staff, where as a Chief of Staff at committee you will make a corporate judgement, and you may have fought very hard against certain parts of it but, if you accept that, you either then

resign or you accept it. It is Cabinet responsibility, the same sort of thing. Clearly, that does apply as well.

**Paul Flynn:** At the Merchant Navy Memorial Service you were glittering as Baron West of Spithead in your magnificent uniform. Are you not tempted to add a little glitter to this Committee by livening our drab apparel up by wearing your uniform more often?

**Q121 Chairman:** Paul's first question, this change in mind about the detention period, the story was that you were leant on.

**Lord West of Spithead:** I can honestly say that I was not leant on. I had already organised to go to Number 10 that day because I was going there for a breakfast that was being given for the team who had worked with me on one of the aspects of safety and protective security. They had done some really good work and the Prime Minister said, "I would like to have them for breakfast". I made that statement on the *Today* programme and then, of course, I was due to go to Number 10 already. When I was in there the Prime Minister did say, "Do you really believe, Alan, we shouldn't have 42 days?" and I said, "It's something that I'm still looking into in great depth". He did not say, "Well, you've got to say this, got to say that". He did not say that at all.

**Q122 Chairman:** You do not strike me as a man who would be easily leant on anyway. I know that you have got to go at 11, so please do. It was kind of you to come along. Thank you very much.

**Lord West of Spithead:** Thank you.

**Chairman:** We are grateful to you two for staying a little longer. I know Paul has a particular reason to be grateful to Lord Darzi so I am going to ask him to turn his attention to you now.

**Q123 Paul Flynn:** Last time we met was under rather unusual circumstances. I was actually lying on the floor of the Members' Dining Room and, while I was comforted to see your presence, in my semi-conscious state I did have a moment of alarm when I remembered that you were a surgeon, but then noticed you did not have your instruments with you. You were extremely kind. It was the day after you saved the life of Lord Brennan in the House of Lords. You have had an extraordinary political career that most politicians would be happy to look back on after a lifetime in politics, but you have been there for just two years. Why have you left?

**Lord Darzi of Denham:** Thank you. I was not sure whether you would remember because I tried to make sure you did not see my face! Sometimes surgeons are much more precise than physicians. On that note, I am delighted you are much better. It is very kind of you to say that. Within three months of my appointment—it might be an attribute of my being a surgeon—I was very clear what my objectives were. I knew exactly what my tasks were. I wanted to lead a major review of the NHS, re-engage the staff, the public and the users of the service, which took me a year of very, very hard

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<sup>1</sup> National Security, International Relations and Development (Africa)

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work. For the first time I felt that we managed to communicate the messages of reform. Although I am not a politician, we were talking about the means of reform, but the language was not right. The language was about payment by results, regulation and foundation trusts. That is what the language of politicians has become whereas, in actual fact, the language should be what patients want and what politicians promise to deliver, which is quality care. For me, that was quite a big task to do and I was not sure what the outcome of that would be. My confidence was built more and more throughout that first year because I felt that many staff across the NHS were engaging with this. I had a lot of cynicism in the beginning, people were very sceptical, "Why do we need another review?" There was review fatigue when I first took this job on. Building that confidence and building this from the bottom up was my one and most important objective. As an expert you constantly need to pinch yourself that you do not bring your own ideas of what this should be because experts sometimes have baggage and you have to remember that. I remember reading a couple of books about this. I had to challenge myself in relation to the thinking. I worked with exceptionally bright people in the Civil Service. They still recruit the highest quality people. It was a fantastic year and was very well received by all the stakeholders, including the media who were very supportive of what I was trying to do. Once I did that I felt it was very important that at least I see through the implementation of some of the enabling policy that I could promise as a Government minister to make those local visions happen, so I stayed for another year to make sure I got all of those policies through. At the end of those two years I felt that I had achieved what I could achieve through my expertise, what I had brought to the job. I have never extended my stay in any role in life, and I have held many leadership roles in the past. It was time to move on. On an individual basis, I was doing two jobs. What brings me to work is my patients, that is what I want to do. That might sound very strange to a lot of people and even in my own organisation when I came back they said, "Well, what are you going to do now?" That is what I love, that is what I do, and I went back to what I enjoy doing the most.

**Q124 Paul Flynn:** Can you consolidate the value of the work that you did in your new position now, particularly in the international debate that is going on in America? Are you satisfied that it is not over now and your successors are not going to trash your legacy, the effect will continue and you are in a position to influence the future of those reforms?

**Lord Darzi of Denham:** Very much so. The privilege of serving has also provided me with future opportunities to keep more of the responsible guardian role in what is happening in reform, and I will always speak in any forum in relation to where we are going as far as the NHS journey is concerned, whether that is national or, more importantly, international. We have this hang-up. We have an amazing healthcare system and sometimes we may

beat it locally in the odd newspaper but on an international basis we have a lot to share with other people and to learn from. Whichever way you look at it, certainly at a time of economic downturn the cost of provision of healthcare, healthcare expenditure, is challenging to any government across the globe. We have to share our experiences, we have to learn from other people and we have an important leadership role to play here in the external side of things. I have been given this opportunity to do that and I promise I will do my best to make that happen. I very much hope that we will keep that momentum because the NHS is great to its citizens but it has a much bigger contribution to make globally.

**Q125 Paul Flynn:** We can look forward to you saying that on FOX News in the future.

**Lord Darzi of Denham:** I would be delighted to. I have done that and I have had all sorts of weird and wonderful phone calls, but that is life and you just get on and defend what you believe we have in this country.

**Q126 Paul Flynn:** Lord Adonis, we remember you well as an *Observer* journalist and a *Financial Times* journalist as well. You are the odd one out in this group this morning in that you did not come in with a body of expert knowledge on one particular subject but you rapidly became the world's greatest expert on education and you are now the world's greatest expert on transport.

**Lord Adonis:** I would not describe myself in those terms, Chairman. It is very kind of Mr Flynn to give me that appellation.

**Paul Flynn:** Nothing but the plain truth from this Committee.

**Q127 Chairman:** I think there was the slightest hint of irony there.

**Lord Adonis:** I think Lord Darzi may have a better claim to being the world's greatest expert in his area.

**Q128 Paul Flynn:** Would you say the way you have sort of butterflyed around from subject to subject, unlike the other two, makes you more of a politician rather than someone who is plucked from outside because of your expert knowledge?

**Lord Adonis:** I think that is absolutely a fair comment. As a special adviser, of course, you develop a body of expertise. I had been a special adviser for seven years before I became a minister and a good part of that had been spent working with a particular focus on education, so when I arrived at the Education Department as a minister in 2005 I had a good body of knowledge both of the education world in general and of the specific reform programmes which were being carried through. Whilst I certainly would not describe myself as the world's greatest expert in anything, apart from myself, I did have a body of knowledge and experience of government that was immensely useful when I became a minister.

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**Q129 Paul Flynn:** You were associated with something call the ABA, which is sometimes known as the Adonis-Blair Alliance, I believe it was, or Axis, as a plan to wrest control of education from public authorities. Was that part of the truth of things?

**Lord Adonis:** I have not heard that one before as a secret movement that had not been revealed to the public. The prosaic truth is that I was the Prime Minister's adviser on education and we were carrying through a big programme of reform in schools that did seek to change the relationship. I will be quite open about it. It was no matter of secret policy at all. We were quite open in wanting to change the relationship between schools and local authorities so that headteachers and governors of schools could play a bigger role in directly managing their institutions because all the evidence is that having strong and effectively managed institutions that are responsible for their own fate tend to produce better results. It was no secret alliance and I was fulfilling a perfectly legitimate role as the Prime Minister's adviser.

**Q130 Paul Flynn:** I am assured that ABA stood for Adonis-Blair Axis among the polite or Andrew Bloody Adonis among the less polite, which is disgraceful.

**Lord Adonis:** It is very kind of you to point that out to me.

**Q131 Paul Flynn:** Looking back at your political affiliations, which seem to be malleable, you were in the Liberal Democratic Party, which was more or less a political party, and you moved from there seamlessly to the Labour Party. What does it mean to you to have political convictions? Are these superficial and unnecessary?

**Lord Adonis:** My political views have not changed substantially in my adult life. I was a member of the SDP when I was a student; the SDP ceased to exist and merged into the Liberal Democrats. How can I put this politely? The Labour Party under Tony Blair came to have more in common, indeed a very substantial identity of interest, with the Liberal Democrats on ideological matters and much more so than some of those ideological strains in the Labour Party which had predominated in the 1980s. For me, it has not involved any change in my fundamental political views. I am a modernising Social Democrat now and I was a modernising Social Democrat when I was a member of the SDP in the early to mid-1980s.

**Q132 Paul Flynn:** Finally, you seem to be not only willing but eager to answer questions in the House of Commons.

**Lord Adonis:** Absolutely.

**Q133 Paul Flynn:** Would you like to talk about that?

**Lord Adonis:** I think it is right that ministers in the Lords should be as accountable to the House of Commons as the House of Commons wishes to make them. Since I became Secretary of State on this particular issue, to have a head of department in the

House of Lords, I have made it very clear that I would be willing to answer questions in the Commons in any way that they wish to make that possible. I already answer questions regularly in the Transport Select Committee. After I became Secretary of State I agreed with the Committee that after each Question Time session on the floor of the Commons I would engage with them in a departmental question session in the Transport Select Committee. There are departmental questions on Transport in the House today and the week after next I appear before the Transport Select Committee so that they have an opportunity to question me directly. That is apart from any subject inquiry. I also appear before them when they do specific subject inquiries. After the Speaker made his speech in August suggesting that Lords ministers who headed departments might answer questions in the Commons I made it clear that I would be very happy to do that. Indeed, as it happens, I met him this morning to discuss the idea further and we agreed that if the House was willing to do so it would be thoroughly desirable that the two heads of department who sit in the House of Lords would answer questions in an appropriate manner in the House of Commons. The discussion centred on whether that might work best in Westminster Hall rather than in the chamber. As I say, since I am already answering departmental questions in the Transport Select Committee this will be just a next step along that road.

**Q134 Chairman:** Lord Darzi, similarly I have your letter to the Speaker in front of me, a rather fulsome tribute to the new Speaker followed by this offer to appear in the Commons. I wonder if this is going to be true of all unelected ministers, whether they are going to express a similar willingness to attend upon the House of Commons, even in the Chamber of the Commons?

**Lord Darzi of Denham:** I use every opportunity I can to engage as many people as possible. The Select Committee was probably the best opportunity I had to give and explain the policies that I was doing. As far as the Commons is concerned, the rules do not allow you to do so but if the rules changed I cannot see a problem. We have to remember there is a slight difference here: I was the boy, the junior minister in the department. I had a very able secretary of state. I always felt I was part of a team that defended the case and the cause of what we were trying to do through the Next Stage Review in the most eloquent way in the House of Commons. If the House of Commons wanted me to appear in a different forum, or even in the Chamber, I could not see any difficulty. In actual fact, I went off and engaged Opposition spokespeople during my review, to have coffees with them to explain what I was trying to do, which was also very atypical.

**Q135 Chairman:** You are right to make the distinction between a junior minister and a secretary of state. It particularly arises in relation to a secretary of state. Despite the figures on the whole

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being consistent on the number of unelected ministers since the post-war period, I think we are at a high point at the moment in terms of non-elected secretaries of state and that is where the issue particularly cuts.

**Lord Adonis:** It is true in that we do have two secretaries of state in the House of Lords but, of course, the Lord Chancellor, pre the latest reforms, was tantamount to a secretary of state. The Lord Chancellor ran a department, and a very important one. It was quite often the case that you had a secretary of state in the House of Lords and, of course, the Lord Chancellor, so having three Cabinet ministers in the Lords, of whom two headed departments, has been a frequent occurrence in recent decades.

**Q136 Mr Liddell-Grainger:** I am intrigued at you taking something in a Labour Government because you seem to be so above the common fray. Had you given any donations to the Labour Party or had you gone to fundraising events?

**Lord Darzi of Denham:** Before I started, absolutely no donations. Since I started there was the membership of some club, or something like that, which I registered to, but I had not given any donations before.

**Q137 Mr Liddell-Grainger:** I am absolutely intrigued that you took it on. The other point that I find interesting is that you continued to work when you were a minister.

**Lord Darzi of Denham:** Yes.

**Q138 Mr Liddell-Grainger:** I have just been quickly reading something that says you like *Top Gear* and you have just about Saturday afternoon and Sunday morning to see your family, which I suppose resonates with some of us. It is a fairly remarkable achievement to be able to continue to work and push through some health reforms in two years. Were you completely knackered by the end of it?

**Lord Darzi of Denham:** No way am I going to say it was not challenging, it was challenging, but it was very important for me to do my clinical work. I did say what brings me to work is to do what I do. Also, it kept me grounded. The idea of faffing around for three days a week and your private office and car and everything else, when I arrived on Friday the nurse in the theatre reminded me who I am; I was not a minister in the operating theatre. That was very important for me in all sorts of ways. I could tell you on numerous occasions I discussed ideas of policy with my colleagues. That was very important for me. You are right, it was very atypical. I have looked at the history of Parliament and I know that you have never had an active clinician holding a ministerial post.

**Q139 Mr Liddell-Grainger:** That is the point I am coming on to. What makes it more remarkable is that you were doing two jobs. We are castigated for doing two jobs. You did it and you did it successfully,

which I find remarkable. Could you have done four years if you wanted to? Do you think it would have been too much?

**Lord Darzi of Denham:** Yes. I was giving it full drive for a period. You have to remember, I was operating all day Friday and all day Saturday. I finished work at seven o'clock on Saturday evening and then they would give me the dreaded Red Box on Sunday that you have to go through and be completely ready for the week after. It was quite tough. That was not the reason why I left, I must say, although that was partly the reason. I felt I had done what I was brought in to do and that was what was very important. It is a bit like surgery, you need to know when you have done the job and discharge the patient.

**Q140 Mr Liddell-Grainger:** I think there is a benchmark here. I think that somebody of your standard can come in and do a proper job whilst doing what you did, which is a remarkable achievement, but also it is a time set procedure, you can only do it for so long. Lord West is retired and can pretty well do what he wants, but you are not, you are still a practising clinician and want to continue to do the job and that is a remarkable achievement. Every single MP has constituents, I have 78,000—they vary slightly with the size of the seats—and one of the things that keeps us on the ground is our constituents coming to see us at surgeries and to an extent it is the same with you, you see your patients and, depending on whether they are conscious, they will tell you what they are thinking. It is a very good barometer for us. I know that I get a lot of Health Service complaints, I write to the minister and the minister will reply with “Yes”, “No” or “Sorry”. Do you think that the very basic raw data that you get from a lady or a gentleman who has got a problem is something that you miss?

**Lord Darzi of Denham:** Absolutely. I could not agree with you more. My constituency is larger than yours!

**Q141 Mr Liddell-Grainger:** You have the whole of the United Kingdom.

**Lord Darzi of Denham:** The answer to your question is yes, absolutely. Always at the end of the consultation, even during the two years I was in office, I used to have a social discussion about the NHS with my patients, “What do you think about it?” and that was extremely important feedback. It is amazing that you remember these things, but before I joined when there was a fair bit of noise about the NHS in 2006–07, the commonest question was, “Well, what do you think?” and constantly they used to say, “We need to get an expert to run it” and it was a bit of a funny moment when I was called in to this post. That feedback is very important and I think I used that quite successfully for the two years I was in office.

**Q142 Mr Liddell-Grainger:** If you were going to advise somebody coming in, a very eminent person from any walk of life who wants to continue doing what they do plus becoming a minister—it does not



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matter which party, it is irrelevant—what would you say to them now that you have done it, you have been successful? What fatherly advice would you give them?

**Lord Darzi of Denham:** Define the purpose of why you are there. Unlike an elected Member of Parliament you are not going there for the same reason. Define what you are trying to achieve. What is the purpose of your appointment and structure yourself to achieve that goal. Do not go to an organisation, any department in Whitehall, and try to change its culture because it is different from the culture of the organisation you have come from and the amount of emotion and energy you put into that. Try to use what levers you have to bring people with you to make sure they help you to achieve that purpose. Always remind yourself of the purpose you are there for. That was really how I did it. As I said, I had a very enjoyable period with the Civil Service, getting them to engage with me and help me. I had a superb time with my political colleagues. We had a fantastic department led by Alan Johnson and subsequently by our new secretary of state. Make sure you have collective accountability. These are mostly process advice, but do not forget what the purpose of your appointment is.

**Q143 Mr Liddell-Grainger:** I think you said you had not really been back into the House of Lords since you retired, was that right?

**Lord Darzi of Denham:** Yes, I have been away.

**Q144 Mr Liddell-Grainger:** That is fair enough. Will you continue to be an active member of the Lords? Do you see yourself getting involved with the Lords, not as a ministerial appointment but within the committee system and all the rest of it? Will you be coming in to do the job of a peer still?

**Lord Darzi of Denham:** Yes, in my own area of expertise I will be, absolutely.

**Q145 Mr Liddell-Grainger:** That was what I meant.

**Lord Darzi of Denham:** Beside me contributing to the job, the job contributed a lot to me, do not forget that. When you bring someone and put them in a ministerial job you really equip them with all the necessary competences you require to be a good parliamentarian. Say, in a hypothetical way, I entered the House of Lords through the Appointments Commission, that was an amazing learning curve and the job taught me a lot I could bring back as a successful parliamentarian. There is a very important question here. You asked me, “Did anyone tell you what a minister is?” and the answer was “no”. Does anyone tell you what a parliamentarian is? The answer is definitely no. They will tell you where the restaurants are and where the bathrooms are and that is it. They will tell you the rules of the House and how to address a noble Lord but you do not get anything. There is a lot you learn from the job that you can use in the future to be a good debating parliamentarian.

**Q146 Chairman:** One rather precise question is a suggestion that is around is that when we have unelected ministers we ought to have something like a confirmation hearing in the Commons to approve them. Is that a sensible suggestion and is it one that you would have been happy to expose yourself to?

**Lord Adonis:** I would have been happy to expose myself to it but, of course, it is a very significant infringement of the prerogative of the Crown exercised by the Prime Minister to appoint members of the Government. You asked me the personal question would I be prepared to have undergone it and my answer is “yes”. Do I think it is a desirable reform? I think it would need extremely serious consideration because it would be a fundamental constitutional reform regulating the exercise of the prerogative on appointment of ministers.

**Q147 Chairman:** If prime ministers were increasingly to bring non-elected people into government that would also be an extension of the prerogative, would it not, and would require a response of some kind?

**Lord Darzi of Denham:** As I said in my opening remarks, the facts do not bear out there has been much of an increase. There has been a modest increase. If you were asking me would I have been prepared to have undergone questions, I certainly would have been. Any more due diligence and any more evidence to say you can do the job, the better.

**Q148 Chairman:** Can we just have a word on the problem to which unelected ministers is the answer. It has been put to us that the problem is there is not enough talent amongst the elected people. People have referred to the “poor quality of the gene pool” from which the executive is recruited. Is that the problem to which non-elected ministers are the answer?

**Lord Adonis:** I do not think that is how I would describe it. I would put it in two parts. Firstly, by the nature of our constitution at the moment we have to have a number of unelected ministers. To do the Government’s business in the House of Lords requires somewhere between 15 and 20 ministers. The House of Lords legislates with as much conscientiousness as the House of Commons, there are questions to be answered, debates to be responded to and so on. As Lord Darzi would also endorse, the parliamentary work of being a Lords minister is very demanding. You are the only minister in your department in the Lords so you have to cover the whole of the waterfront in that department and the Lords can be a demanding taskmaster. As the constitution works at the moment you would need 15–20 ministers in that House in any event. When it comes to the broader question of is it desirable to have ministers who are not MPs, the fact that it is possible to appoint from outside the restricted body of those who have been elected to the House of Commons appears to me to be very desirable because it allows there to be a larger pool from which you can draw ministers rather than a much more tightly defined and narrow pool. That is not to in any way decry the importance of

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ministers both being accountable and the importance of the great majority of ministers being elected Members of Parliament, which to my mind is an important element of the operation of our democracy.

**Q149 Chairman:** But you can be accountable. As we have heard, Lord Darzi has been vigorously accountable and you are accountable without being elected and these are different things, are they not?

**Lord Adonis:** They are distinctly different. At the moment we do not answer questions in the Commons, so there could be a further reform there. It is not simply the question of accountability, the democratic character of the government is materially affected by whether or not there is a body of ministers who are themselves directly elected rather than appointed. In fact, in most countries—not all—that make it possible to have ministers drawn from outside the legislature, most ministers are either members of the legislature or, as in France, formerly members of the legislature who resign on appointment, have deputies who take their seats and then they return to the legislature immediately afterwards, so tantamount to parliamentarians in our sense.

**Q150 Chairman:** If having unelected ministers is a good thing, and we have seen some conspicuous success stories today, perhaps we should have more of them. Perhaps this is a direction of travel that we should encourage. There is an idea that possibly we are moving ever so slowly towards a more separated system of powers in this country. If we do that then a prime minister will look for the best people wherever he or she can find them. It might relate to Lord West's point about Parliament not being terribly effective. It may be that we need both a way of finding a more effective executive, and this may be a way of doing it, but at the same time it might enable Parliament to become more effective too. Do you recognise this as a direction, Lord Adonis? You are a constitutional historian.

**Lord Adonis:** 20% of ministers are drawn from the House of Lords at the moment, and that is 19 ministers in the present Government. That gives the Prime Minister fair scope for appointing eminent experts and outsiders like Lord Darzi. My own view is that the balance is probably about right. To my mind, it works fairly well and I think a future prime minister would find that this gave him or her sufficient scope to bring in outsiders. You could

clearly move to 30%, a larger proportion, without it fundamentally affecting the nature of the constitution. If you were to move significantly further than that you would be getting into what would be a fundamental change in the relationship between the House of Commons and the executive. My own view of that, since you ask me, is that I think the relationship at the moment benefits from the presence in the House of Commons of ministers who are drawn from that House. Whilst I do not think it needs necessarily to be the precise number that you have at the moment, it could be fewer, to break the link substantially or entirely would be a fundamental constitutional change and I am not sure it would be a beneficial one, I think it might have the effect of isolating the executive more both from parliamentary opinion and perhaps also from public opinion.

**Lord Darzi of Denham:** I know something about genes and I think you are under-selling yourself by saying the gene pool is small. I think that is wrong.

**Q151 Chairman:** I think it was said to us by a former Cabinet Secretary, I have not just invented it.

**Lord Darzi of Denham:** I would question that. There are instances in which there might be a gap in an area of expertise and you may wish to look at that and make an appointment in relation to what the issue or purpose of that appointment is. I am not going to go into the constitutional side, I am not an expert in that field, but I saw myself coming in for a specific task. This is my own experience. I took that task and delivered what I thought needed to happen as far as the third phase of reforming the NHS.

**Kelvin Hopkins:** In relation to the gene pool analogy, the reality is that there is a big gene pool but there are lots of rogue genes that are unacceptable to the Prime Minister. If he had agreeable genes he would be much happier. There are lots of talented people on the backbenches of the governing party who are not acceptable because they are not acceptable in genetic terms, if you like.

**Chairman:** My Lord, you know more about genes than we do and I think we should leave it there. We are extremely grateful to you for coming along and talking in a very open and frank way to us. Not to exclude you, Lord Adonis, but the fact we have been able to bring people like Lord Darzi into government has made a huge contribution, and as a heavy user of the Health Service I can say it has had a transforming effect on the Health Service as well. It is something worth exploring. Thank you very much indeed for coming along and talking to us.

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**Tuesday 10 November 2009**

Members present

Dr Tony Wright, in the Chair

Paul Flynn  
David Heyes  
Kelvin Hopkins  
Mr Ian Liddell-Grainger

Julie Morgan  
Mr Gordon Prentice  
Paul Rowen  
Mr Charles Walker

*Witness:* **Sir John Major KG, CH, ACIB**, gave evidence.

**Q152 Chairman:** We will make a start and extend a very warm welcome to Sir John Major. It is very kind of you to come and give evidence to us. You have on the two previous occasions we have asked you come and given evidence to us which we appreciate very much indeed. We particularly wanted you to come for this inquiry because we have had no one in front of us who has formed a government, although we have been talking about issues related to that, and I think we would like the perspective that you bring to it. We were particularly taken by an article that you and Douglas Hurd wrote in *The Times* back in June, where you said some rather exciting things and called for what you described as a “more adventurous experiment”, so we want to hear about this. I think you are going to say something by way of introduction?

**Sir John Major:** Thank you, Chairman, thank you for inviting me. Very briefly, I would like to say a few words before answering the Committee’s questions, simply perhaps to put in context what I may say in answer to your questions later. I spent 22 years in the Commons and latterly another eight years observing it from outside, and if I may say so I am pretty dismayed at the disregard in which politics is held today and the way in which politics often seems to malfunction. I think this can be put right and I think it needs to be put right. Part of the remedy is reforms to make the Commons more efficient and better regarded. I think, for example, it would benefit from a wider and more experienced membership. I think we need to make the Commons more attractive by offering an alternative career structure to simply being a minister. I think for far too many members at the moment, backbench life, particularly in opposition, can be fairly fruitless and hardly uses their talents. Our system also throws up freakish government majorities which bear very little relationship to the voting pattern of the electorate at large. I think to address these over-mighty governments, Parliament needs more weapons to challenge the executive, most obviously I think through the select committee system. I think there are other reforms which are needed. In my view, the Commons has too many members, certainly the Government has too many ministers, the payroll vote is too dominant and Standing Orders are often too restrictive. I think this inquiry is very important. Outside Members are only one part of the kaleidoscope of necessary reform but I think the right new Members can inject experience and wisdom to government; but of course if we can

widen the experience, quality and talent of future intakes in the Commons, we of course will need fewer external ministers of any sort. I think with that very broad introduction, Chairman, I am more than happy to turn to the Committee’s questions.

**Q153 Chairman:** Thank you very much. There is enough there to get our teeth into. When we had Jonathan Powell in front of us the other day, who ran of course Number 10 under Tony Blair, he said, “In Europe, in pretty much all continental Europe, and the US, your gene pool from which you can choose is the entire country to be ministers, whereas here we have 300-odd MPs on the government benches from which you can choose.” Everyone who has spoken to us has spoken of this diminishing gene pool as a constraint in government-forming. Did you find that when you were making a government?

**Sir John Major:** I did. I think it is not just the gene pool in the Commons, but the longer the government’s life exists, the more people have passed through being a minister, are no longer a minister, are unlikely to come back and the gene pool correspondingly reduces. When you have been there for 18 years or perhaps even 13 years, the number of people in the Commons who have passed through ministerial experience is significant, and the number of people available for the Prime Minister to select future ministers is correspondingly reduced. So I think there are the two aspects. Plainly, it would be desirable if we had a wider and more experienced intake into Parliament as a whole and specifically into the Commons, but also there is the secondary problem that with long-lived governments the gene pool automatically shrinks.

**Q154 Chairman:** So presumably you feel well disposed towards Gordon Brown’s experiment of a government of all the talents?

**Sir John Major:** I do, yes, I do. I think the idea of bringing in some people from outside is a very attractive idea. I do not think it should be over-done, and plainly some of those brought in are going to be a success, have been a success I think, and others perhaps less so, but that is true of all ministers and all political careers. So I have no objection to it, I think it is the right thing to do and I can quite see after many years in government why the Prime Minister is attracted to bringing people in. I think that is the right thing to do although it does raise some obvious questions of accountability and other matters which I have no doubt we will come to.

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**Q155 Chairman:** As Prime Minister, is not your self-interest to get as many people as possible on the payroll, because that is the basic control mechanism of government, is it not?

**Sir John Major:** Well, it ought not to be. The payroll is too big and ought to be reduced. I think there are some fairly evident reforms which could be made to Standing Orders, should be made to Standing Orders, which will enable the payroll vote to be significantly reduced. Let me offer you several thoughts about that. Firstly, I see no reason whatsoever why we should not change Standing Orders in the Lords and Standing Orders in the Commons so that senior ministers may appear in both Houses, speak in both Houses, answer questions in both Houses, but only vote in the House to which they are a member. If you did that you would automatically diminish the number of duplicated ministers which are at present necessary to make sure that both Houses have a proper representation. It is fairly insulting in some ways to the House of Lords to have a Cabinet minister, or even a minister of state, in the Commons who actually is responsible for legislation pass on a second-hand brief to a junior minister in the Lords who then has to address the Lords, having mugged it up the night before he makes his speech. I do not think that is good government. If you made that reform you could significantly reduce the number of junior ministers, I am not quite sure how much but I think you could certainly reduce the overall size of government by between a quarter and a third. The second change I think which is necessary to diminish the payroll vote, the size of which is a constitutional outrage, would be to restrict parliamentary private secretaries to senior ministers and not have a parliamentary private secretary to every minister, whatever his responsibilities however senior or however lowly. Personally, I would restrict PPSs to Cabinet ministers. I think if you did that, you could significantly reduce the size of the payroll vote. In terms of democratic accountability in the Commons, I think that would be very attractive. The counterpoint is, if you are doing that, I do think you have to open alternative opportunities for Members and an alternative career path for Members, and I think there are ways in which you can do that.

**Q156 Chairman:** Finally on one of those points, if you simply reduce the number of Members of Parliament, which is what the Conservative proposal is at the moment, that would make the problem worse rather than better, would it not, because you would have diminished the gene pool even further and the balance between the payroll and the rest of the numbers would be even worse?

**Sir John Major:** That rather depends on how much you reduce the payroll. The overall size of the Commons has drifted upwards over recent years with each successive Boundary Commission—I think it is too high at the moment—and if you did reduce the size of the Commons, maybe you would attract a higher quality of future aspirants to be there. You are quite right, of course, if you diminish the size of the Commons and do not reduce the size

of the Government, then you alter that equation. At the moment, in a government party broadly you have a 1:4 chance of being a minister at any time, and that is much too high a proportion, I think, not least because it diminishes the accountability of the Government to the Commons for precisely the reason you raise, the sheer size of the payroll vote.

**Chairman:** I am sure we will come back to that.

**Q157 Mr Prentice:** My first question I suppose is, did you always appoint ministers on merit or were there other considerations?

**Sir John Major:** There were other considerations. Of course merit was the first consideration but there were other considerations as well, and they may vary dependent upon the size of the majority you have. I had, as you will well recall, Gordon, a very tiny majority, at times effectively we were a minority government, and it was necessary to keep a political balance within the party, so I had to look at a political balance as well as straightforward merit. To take matters to absurdity, you might on pure merit have had all the merit on one particular philosophical part of your party but it would have been absurd to appoint every minister from that part; you simply could not have carried on a government that way. So merit is the first point but I think you need a proper balance in Parliament of ministers as well.

**Q158 Mr Prentice:** But all this talk about appointing on competence is just moonshine, is it not, because the reality of politics meant that you and your predecessors would very often appoint ‘one of us’, a political soul mate rather than a member of the opposition in the party, one of the “bastards”, to quote.

**Sir John Major:** Hardly a soul mate.

**Q159 Mr Prentice:** I am just wondering if the politics of it all crowds out and makes redundant this noble idea of bringing into government people who stand head and shoulders above their colleagues and are super-competent.

**Sir John Major:** I do not think it is quite as clear cut as that. Self-evidently, for the reason you yourself alluded to, I did not appoint solely people who were entirely philosophically congenial; my life might have been a good deal easier had I chosen to do so but I chose to strike a wider balance. I think your point would be absolutely right if you over-did the number of external appointments, but I think it is desirable to bring in people who have a particular talent to government where there is a shortfall in that talent in the Commons. If you compare the House of Commons today with, say, 30, 40 years ago, where are the businessmen, the farmers, the soldiers? There is a different structure. Politics has changed, not just in one party but in all parties, it has changed, and I do not disparage the role of someone who is a professional politician at all, it is the question of whether you have the right mixture in the House of Commons. That is why I am keen to see a wider and sometimes more experienced spread of intake. Sometimes it is desirable to bring in people who have

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a particular gift to government, either in the Commons, which is much more difficult to do, or indeed in the Lords in the way the present Prime Minister has done.

**Mr Prentice:** The present Prime Minister brought in Alan Sugar who has huge business experience, and we read in the *Telegraph* yesterday, that Alan Sugar might quit as Enterprise Tsar. He said, “Too much negative stuff is really unhelpful. I may decide it is simply not worth it when you are giving your time free of charge for no agenda. What am I going to get out of it?”

**Mr Walker:** A peerage.

**Q160 Mr Prentice:** Then he goes on to say, “I have not got my titles for the sake of a badge.” He obviously feels he can contribute something. But there is a man who is obviously wounded by the criticism and that is an issue, is it not? You would bring people into politics and they just cannot take it.

**Sir John Major:** There are many people who have come into politics who I think have made a significant contribution. If you look at the present Government, without going further back, I would argue Lord Darzi was a success, I think I would argue that Lord Adonis is a success—was in education, is at transport. I think Lord Davies, Mervyn Davies, is proving to be a success. So these are people with a particular experience who I think have enhanced the ability of government to deal with problems. Of course you cannot take that too far and, as I said earlier, some appointments will be more successful than others, and everyone will have their own judgments about that. I would rate those three a particular success and I think there are others. Those who are not a success perhaps will leave government fairly speedily, others will not. Personally, I would change the system of appointment. If I were appointing Mr X to the House of Lords to be a minister, I would like a constitutional change, if we put him in the Lords, which gave him a peerage for the period of that Parliament and then when he left government that peerage would fall away in terms of legislation. He could keep the title, I have no objection to him continuing to be Lord X, but I think he would lose his legislative position when he left government. If the party to whom he adhered wished to put him back in the House of Lords, then let them later put him on a working peers list. I have no objection to that, but I think the automaticity of coming into the Lords, becoming a peer, serving for five minutes and retaining membership of the House of Lords is something I would look at and change.

**Q161 Chairman:** The proposal you made in *The Times* though, with Douglas Hurd, was even more radical, was it not? It was that some such person would not even need to be in the Lords at all, you said there should be a percentage of these people who can just be appointed?

**Sir John Major:** We advocated that as well. We set out a series of things. We were thinking more of the Commons than the Lords when we actually wrote

that. In terms of the Lords, if you wish to put people in, you can, and providing you do not offer them the peerage for life then I think it is proper to give them the peerage for the period in which they serve in the Government and let them be fully-fledged members of the House of Lords during their period there. What we were looking at was there might be very exceptional circumstances in the Commons where, because of the particular skill, the Commons would require that particular minister to be within the House of Commons so they are directly answerable to the House of Commons, though under my proposals of course even if they were in the Lords they could be brought to the Commons to be answerable. That was where we were being a little more radical and trailing our coat and suggesting there might be a small number of unelected ministers who would serve also in the Commons for the period of their time in government. If you did that of course, let us pre-suppose the Prime Minister of the day brought in five unelected people—no, three, five is perhaps over-doing it I think—three unelected people to serve in the Commons as ministers, I think the inevitable consequence of that is there would have to be three unelected additions to the Opposition as well as to the governing party, but that is not our preferred option. But we do think that is something which conceivably should be open to a Prime Minister.

**Q162 Mr Walker:** I was going to call you “Prime Minister”. I almost stood when you came in. Sir John, it does really sound like serious consideration should be given to a separation of powers. I am a legislator, I have no real management ability, I think the idea of me running a department is probably quite laughable, or even part of a department. Why can we not start biting the bullet on this and perhaps accept we need to have a debate about the separation of powers, so you have people in Parliament who represent their constituents, scrutinise government and hold it to account, and then we have people drawn from the best and the brightest out there being ministers, or whatever you want to call them, and when they cease being a minister they retire back to public life with no title, just the pleasure of having served their country?

**Sir John Major:** Well, you could do that. Constitutionally it would be an enormous change and I think it would lose something, because although today we are concentrating on bringing in experience to help politics, I do not think people should under-estimate the importance of a political skill in running a huge department and presenting a policy. I think I would argue someone who is a professional politician, who has served in the House of Commons and learned the arts of politics, is often going to present policy far more effectively than somebody who has just been brought in from outside. I see the argument for the separation of powers, it is there, but it is not a route down which I would myself wish to go, I think it is too big a constitutional change and I would not do that. Although it is very fashionable these days to disparage politics and politicians, I think it would be

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a great loss were we to lose the ability of people going through the political system serving as ministers directly and representing policy. I also think it would be slightly less democratic, noticeably less democratic, than the system we have at present.

**Q163 Mr Walker:** You mention the role of the backbencher. Being called a backbencher now is a term of derision and I do not think it should be a term of derision. You said there should be a career structure for backbenchers which is more robust than the one we currently have in place. We currently have select committees, you can be chairman of standing committees, but what other additions could we make to the House which would allow someone to have a rewarding career as a parliamentarian as opposed to being judged on whether or not they held ministerial office?

**Sir John Major:** If I may say something for the moment in defence of backbenchers. A really good backbencher is often the grit in the oyster; Tam Dalyell perhaps. He would often hold eccentric views but he was an extraordinarily able and good backbencher and suddenly apt to fire at ministers the most devastating question of all, and that is, "Why?" I remember him standing up in the House of Commons in response to an answer from a minister and just saying, "Why?" and it was brilliant. So I do not think one should permit people to disparage the role of the backbencher, I think it is extremely important, and there are people who philosophically wish to be backbenchers, represent their constituents, argue their case, do not have ambition, do not believe they have a field marshal's baton in their knapsack, and it is very important that Parliament has a considerable number of them. So I support the role of the backbencher. What I do think we ought to do, the point I was getting at, and it is not a million miles away from this Select Committee, if you look at select committees, they were an innovation introduced by Norman St John-Stevias 30-odd years ago, I think they have been pretty successful, I think they could be more successful and I return to my concern about holding the government to account. In terms of a career structure, the sort of thing I have in mind and no doubt this Committee or at least its Chairman would agree with it, I think we should change the status of select committees. I would pay select committee chairmen at the rate of a senior minister, a minister of state at least, and the Chairman of the Accounts Committee perhaps at the rate of a Cabinet minister. I would pay the vice-chairman of the committee as well. I do not know whether there are allowances now for committee members but I would give them. I would give them more work to do. I would have them elected by the House, not appointed by the usual channels. I think that would be a significant improvement. So paid, elected by the usual channels to give them more independence than they have previously had. Then I would look at the work they do. One thing which I think could be done and should be done is quite a constitutional change but well worthwhile. At the moment, governments produce a one year parliamentary programme but

they have a five-year manifesto. I see no reason why governments could not announce a parliamentary programme which spread over a good deal longer than a year so that Green Papers could be produced on the proposed legislation, the select committees would take on the role of examining those Green Papers, taking public evidence and advising upon that legislation, before the legislation comes to be drafted. I think if you did that, you would get much better legislation. I think it would be quite a rewarding thing to do. Bring in the experts on health and cross-examine them, bring in the chief constables and examine them on the annual Criminal Justice Bill. I think that would be a good idea for this reason: too often in the last few years large parts of Bills have either not been debated or have been inadequately debated, and you see a few years down the road that those parts of the Bills have often not been brought into operation and then in the subsequent Bill they are quietly repealed without ever having been brought into operation. That is very amateurish. That is not the way to run a wheel stall, let alone one of the oldest parliaments in the world. If you looked at your legislation more on a parliamentary basis than on an annual basis and gave the select committees this additional role, it would be a good deal more work for the select committees, and I am entirely content for them to be paid for the extra work they do because I think the reward would be better legislation, and if you want Parliament to be effective, efficient and well regarded, it needs to produce legislation which works and is seen to be effective and is seen to be properly democratically examined. I am not personally convinced at the moment it is. So those are the sort of changes I have in mind.

**Q164 Mr Walker:** So would you agree that we need people who are ambitious for Parliament, not just ambitious to get ahead in the executive, but in the way you are ambitious for Parliament, people who come here—able, bright people, far brighter than I am—who are ambitious for Parliament and want to make their mark within Parliament?

**Sir John Major:** Emphatically, I would, yes. I do think you need people ambitious for Parliament. If you have a Parliament in which every member has as his primary ambition to be Prime Minister or a minister, you do not have a Parliament which will hold the government to account. You need people of an independent strand of mind. One of the advantages of bringing in older people is that the career structure through the select committees would be particularly attractive, and they would be particularly experienced, though of course that raises wider questions of getting them selected and adopted as we all understand, but if they were there I think it would be better for Parliament and I think we should encourage that. In terms of standing committees, you might look at similar reforms but I think it is less evident how you do that than it is with select committees.

**Q165 Paul Flynn:** Very good to see you back here, John.

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*Sir John Major:* Thank you, Paul.

**Q166 Paul Flynn:** One of your early ambitions as Prime Minister was a very laudable one, which was to take the yah-boo out of Prime Minister's Questions. You suggested this and, in a spirit of co-operation, in your first fortnight as Prime Minister I had the luck to have a Question drawn and I sent every word I was going to ask in that Question, stripped of adjectives and on a serious subject, to 10 Downing Street, and when I asked the Question your reply was described in a *Times* editorial as a "typical Civil Service brief with a party political sting in the tale". I had not given my "yah" but you gave your "boo". Within a month, Prime Minister Questions had gone back to what it always was. Is it not likely, that because the system is favourable to the Prime Minister of the day and the party political of the day, it is very, very difficult to institute reforms particularly when they are sabotaged by what in this case was the person who started it all?

*Sir John Major:* Well, one man's boo is another man's cheer. Surprisingly, Paul, I do not remember that incident 19 years on; I am sorry not to have an absolute total recollection of it. I am surprised if I responded in that way because I recall for some months both Neil Kinnock and I at the outset tried to take some of the heat out of Prime Minister's Questions. He did too and I have always paid great credit to him for doing that. Eventually, as you say, the system forced us back into it. It was decreed by those who write about these things that it was becoming deathly boring, the backbenchers became restive, they needed a little blood at Prime Minister's Question Time, and so things did drift back. Prime Minister's Questions is a thing apart. I think all of us who have been in Parliament know it is a unique few minutes each week and the rest of Parliament is not generally like Prime Minister's Questions, for which in the interests of good government I think most of us would give a hearty cheer and not a boo. So if I did not treat your question with the importance it deserved, I offer you an apology 19 years later, but I cannot entirely remember the incident.

**Q167 Paul Flynn:** One of the things that many of us find distressing about the political reality of life today is this subservience of governments and oppositions particularly to the red top daily newspapers. You had your problems with *The Sun*, have you been sickened in the last 24 hours by *The Sun's* attack on the Prime Minister?

*Sir John Major:* I did not particularly have my problems with *The Sun*, I had my problems with everybody! Let us not understate this. You may or may not accept this, but some time ago I had the self-denying ordinance that I no longer buy the morning newspapers, so I do not really feel in a position to comment on them.

**Q168 Paul Flynn:** You are happy about what I can only perceive as the press deteriorating? I can recall the editor of *The Sun* threatening to dump something on your desk at one time.

*Sir John Major:* Yes, I read about that, I do not ever recall it happening but I have read about that. The press exist and there is nothing whatever you can do about it. I advise everyone to understand that very early in their political career. There is not a great deal you can do about it, just concentrate on what needs to be done and get on. I am not sure I always handled that extremely well, probably I did not, but that is ancient history, and with experience perhaps comes a wisdom about it. I just advise people to carry on doing what they think is right. Speaking about what is right, they may in the short term have an extremely difficult time of it, but I think over a period if you stick to what it is you believe and continue to advocate it, even if people disagree with it, they will admire you for the way you stick to what you say. You and I can both think of parliamentary mavericks who have done exactly that over the last few years and been very valuable.

**Q169 Paul Flynn:** Why did you not follow your own advice about getting talented and experienced people in the Lords by going into the Lords yourself?

*Sir John Major:* I have never ruled that out but I think it is a matter of personal preference. I think if you are going to go in the Lords, for me I thought, "Am I going to be able to make a significant contribution and be there as frequently as I would wish." The truth is, there were so many things I did outside the House of Lords that I wished to do. In politics, most of the rest of your life is extinguished if you become a senior minister, that was my fate. I am very proud to have done the job but that was my fate for a very long time and when I finished with politics I thought a sabbatical from it was a very good idea, and I have continued to take the sabbatical. At the moment, for example, I am abroad between five and six months of the year. Very useful, because it gives me a perspective of this country from the Far East, from Africa, from Latin America, from America, from Eastern Europe, but if you are abroad five months of the year, I am not entirely sure you are going to make the contribution to the House of Lords that you would wish.

**Paul Flynn:** Thank you very much.

**Q170 Paul Rowen:** Sir John, you had five Cabinet reshuffles in your seven years as Prime Minister, what would it be like under your system and how do you avoid having that number of reshuffles?

*Sir John Major:* I think there were too many reshuffles. We were passing through a period in probably the 1970s, 1980s and the 1990s, in which an annual reshuffle became an event rather like Christmas and Easter. I think in some ways the present Government have been wise to leave ministers in place in many cases for longer. Certain senior ministers have served in positions for a very long time and I think that is attractive. It is not universally true, the number of Defence Ministers we have had and Prisons Ministers we have had, have been far more than is wise I think over recent years, but in other positions ministers have served longer. So I think the implicit criticism in your question is justified. I do not think you should

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automatically assume there is going to be an annual reshuffle and, where you have someone who is good at the job, it is more in the interests of good government to let them continue to do that job than to go through the old maxim of “Onward and upward, this minister is talented.” So fewer reshuffles would probably lead to ministers more in command of their departments and better legislation. I think that is right.

**Q171 Paul Rowen:** Is not part of the reason you had so many reshuffles and we have had so many in the last couple of years is events, which you do not control?

**Sir John Major:** I have observed that. I remember not being in control of events. Yes, it is part of the reason, but it is not the only reason. There was a tendency to have an annual reshuffle. Events are going to be the same whether X is the minister or Y is the minister. The reshuffle may be brought about because the event had wrecked X’s capacity to continue, that of course may be the case and you may need a mini-reshuffle in that department, but it does not have to be more general.

**Q172 Paul Rowen:** Do not Prime Ministers use the reshuffle as a way of hanging on to power? Certainly Tony Blair in his last few months reshuffled twice. Is that not one of the tactics which you as a Prime Minister used?

**Sir John Major:** No, actually it is not. No, it certainly was not. I am not sure what Tony Blair did or how his reshuffle would have helped him. It seemed to me he had a fairly secure majority, so he certainly was not minded to—

**Q173 Paul Rowen:** There were the Brownites and the Blairs and the people who were baying for his blood.

**Sir John Major:** I am shocked that you suggest there was a difference between the then Prime Minister and the then Chancellor. I did not observe it at close quarters and I think I would prefer not to comment on it.

**Q174 Paul Rowen:** Your majority, as you said earlier, was very small, given the proposals you have actually put forward in the article in *The Times*, fewer ministers, less power of patronage, how would you in that circumstance have been able to command a majority to get your programme through?

**Sir John Major:** It is always difficult if you have a small majority and it perhaps would have been marginally more difficult if we had had a lower payroll vote, it probably would, but the important point is not whether it is convenient for any Prime Minister or any government but whether it is right for Parliament to have a better democratic structure. I think it is. I can speak now, having been through the system and observed it from outside. Whether I would have taken that view at the time I was in power is a more questionable point, I cannot go back and tell you, but if I now look at what Charles

Walker called the interests of Parliament, then I think it is the right thing for Parliament to do in the future.

**Q175 Paul Rowen:** Finally, Sir John, how do we restore public confidence in politics?

**Sir John Major:** When there are great crises there is a huge clamour, but as those crises begin to be solved and as things begin to be put right, I think you do see confidence rising in Parliament, so it is important that that happens. If the crisis deepens and worsens and spirals out of control, then that confidence does not reappear. But the first thing is not gimmicks, I do not think you can restore the status of Parliament with gimmicks. I do think you can restore it with solid, sensible policy, and the proposals I have made this morning are because I believe they would contribute to solid, sensible policy and I think you need to see that over a period of years. I think if you did, it would have its impact on public perceptions.

**Q176 Chairman:** Sir John, you had an interesting phrase, you said, “In this age of freakish government majorities”.

**Sir John Major:** Yes.

**Q177 Chairman:** You did not have a freakish government majority, although you had some freaks behind you as I remember, but is not the remedy for that to think about the cause of the freakishness rather than to deal with some of the other things?

**Sir John Major:** Well, it is a remedy. I do not think the freakish majority takes away from any of the other proposals I would make, which are made more pertinent by the freakish majority but which I think are desirable in themselves. What I meant by freakish majority is that probably the 1979 result reflected the overall vote in a first-past-the-post system; 1983 did not; 1987 did not; actually 1992 did not because on the basis of the plurality of votes in 1992 the then Conservative Government should have had a majority of 70 and not 21. We did of course have a majority of 21 with rather more than 21 who were dissatisfied with many of our policies, so we were a minority government on some issues even before the majority began to fall. Then in 1997 you had a freakish result again. It is odd, and people tend not to remember it, but in 1987 or 1983—I forget which—the Labour Party got 27% of the vote and 240-odd seats, in 1997 the Conservatives got between 31 and 32%, 3 or 4% more votes, but 70 fewer seats. That is what I meant by freakish majorities. At the last election, with a vote percentage which was, I do not know, 35, 36%, a very significant working majority was again delivered to the government of the day. I think the problem lies essentially in the remit given to the Boundary Commissions which are still producing distorted results. That is a matter which Parliament can put right. You could look at the voting system but that has other disadvantages if you move to proportional representation. Proportional representation might be seen as more democratic and fair in terms of a direct number of members for the proportion of the votes cast, but I think it does



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have other disadvantages in producing perpetual coalition or minority governments. So I would not go down that route, but I do think you need to look at the maldistribution of the present electoral system in terms of the relative size of constituencies.

**Q178 Chairman:** You have been quite radical in much of what you are saying to us, I am trying to entice you to be radical on this one too. As you well know, if you go back to the post-war period, the two major parties were getting over 90% of the vote between them, now that is down to 50% or something. The context in which politics happens has changed completely and yet we still have an electoral system which delivers the freakish results you describe. So is not the fact in the outside world the way people behave politically has just changed fundamentally and that, not the essential rights or wrongs of the system, causes us to go back and look at it?

**Sir John Major:** I think the world has changed and we now do have more regional parties, we have some single issue parties which have not really got into Parliament yet but could, and we have a much lower proportionate level of support for each of the two major parties. That is undoubtedly true. I think before you make any more radical changes we really ought to look at the disposition of the boundaries; I would not go beyond that at this stage.

**Q179 David Heyes:** One of the consequences of reducing the number of constituencies dramatically would be an increase in constituency workload for Members, and that is a massive part of the job, rightly or wrongly, for most MPs nowadays, and there is a certain routine—some may even say drudgery—about that. How does that sit with wanting to widen the pool of talent in the Commons? You make the job less attractive if you create fewer opportunities for people to go into, and at the same time you are bringing in talent from outside which might reduce the opportunity for preferment once you became a Member. There seem to be some real contradictions in here.

**Sir John Major:** You are quite right, there is an element of contradiction in reducing the number of Members because you increase the workload and distract them from the legislative responsibilities they have in the House of Commons; I think that is undoubtedly true. But I think you have to weigh that against the other advantages I see in a smaller House of Commons. I think you can partly deal with it if you have a proper back-up structure for Members of Parliament. I know it is not fantastically fashionable to talk about those sorts of things at this particular moment, but it is important that Members of Parliament have the right back-up structure to assist their constituents and support them in the work they are doing. I think it is unfortunate that one or two incidents have caused great difficulty with that. Yes, you are right, there is an element of contradiction. Nothing in this world is clean-cut and absolutely certain or it would have happened, so of course there are contradictions in changes and you have to take the course you think on balance is the best. The

course on balance which I think is best is a smaller number of Members. I am not talking about a hugely radical reduction, I would not go below 500 for example, so you would take out 150 maybe over two or three Parliaments. That would be the sort of thing I would have in mind. So there would be an increase in constituency workload but I would hope that could significantly be compensated by the degree of back-up given to the Members who are retained in the House.

**Q180 David Heyes:** I wonder how we would get to this better political world you paint for us. The reality is that no Prime Minister, no government in power, is going to yield the power which exists in the payroll vote, in the number of ministerial appointments available to him; is going to yield power to potentially troublesome select committees like this one. You did not do it when you had the chance, how is it going to be brought about, how are we going to achieve it?

**Sir John Major:** I think the answer to that question is because there is a general recognition amongst senior politicians and among every Member of Parliament that the reputation of the House of Commons has fallen and needs to be restored. One of the methods of restoring the House of Commons would be reforms of that sort. I hope it is not too starry-eyed to imagine there are still a lot of people in the House of Commons, to borrow Charles Walker's point, who are concerned about the reputation and nature of the House of Commons. I am sure you are. I think if that is the case, then you can have these reforms and see them implemented. I think they should be implemented. If we continue as we are, if the reputation of the House of Commons continues to fall, for whatever reason, then I think that is immensely damaging to almost every aspect of our way of life, and it needs to be reversed, and I think politicians know that. If that means some uncomfortable decisions for an incoming government or a continuing government, well so be it. That is a necessary change which I think they would be prepared to accept. You are quite right, I did not do it. I have not come here to plead there was some golden age in which every democratic reform which needed to be made was made by me. I am not saying that. What I am saying is that having had the experience of being in government and then seeing it from outside, I can now see more clearly than you can from within the Westminster/Whitehall circus the sort of changes which I think need to be made and which would be well received across the country.

**Q181 Julie Morgan:** Sir John, going back to your discussion with the Chairman, why would you be so much against coalition governments, particularly if that reflects how the public feel and voted?

**Sir John Major:** Only because I think it is more difficult to take really difficult, structural decisions. One point about politics at the moment is that the decisions government has to take are more complex and more difficult than the decisions we have had to take in the past. The easy things have been done, the difficult things remain to be done. If you have a

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coalition government, there is always the tendency that when something is very unpopular but necessary, if you try and put it through with a minority government, the third party or fourth party, whatever it may be, which supports that government may withdraw their support and the government may collapse. I think that does mean the really serious problems which need to be tackled—and there are going to be a lot of them over the next few years—are now and will probably not be taken because the government of the day would fear they could not get them through the House of Commons. The example I gave will not appeal particularly to many members of this Committee, but I very much doubt, whether you agree with them or disagree with them, that the trade union reforms of the 1980s could have been got through a Parliament in which a government did not have a majority. I doubt in future that some of the difficult decisions which may have to be taken about retirement age and things of that sort, would necessarily get through with a minority government, and everyone in this room can think of other examples like that. So I think the advantage of the government having a majority, particularly in terms of a crisis, is that it can actually do things which are unpopular but necessary, whereas I think with a minority government that is less likely to be the case unless you have a very mature series of opposition parties who will recognise the national interest and push aside the short-term political advantage of ousting the government.

**Q182 Chairman:** Your Government was a coalition, was it not?

**Sir John Major:** I did once say that, I believe. It was an unstructured comment caught on a microphone—not the only one of mine I recall. Certainly I did say that once, I think it was in Canada.

**Q183 Chairman:** Life would have been happier with a proper coalition, would it not?

**Sir John Major:** I doubt it. I doubt it, because a coalition partner would have demanded policies which I might not have liked, that my party might not have liked, and another set of difficulties I could have done without.

**Q184 Julie Morgan:** Going back to ministerial appointments, looking back at them with your experience and if you had brought people in from outside much more widely, looking back do you have any regrets that there were some you did not bring in or you should have appointed?

**Sir John Major:** It is difficult to re-invent the past looking back at this distance in time. I am sure at the time there were people who would have made a contribution, either in the Lords or the Commons. Looking back at this time, it would probably be invidious to name them but I am sure the answer is, yes, there would have been. I think also today, when the policy gets so much more complex, that is more so than it was then.

**Q185 Julie Morgan:** What about party allegiances? Do you think that if you bring in people from outside they should be of the party allegiance of the Government?

**Sir John Major:** I think they should commit themselves to collective responsibility, yes. It is a mistake that we politicians make that we believe everybody is a Conservative, a member of the Labour Party, a Liberal Democratic, or whatever, but the truth is for a lot of people who have no particularly strong political allegiance, more so these days than for a very long period of time, they vote for the party which they think might be the most competent and the most amenable; they are largely apolitical. I see no reason why people like that should not come into the Lords, but I do think they would need to commit themselves to the principle of collective responsibility in the House of Lords and not take a free ride by saying, “Yes, I will come into the House of Lords, yes I will support the Government when I think they are right, but I reserve the right to exercise my conscience in an awkward way whilst retaining my position if I think they are wrong.” I think you would get a chaotic situation then.

**Q186 Julie Morgan:** So you think it is possible for people to come in, completely apolitical and function successfully as a minister from outside?

**Sir John Major:** I do, yes I do. I can think, and do not ask me to name them because it would embarrass lots of people, of quite a few politicians over the 30 years I have been in the House of Commons or close to it, who might have served in more than one party and who were concerned about pragmatic, good government rather than ideology. So I do think it is possible, yes. Some of them have served in rather senior positions.

**Q187 Mr Prentice:** So we would have a government stuffed full of technocrats, with no ideological leaning really, but they would just kind of do the right thing?

**Sir John Major:** The words “stuffed full” are rather evocative. I do not remember, Gordon, saying “stuffed full”. I was thinking of the occasional people with particular skills. Do I think the government can survive with one or two people, or quite a few people, in it, who are not ideologues for their particular philosophy, most emphatically I do. Indeed I sometimes think government would be more effective if there were more pragmatists and fewer ideologues. There is a distinction I think between ideology and conviction, and I do think people need to have their convictions, but I do not think you need to have a government of ideologues, and some people who had no particular ideological bent but a pragmatic wish to serve and an intellectual and other capability to be of service, could be useful in government.

**Q188 Mr Prentice:** I am just wondering if the grit in the oyster you talked about earlier could end up as Prime Minister as you ended up? I have this quote in front of me, you talking about your own regrets, and

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you say, “I shall regret always that I found my own authentic voice in politics, I was too conservative, too conventional, too safe, too often, too defensive, too reactive, later too often on the back foot.” Just reading that quote and reflecting on it, it surprised me that you ended up where you did in Number 10, and I do not say that in an impertinent way at all.

**Sir John Major:** I was referring to my time in Number 10 rather than prior to that, and I do not move away from that quote at all. That was a reflective and I hope honest view, after the event, of how things might have been different. I do not want to traipse over the problems of the 1990s again, they were there, they have gone, we have moved on, but I think you have to learn from it. There is no point denying what the problems were, or not reflecting honestly upon them. The quote you produced just now is a perfectly fair reflection of what my view was some time after I left government.

**Q189 Mr Prentice:** Can I turn to the problems of 2009 because we had Ann Abraham in front of us, last week I think, talking about the Equitable Life saga, something which has been going on for years and years and years, and she bemoaned the fact that for “Parliament” you might read “Government” because of the strong whipping system, with MPs voting the party line instead of standing back and looking at the issue in the round and coming to their own conclusions about it. My question to you is this, would you like to see more free votes, not on peripheral matters but really quite big issues like Equitable Life? Is there a role for more free votes in this Parliament which you envisage?

**Sir John Major:** I think within limits, yes. I think within limits there are. I mean it is a problem, that if ever a government is defeated on a major issue technically it needs to resign. In practice I think there are occasions—and we do this in terms of things like embryology—where we have free votes on really important issues. I think there may be some other issues—I do not know whether this one would fall in that category—where it might be wise to let the House of Commons have its head without a whipping system; I would not object to that.

**Q190 Mr Prentice:** You were a previous Chancellor, a previous Chief Secretary, and you will be familiar—even though you spend so much time out of the country—with the history of Equitable Life. Do you think—looking at that issue in particular—there is a case for a free vote on something with the huge public expenditure ramifications that there could be?

**Sir John Major:** I did say I do not know whether I can comment on that particular issue. As it happens, I may know less about Equitable Life than you may imagine; I have not particularly studied it. One of the advantages of not being in politics any more is that I do not have to pretend to have an opinion upon everything I have not studied. If I have not studied it I can say I have not studied it and not have an opinion. So I will choose to do so on this particular occasion. I do think there may be a case for rather more free votes. I think the other thing that actually

is the flipside of this is, one of the problems it seems to me in government is that senior ministers, given the pressure of our political system—which is more pressurised than almost any in the world, I think—is they have very little thinking time. They do not have time to sit back and do blue skies thinking or reflect entirely afresh upon the policies to which their party is committed. They do not come and say, “I wonder whether that actually in retrospect is right”. There is an idea that existed some time ago, and I think it was originally invented by Michael Palliser of the Foreign Office; he had a policy planning staff in the Foreign Office that was a sort of antibody to departmental culture, and I think David Miliband may have revived it—I am not entirely sure about that—and that (to borrow the phrase of a few minutes earlier) was intended to be the “grit in the oyster”. That would be an ideal body for some of these outside experts to join. It would be quite refreshing to see a policy planning staff with the leeway to be counterintuitive within every department, so that you actually consistently get somebody within the department challenging what is being done with external help and asking: is this really right? We all know you can get caught in a tramline on policy and find it very difficult to move off it, and very little fresh thinking often is devoted to that policy. I think that sort of grit in every department would be an extremely helpful aid to policy; and it would be very useful to put policy advisers in it. We have tsars, we have envoys, we have advisers, we have political advisers, we have all sorts of things now—they are of mixed value some of them, I think—but a policy adviser attached to a unit like that with the freedom within the department to think the unthinkable and question the accepted wisdom I think would be a very useful addition to the making of good policy.

**Q191 Mr Prentice:** Is that not often the role of backbenchers? I remember Tony Blair when we won that famous victory in 1997, at the first meeting of the Parliamentary Labour Party, with his jacket off and his gleaming white shirt, saying to us, “Just remember *you* [that is Labour MPs] are our ambassadors, not our shop stewards”. I remember thinking at the time, “My, you’ve got that wrong. If we can’t tell where the Government is going off the rails no-one can”. I suppose my question is this: to what extent—

**Sir John Major:** How effective do you think that was in the next 10 years?

**Q192 Mr Prentice:** How? In keeping us quiet?

**Sir John Major:** I am sorry, I know I am here to answer questions and not ask them but I would be interested to know what you thought about that?

**Chairman:** The answer would differ as to whether you said five years or 10 years, I think.

**Q193 Mr Prentice:** My question is this: in most comparable democracies—and you mentioned Canada—Members of Parliament, whether it is the Liberal Party, the NDP, or the Conservatives, they meet together as a caucus and take a view on the big

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issues of the day; and it would be inconceivable in these comparable democracies for huge policy changes to be made because they are instructed by the leadership—which is what happens in Britain. Colleagues from Canada and Australia are just completely nonplussed when I tell them about the changes brought in by the Blair administration that were never even discussed or debated in the Parliamentary Labour Party. We never had a vote on going to war in Iraq—absolutely astonishing. Is there not a role for the parliamentary caucus—whether it is the 1922 Committee, the Parliamentary Labour Party or whatever?

**Sir John Major:** I cannot answer for the Parliamentary Labour Party. I can only say in the period that I was there if the 1922 Committee did not like a policy the Chairman of the 1922 Committee would be in to see the minister concerned or the Prime Minister pretty quickly or, more likely, in to see the Chief Whip, and the Chief Whip would be in to see the Prime Minister or the minister pretty quickly. If you do not carry your party with you on a policy then there are obviously turbulent times ahead. Of course there is a role for backbenchers—it would be absurd not to say there is—there has to be; but the whole thrust of what I was trying to say earlier was to try and put Parliament in a position where the executive is more challenged than it has been in the past. I absolutely agree with the thrust of your question and I think there are many ways of doing it, some of which I suggested.

**Q194 Chairman:** Can I return, as we come towards the end, to this question about the professional politician, because it is something that you picked up in what you said today and what you said in your article in *The Times*. We have heard a lot of it and it is obviously something that we, most of us, talk about as well. Lord Turnbull, a former Cabinet Secretary, when he came to us said, “There is a growing trend for people to come into politics more or less straight from university. They lick envelopes in Central Office, become a special adviser, on and on it goes, and by the time they are in their mid-30s they are Cabinet ministers, barely touching the sides of real life”. I think we can all recognise the people that he is talking about right across politics; but it is a funny thing, is it not, because there is no other area of life where we would not demand that the people who engage in it are not professional, and a sense of devoting their life to it; politics, we say, should be different. But I notice that in the article you wrote your argument was not that these people, the people with more experience of life rather than people that I just described, should not go into government, should not become Cabinet ministers—because you talked earlier on about the skills that you need to develop through a lifetime of activity to be good at it—you say in your piece that you think these people should come in and be backbenchers; they should be the “Why?” people. I see the logic of that *but*, if we go down that route, with politics in the House as frustrating as you have described it, and as we all know it to be, why on earth would such people want to be doing something like that?

**Sir John Major:** No, I was also talking about people coming into government, not just into the backbenches. If I failed to give you that impression let me try and correct it now. I do think there is a role to bring people into government. I would like to widen the intake into the House of Commons. I would certainly like to do that, although I understand the obvious difficulties of doing that, in getting people selected; but I do think there is a role in bringing people into government who are particularly talented.

**Q195 Chairman:** But your article with Douglas Hurd says, “We have in mind professionals who have succeeded in their chosen career and have years of energy and good health ahead of them, which they could use not as ministers but as backbenchers to control the government of their country”. That was your proposal?

**Sir John Major:** Yes, but not *instead* of being ministers. Of course, we were assuming that some of them might come in as ministers; I am not excluding that at all. We would like some of them to come in as backbenchers if we can—we certainly would. That is why I advocated an alternative career structure that would give more incentive for people like that to come in. Somebody coming into the House of Commons at over 50 is not realistically going to expect a ministerial career that is going to end up in Number 10, Number 11, the Foreign Office or the Home Office; they are not going to expect that; but they certainly could come in with experience and expect to be maybe Chairman of the Public Accounts Committee or the Public Administration Committee, have a senior place in Parliament and make a proper significant contribution to the way Parliament works. That was the point we were seeking to address in that particular sentence.

**Q196 Chairman:** Let me then try a different approach to it, which is: you have been pretty damning in your description of the febleness of Parliament now, but positive about the proposals that you have to do something about it; but is not the problem that we talk endlessly about the problem of the febleness of Parliament and the need to do something about it—and we talk about it especially now but it is not a new theme—but we have a system where the Government controls essentially the entire business of the House; reform could only come through a government deciding to change things and governments for very sensible reasons—their own reasons—do not?

**Sir John Major:** Governments respond to stimuli like everybody else; indeed, we might argue that governments respond too readily to stimuli too often. I think a good deal of that stimuli could well come from the sort of reports that committees like this can produce. That is why select committees are so important. I think they have to push at that door until it opens and—if governments do not like it—continue to make the argument. I am afraid I do not believe that we should have an elected dictatorship for five years, whatever its majority is. I simply do not believe that. I think that is simply not the

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democratic system that I find attractive. There should be many more stresses, many more balances; and if that is inconvenient for governments, well, it is inconvenient for governments and I think they have to live with it; but you are going to have to push them. I can make speeches about it outside; I can offer evidence to you; but you are going to have to push for it inside the House of Commons. You are going to have to say, "The present situation is unsatisfactory. We, the select committee, recommend that it is changed".

**Q197 Chairman:** We have been pushing—  
**Sir John Major:** Keep pushing!

**Q198 Chairman:**— almost fruitlessly for years; but the point is, the brute reality is, governments have no interest—no self-interest—in making life more uncomfortable for themselves.

**Sir John Major:** Hang on a moment, government had no interest in 1979 in introducing a select committee system, but they did. Why did they do that? They did that because they thought it was the right thing to do. Perhaps a similarly enlightened moment might come about in the future. When it does come about in the future, let us make sure the right ideas are in the ether so they can be adopted. I do not take the view that every government is automatically going to be so self-centred and so cynical that it will not try and produce a parliamentary system that will be more popular, more workable and more effective in the future.

**Q199 Kelvin Hopkins:** Are there not differences between governments? Between your government and the government that followed you immediately there were considerable differences in the attitude of the Prime Minister to opposition, the attitude to strong backbenchers and strong Cabinet ministers that—whom you seemed to readily accept—but were not popular with your successor.

**Sir John Major:** I am sorry, I missed the last part?

**Q200 Kelvin Hopkins:** That you accepted that strong backbenchers and strong ministers and a bit of challenge from time to time were understandably part of the system, but that this was not so under Tony Blair?

**Sir John Major:** I think that is a function of the size of the majority. It is thought somehow to be strong. If you have a big majority, it is very easy to be strong because your majority and your payroll vote is so large you can just ignore anything, even if it has total commonsense behind it; that is the position governments with large majorities get into. Governments without large majorities have to be more sensitive to the realities of political life. Whatever I may wish to do, if I could not have got it through the House of Commons I could not do it—that is the brute truth. Some of the things I wanted to do would have been very unpopular with many people here. For example, the Post Office—now the subject of great public interest—I would like to have privatised that in the early 1990s but I could not because the rightwing of my party, the populist

right, simply said, "They won't support it because you'll lose rural post offices" in their view; so we did not have a majority to do it. At the end of the day you may say, "That's very weak, you didn't do it", but it would have been folly to push ahead with something where you knew you were bound to be defeated. There is a distinct difference between a government with a large majority and a government with a small majority. It is not unrelated to that that I referred to the question of the freakish majorities that our system sometimes throws out.

**Q201 Paul Flynn:** A splendid select committee report in your time was one by the Select Committee on Transport with a Conservative Chairman and a majority of Conservative members who unanimously opposed the privatisation of the railways. You went ahead with it. What do you think of that?

**Sir John Major:** I do not think that select committee report preceded the privatisation of the railways.

**Q202 Paul Flynn:** It did.

**Sir John Major:** Which was in the manifesto and, in any event, I am bound to say I do not wish to argue about the railways unless you really wish to invite me back to do that.

**Q203 Paul Flynn:** But my point is—

**Sir John Major:** No, I understand your point, but the plain fact of the matter is I am not here to defend everything I did in 1992; but I *would* defend the privatisation of the railways, because I saw no other way in which we were going to get sufficient capital to produce a modern railway system; and a belief with government finances as they were, and certainly as they are, that without access to the private capital markets, there would be no new rolling stock, and no new improvements on the railways. We can argue about that all day but it is not what I am here for, but I think that is the reason.

**Q204 Paul Flynn:** The general point is, unless a government is committed to reform—the Labour Government is committed to freedom of information, it came back and bit the Government eventually—but I think the reform you will see from this is the redistribution of the boundaries and there will be a fairer electoral system but only because it will suit, if the Conservatives are elected, the interests of a Conservative Government. The depressing thing about this is—while we are all optimistic and we hope for reforms—the truth is that governments tend to all behave in the same way, which is in their own interests; and the future governments will introduce reforms but only if they accord with their own private interests.

**Sir John Major:** I am sorry you take quite such a cynical view of it. I do not agree with that view. I think governments are not entirely comprised of people who are so self-centred that they cannot see beyond their own party interest. I do not believe that to be true. It is a very fashionable view I know in many quarters, but I happen not to agree with that. I hope events will prove that I am right and you are mistaken.

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**Kelvin Hopkins:** If we go back to the gene pool of the House of Commons—which in the past was, I think, sufficient to produce strong governments, strong Cabinets, very good ministers—the gene pool has been diminished, has it not? How much do you think this has been diminished by the obsessive control of selections—at least by my party—to make sure that strong, big beasts do not get into Parliament so that you have a backbench stuffed full of compliant loyalists and special advisers slotted into safe seats?

**Chairman:** That is not directed at you!

**Q205 Kelvin Hopkins:** Does that not diminish Parliament?

**Sir John Major:** I think Parliament has been diminished by the lack of a broad intake. I can see a number of reasons—including the one you mentioned—why that intake has contracted. I think there are probably other reasons to do with parliamentary life that affect it as well. I think the concern one might have if one looks forward is: how attractive is it to come into Parliament if you are someone on an average income, who is married with two children, coming into the House of Commons for a marginal seat? If you look at the immediate and long-term interests of yourself and your family, is that necessarily an attractive option? I am not entirely sure at the moment that it is, for a range of reasons that go far beyond simple financial remuneration.

**Q206 Kelvin Hopkins:** Could I just follow that point, if I may. I do agree actually. When I was elected I was told by a member of my family, “I thought you were going to be a legislator, not a social worker”. The fact is that we have an enormous amount of constituency pressures—even if you have got a relatively good majority—and we have to be both a social worker and a socialite, to get round to as many functions as you possibly can. This is a very different

life from that which existed, say, 40 or 50 years ago, when Members of Parliament saw their role primarily—

**Sir John Major:** There are other changes as well in the work of Parliament and of ministers. I would guess that in the last 15–20 years membership of the European Union has meant a day and a half’s work a week for the Prime Minister over a year; it has increased the workload absolutely enormously. You are quite right; there is a great deal of work in terms of social work rather than political work for the constituency Member. A point I should perhaps have made I think to David Heyes when he asked me about that, I have some experience of what more work would be with a larger constituency. I had a constituency that I do not think hardly ever fell below 90,000, and may at one stage have got up to 100,000, during the years in which I was in Parliament; so I am fully aware of the extent of constituency commitment—although I fancy it has increased in the days of the internet, text messages and everything else. I think it is probably rather different than it was when I was there, and I would happily concede that.

**Q207 Chairman:** We have had a very wide-ranging discussion, which I think we ought to bring to a close. Paul, rather disobligingly, reminded you of a question that he asked you years ago. Could I say, I asked you a question years ago and Matthew Parris, sketch writing in *The Times*, reported it as me having asked a sensible question and you having answered giving a sensible answer. He went on to say this was a kind of glimmer of what Prime Minister’s Questions could be, although it would be dreadfully dull! My memories of it are different from Paul’s. You have been very, very open and refreshing and frank with us and we, I think, have benefited hugely from the reflections that you have given us. We are very, very grateful to you for coming along and helping us in the way that you have. Thank you.

**Sir John Major:** Thank you very much, Chairman. I enjoyed meeting you all. Thank you.

# Written evidence

## Memorandum from Sir Gus O'Donnell KCB, Secretary to the Cabinet and Head of the Home Civil Service

During my evidence to the Committee on 29 October, I agreed to provide you with a list of individuals appointed by the Government who are commonly known as Tsars, Envoys, Champions or Ambassadors, providing advice or championing Government policies. These are generally unpaid appointments although the individuals are able to claim reasonable expenses.

I attach a current list of such appointments.

Please note the list does not include details of individuals who have been appointed to NDPBs, task forces, *ad-hoc* advisory groups or those who have been appointed to conduct short term reviews. We have also not included details of other individuals who provide independent advice and have been appointed on a contract basis and receive a salary.

I hope the Committee find this useful.

### GOVERNMENT APPOINTED TSARS, ENVOYS, CHAMPIONS AND AMBASSADORS<sup>1</sup>

<i>Department</i>	<i>Name/Post</i>	<i>Date of appointment</i>
BIS	Lord Sugar—Enterprise Champion	June 2009
	Martha Lane Fox—Champion for Digital Inclusion	June 2009
Cabinet Office	Rt Hon Anne McGuire MP—Cabinet Office Advisor on Third Sector Innovation	November 2008
	Dame Stephanie Shirley—Government's Giving & Philanthropy Ambassador	May 2009
	Tim Berners-Lee—Prime Minister's Information Adviser	June 2009
	Nigel Shadbolt—Prime Minister's Information Adviser	June 2009
	Lord Stevens—Prime Minister's International Security Adviser	June 2007
DCSF	Howard Goodall—National Singing Ambassador	January 2007
DCMS	Sir Steve Redgrave—Sports Legacy Champion	October 2009
	Richard Caborn MP—Prime Minister's World Cup Ambassador	June 2007
	Wayne MacGregor—National Youth Dance Champion	April 2008
DECC	Rt Hon Malcolm Wicks MP—Prime Minister's Special Representative on International Energy	October 2008
	Mark Lazarowicz—Prime Minister's Special Representative on Carbon Trading	October 2008
FCO	Ann Clwyd MP—Prime Minister's Special Envoy on Human Rights in Iraq	May 2003
	Baroness Williams—Prime Minister's Adviser on Nuclear Proliferation	July 2007
	Rt Hon Jack McConnell MSP—Prime Minister's Special Representative for Conflict Resolution Mechanisms	October 2008
	Ian McCartney MP—UK Commissioner General, Shanghai Expo	September 2007
	Rt Hon Des Browne MP—Prime Minister's Special Envoy for Sri Lanka	February 2009
Government Equalities Office	Dame Joan Bakewell—Voice of Older People	November 2008

<i>Department</i>	<i>Name/Post</i>	<i>Date of appointment</i>
Department of Health <sup>2</sup>	Sir Michael Parkinson—Ambassador, Dignity in Care	May 2008
	Rod Aldridge—Chair, Dance Champions Group (Group also includes Arlene Phillips who was appointed June 2009)	May 2009
	Lord Darzi—Health & Life Sciences Ambassador (working with BIS)	July 2009
Home Office	Richard Taylor—Special Envoy on tackling youth violence and knife crime	February 2009
Ministry of Justice	Sara Payne—Victims Champion	January 2009

<sup>1</sup> The List does not include details of individuals who have been appointed to NDPBs, task forces, *ad-hoc* advisory groups or those have been appointed to conduct short term reviews. Other individuals who provide independent advice and have been appointed on a contract basis and receive a salary are not included on this list.

Individuals are able to claim reasonable expenses associated with their role. They may have use of office space in the relevant government department and access to support as necessary.

<sup>2</sup> The Department of Health has also appointed national clinical directors to oversee the implementation of a national service framework (NSF) or major clinical or service strategy, details of which can be found at <http://www.dh.gov.uk/en/Aboutus/MinistersandDepartmentLeaders/Nationalclinicaldirectors/index.htm>

December 2009

### Memorandum from Professor Martin Smith, Department of Politics, University of Sheffield

#### SUMMARY OF KEY POINTS

- There has been an explosion of “Tsars” in British Government.
- There is no single definition of the role of a Tsar and they carry out very different functions.
- There are no clear mechanisms of appointment or accountability.
- Formally, Tsars do not exist within the British Constitutional framework.
- It is difficult to distinguish Tsars from special advisors or external Ministerial appointments.
- The most systematic use of Tsars has been with in the Department of Health but even here there is little clarity about their roles, the methods of appointment, or the lines of accountability.
- There is a need to formalise both the role of Tsars and the processes of appointment in a way that has occurred with special advisors.
- There needs to be a named official within the Cabinet Office who has responsibility for the management of Tsars.

#### INTRODUCTION

The role of Tsars has developed in an *ad hoc* way since the initial appointments of the Tsars of Homelessness and Drugs in 1997 and 1998. There is no extant government documentation which defines the nature and role of Tsars or explicitly lays out the rules of appointment. Indeed, it appears that Tsars is an informal rather than formal categorisation within British Government. According to Lord Falconer in 2000:

The only civil servant with the official title of “Envoy” or “Czar” is Alex Allan, the e-envoy. He has a remit to drive forward e-commerce policy in the United Kingdom and to represent the UK’s e-commerce interests internationally. (*Hansard*, 20 April 2000).

#### THE NATURE AND ROLE OF TSARS

Those referred to as Tsars seem to have some common characteristics. They are appointed by Ministers, although there does not seem to be an explicit process. Second, their role appears to be as innovators who are responsible for the delivery of government policy through the coordinating and inspiring of a range of actors. In many cases they were created to deal with particularly intractable problems (and copying developments in the US that focussed on pulling different agencies together). However, the other Tsars appear to have little clear logic. Some such as the rail Tsar have an official institutional position (Director General of Rail National Networks) whether others such as the Ageing Tsar seem to be almost honorary or media positions with little institutional relationship to government. What is interesting about these appointments is that they were and are direct appointments and they have often involved the Prime Minister



directly in the appointment. Consequently, Tsars often have dual lines of responsibility one to their home department and another to the Prime Minister. As the rural affairs Tsar, Stuart Burgess, told a Select Committee:

The access that I do have to the Prime Minister is both formal and informal: formal in terms of writing a Rural Advocate's report annually to him and presenting it to him and having a conversation about the major issues, but also more informal contacts wherever possible to meet with him, like at the party conference where I told him I was going up to Cumbria to visit the hill farmers. It was an opportunity for me to directly report. The great opportunity is actually to see that and report back to the Prime Minister directly (Environment, Food and Rural Affairs Select Committee, 2007–08).

Consequently Tsars can be seen as part of a wider process of change within the structures of the central government. First, along with institutions such as the Prime Ministers Delivery Unit they are becoming part of a process of increasing Prime Ministerial policy capacity and the ability to intervene in departments. Second, it can be seen as part of a process of re-defining the role of civil servants in the policy process. Tsars create alternative sources of policy advice and moreover they are political with a small "p" in the sense that they are directly appointed. Unlike civil servants, they are not morally neutral; they have an explicit function to achieve particular government objectives. Consequently, we can see the development of Tsars as a response to wider changes in the process of government in relation to pluralizing policy advice and increasing the policy capacity of the centre. In this sense Tsars are part of a process of wider changes in the nature of governance.

In many ways they blur the lines between traditional civil servants, political advisors and expert advisors in the role of Tsars. For example, Louise Casey is formally appointed as a civil servant but has had a number positions which the media have referred to as Tsar positions, homelessness, respect and now crime. In many ways these are formal civil servant positions but Casey has often acted without neutrality (being associated with a particular policy that she has created and has been identified with her and acting without anonymity often speaking on issues in an overtly political, not ideological, way). Others, such as Alan Sugar have a role that is much more about publicity and galvanising various groups and interests. It is difficult to distinguish between those like Alan Sugar and other such as Baroness Shitri Vadera who have been appointed to ministerial positions by the Prime Minister directly from Business, without working through the party system or a traditional ministerial career. Baroness Vadera was one of several Ministers who were appointed from outside and is not clear why their role is formalised as a Minister rather than Tsar. The blurring of lines is part of a wider process of dissatisfaction with the policy role of officials and the failure of the traditional machinery of government (such as the Cabinet Office) to coordinate policy. It also suggests a shifting in definition of ministers, advisors and civil servants. Indeed, it is almost impossible to find a list of the Tsars that exist in government (see Table 1 for an indication of some of the Tsars) and there does not seem to be anyone within the Cabinet Office who has responsibility for the regulation of Tsars.

**Table 1**  
NON-HEALTH TSARS

<i>Area</i>	<i>Tsar</i>	<i>Responsible Department</i>	<i>Appointment</i>
Crime	Rod Morgan Graham Robb Louise Casey	Home Office	2009
Behaviour	Sir Alan Steer	DIUS	2008
Respect	Louise Casey	Home Office	2006–08
Drugs	Keith Hellawell	Home Office/Prime Minister	1998–2002
Homelessness	Louise Casey	Home Office	1997–2000
Rural Affairs	Lord Haskins Stuart Burgess	DEFRA	2001–02
Rail	Mike Mitchell	Transport	2005–
Internet	Alex Allen	BERR/Prime Minister	1999–2000
Tourism	Sir Michael Lickiss	Culture	2003–07
Elderly	Joan Bakewell	Prime Minister	2008–
Enterprise	Sir Alan Sugar	Prime Minister/BIS	2009–

#### HEALTH TSARS

The most systematic use of Tsars has been in the Department of Health where a system of National Clinical advisors has developed as a way of essentially delivery the National Health Framework (see Table 2). However, even in the Department of Health there is considerable inconsistency in what Tsars do, how they have been appointed and their relationships with ministers and officials. The unusual location of Tsars between the interstices of politicians and officials is highlighted by the process of appointment. In some

cases the positions appeared to have been appointed almost by chance and certainly there was no explicit, formal process. Moreover, it does indicate that Tsars are non-political, political appointees. The Tsars were effectively appointed by the Secretary of State. In one case “the fact of the matter is that I bumped into Alan Milburn on the train”. As another Tsar said:

It then went to Alan Milburn, who was Secretary of State at the time, and I got called into a meeting with him. It wasn't at that time clear to me whether I had been appointed, and therefore was meeting him to discuss how I was going to do the job, or whether this was in effect my job interview, him making sure he liked me. So I really didn't know what the status of the meeting was, and was too green to clarify it (Interview with Tsar).

However when one Tsar said to officials that he was a political appointment he was met with a firm response: “he said, ‘no, no, no, you're not . . . , you're definitely not’—in that Civil Service ‘no way’, horrified, because I wasn't a political advisor, I was regarded as part of the civil service”. What is apparent is that Tsars carry out different function and may not even be clear themselves about their status. Some operate very much within Whitehall whilst others retain a considerable presence within the Health Service.

**Table 2**  
HEALTH TSARS

<i>Name</i>	<i>Responsibility</i>	<i>Appointment</i>
Mike Richards	Cancer and Palliative Care	1999
Roger Boyle	Heart Disease and Strokes	2000
Ian Philp	Older People's Services	2000
David Colin-Thome	Primary Care	2001
Louis Appleby	Mental Health	2000
Henry Cayton	Patients and the Public	2002
George Alberti	Emergency Access	2002
Rowan Hilson	Diabetes	200?
Shelia Shribman	Children and Maternity	2005
Lindsey Davies	Pandemics	2006
Carol Black	Health and Work	2007
Surinder Sharma	Equality and Human Rights	2004
Donol O'Donoughue	Kidney Service	2007
Bob Fryer	Widening Participation	2005
Chris Rudge	Transplantation	2008

#### CONCLUSION

The growth of Tsars has happened in an *ad hoc* way as a response to the increasing fragmentation of government and the desire of ministers to have advice from sources beyond the traditional civil services. However, there is no clarity about their role. They vary greatly from those who exist in a more or less honorary position to those who have formal positions akin to civil servants. It is not ever clear that the position of Tsar exists within government; it is a label attached to particular positions. As a consequence it is not clear how Tsars differ from special advisors or external Ministerial appointments. Unlike, other appointments there does not appear to be any rules within the Ministerial Code that governs their appointment and the whole process of accountability, the nature of their post or terms of office lack transparency. It is not even clear the extent to which these are political appointments. They do seem to undercut the traditional civil service values of neutrality, permanence and anonymity. They are a further bit of Britain's unwritten constitution which has developed in ad hoc way without any attempt to formalise either the role, the processes of appointment or mechanisms of accountability. Formally, they do not exist within the rules of British Government.

*October 2009*

**Memorandum from William Solesbury, Senior Visiting Research Fellow, Kings College London  
and Dr Ruth Levitt, Independent Researcher**

#### SUMMARY

- We focus on the Committee's interest in so-called Tsars: their effectiveness (key questions 1 and 7), accountability (key question 2) and appointment process (key question 6).
- Our comments arise mainly from research undertaken in 2005 which studied the contribution made by “outsiders” (that is, people coming into Whitehall from previous careers outside) to the improvement of policy and delivery in Whitehall departments.

- Effectiveness: there is value that expert outsiders—as Tsars or in other similar roles—can bring to public policy that complements the skills and knowledge of insider civil servants and thus enhances the overall quality of advice to Ministers. However, their contribution must be substantive and critical. It must not just be the loan of their reputation, even celebrity, to endorse established policy.
- Accountability: it is not always clear, at least from the published information about most of these appointments, whether their accountability lies within the Civil Service or just to Ministers; in the latter case their accountability to Parliament is also unclear.
- Appointment process: these differ in the degree of openness, formality and competition they involve. While these differences may be appropriate, it may not be self-evident why one process is chosen rather than another.
- In conclusion we raise several questions for the Committee to consider which bear on the importance of upholding the public interest in bringing outside expertise into government.

## INTRODUCTION

1. This memorandum focuses solely on the Committee's intention to "also examine the effectiveness and accountability of advisers invited into government to lead its response on a specific issue—so-called 'tsars'." In relation to such appointments we address their effectiveness (the Committee's key questions 1 and 7), their accountability (key question 2) and their appointment process (key question 6).

2. This memorandum is largely based on our research undertaken at Kings College London in 2005 on the contribution made by "outsiders" (that is, people coming into Whitehall from previous careers outside) to the improvement of policy and delivery. Our research was undertaken through a combination of document analysis, confidential interviews with a sample of 18 outsiders and 12 other people with relevant knowledge and experience and a seminar of researchers, practitioners and observers. The full report of the research titled *Evidence-informed policy: what difference do outsiders in Whitehall make?* is at <http://evidencenetwork.org>, follow the links to Centre Publications and then to Working Paper 23. The relevant findings are summarised below, before we address the questions of the effectiveness, appointment and accountability of Tsars.

## OUTSIDERS IN WHITEHALL: TSARS AND OTHER ADVISERS

3. There is a long tradition of appointing outside specialists to advise Ministers. In our research we identified the following 12 types of appointment, at that time, for bringing outsiders into Whitehall.

1. Professionals in "academic" disciplines, eg medicine, science, economics, statistics—into discipline-specific roles such as Chief Medical Officer, Chief Scientific Adviser in departments.
2. Professionals in "support" or "corporate" functions, eg human resources, IT, finance, communications—into functional roles in departments, such as Director of Human Resources, Director of Finance.
3. Top executives, eg Chief Executive, Managing Director—into chief executive roles in Whitehall.
4. Policy experts, eg health policy, crime policy—into policy teams, strategy units or other specialist units.
5. Sector/service delivery specialists, eg from local government or the police or the NHS—usually seconded into central departments or units.
6. Special Advisers to Ministers, ie political appointments that are usually not classed as Civil Service posts.
7. Senior "troubleshooters", sometimes popularly called "Tsars", such as Keith Hellawell (Anti-Drugs Co-ordinator), Andrew Pinder (e-Envoy) and Celia Hoyles (Maths Tsar).
8. Chairs and board members of statutory advisory bodies and commissions, such as the Electoral Commission and the Commission for Integrated Transport.
9. Independent reviewers or members of special committees of inquiry, such as Adair Turner (pensions), Philip Hampton (regulation) and Lord Haskins (rural strategy).
10. Non-executive members of departmental or agency/NDPB boards and audit committees.
11. Outside researchers, consultants, or other professional experts commissioned to provide services to Whitehall departments—usually employed elsewhere or self-employed.
12. Other short term secondments and placements, eg from business, academe, local government, NHS, police.

We recognised Tsars (number 7 on our list) as one kind of outsider appointment. But there are others sharing their purpose of providing policy advice—notably policy experts (number 4), sector/service delivery experts (number 5), political special advisers (number 6), independent reviewers (number 9), researchers and consultants (number 11) and secondments and placements (number 12).

4. The term “Tsar” was seemingly first used with the appointment in 1998 of Keith Hellawell, a Chief Constable, to advise the Home Secretary on anti-drugs policy. Since then the term has become used loosely—not least in the media—as a descriptive term for specialist advisers. So, while there have been subsequent appointments titled Tsar, other similar posts have been titled otherwise. Below we list and exemplify the range of job titles. We can only exemplify because there seems to be no consistent record of these appointments—their inclusion in the Civil Service Yearbook varies between departments and our inquiries of the Cabinet Office have yielded no information. The details below of job titles and descriptions are mostly drawn from departmental and individuals’ websites.

5. The following titles are in common use.

- Tsar—eg Anti-drugs Tsar in HO (Keith Hellawell, appointed 1998–2001), Homelessness Tsar in HO (Louise Casey, 1999–2003), Swine Flu Tsar in DH (Ian Dalton, 2009).
- Adviser—eg the Chief Adviser on School Standards in DCSF (Sue Hackman), the Chief Scientific Advisers in various departments, Faith and Community Policy Adviser in DCLG (post recently advertised).
- Commissioner—eg the School Commissioner (Bruce Liddington) in DCSF, the Children’s Commissioner (formerly Sir Al Aynsley-Green; his successor is currently being recruited), the newly appointed Information Commissioner (Sir Joseph Pilling).
- Independent Reviewer—eg in the past on Pensions (Adair Turner), Benefits (Freud), Corporate Governance (David Walker), Skills (Sandy Leitch) and recently Rail Station Standards for DTp (Sir Peter Hall and Chris Green).
- Champion—eg recent appointments of “A Voice for Older People” (Dame Joan Bakewell), a Digital Inclusion Champion (Martha Lane Fox), a Dance Champion (Arlene Philips), a Health Champion in the NHS (Mike Farrar).
- National Clinical Directors in DH—these are 15 senior experts who oversee the National Service Framework for specific services.

6. As well, some non-elected Ministerial appointments have been called Tsars: for example, recently Lord Darzi in DH and Sir Alan Sugar in DBIS.

#### EFFECTIVENESS

7. The Committee’s key questions 1 and 7 are “What do these people bring to government? Have they been successful? . . . What are the benefits of appointing increasing numbers of . . . special representatives?”

8. The general conclusions we drew in our 2005 research were:

- (a) Outsiders can bring distinctive and varied perspectives to bear on the work and culture of Whitehall, which are based on the skills, experience, domain knowledge and networks they have developed outside. Thereby they can improve the quality of policy discourse within departments.
- (b) Outsiders’ skills, experience, domain knowledge and networks have the potential to complement those of insiders. That potential can be realised where (a) there is high level support; (b) team-working operates effectively; and (c) there is a critical mass of outsiders.
- (c) Recruitment and induction practices are very important contributory factors in attracting outsiders, bringing them in and enabling them to succeed. These practices need further improvement; if they were tailored more exactly to each case, they could provide much better conditions for outsiders to give of their best, and for host departments to maximise the potential benefits.
- (d) The more the culture maintained by senior insiders in Whitehall can become genuinely open, permeable and responsive to change through external influences, the better use Whitehall will be able to make of the perspectives outsiders contribute; this is a long-standing issue, and there remains considerable scope for improvement.
- (e) At the moment, bringing outsiders into Whitehall is officially promoted as “a good thing”. However, it is not yet being monitored or evaluated in a sufficiently thorough way, quantitatively or qualitatively, to enable politicians, the executive or observers to be sure of the exact benefits and costs, or the lessons for improvement. Until this type of evidence base is more developed, the whole endeavour risks being seen as a rhetorical device that lacks real urgency or priority.

We believe that these conclusions still have validity. There is value that expert outsiders—as Tsars or in other roles—can bring to public policy that complements the skills and knowledge of insider civil servants and thus enhances the overall quality of advice to Ministers. However, their contribution must be substantive and critical. It must not just be the loan of their reputation, even celebrity, to endorse established policy.

9. Such advisers need organisational support to help them make that contribution and it is noteworthy that some of the more recent appointments—for example, of Martha Lane Fox and Arlene Philips—have been associated with the creation of an advisory group.

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#### ACCOUNTABILITY

10. The Committee's key question 2 is "Are people appointed to these positions sufficiently accountable? If not, how might they be made more accountable?"

11. There seem to be three models of accountability for Tsars and variants:

- (a) Where outsider specialists are appointed to advisory posts in the Senior Civil Service, they will have line managers leading up to the departmental Permanent Secretary. As civil servants they can be called before Select Committees.
- (b) Where the post is statutorily independent of government—as with the Children's Commissioner—they are formally accountable to the Minister who appointed them. They can also be called before Select Committees.
- (c) Where outsider specialists are appointed by Ministers—whether as political Special Advisers, Independent Reviewers, Researchers and Consultants or Champions, they are only accountable to the Minister. However a degree of independence and freedom to speak their mind in public may be part of the deal: for example, Joan Bakewell as a "Voice of Older People" is said to be "acting as an independent and informed advocate on issues which affect old people's lives." (GEO Press release 9 November 2008). Whether such appointees can be called before Select Committees seems to be at the discretion of the Minister—as was evidenced in the case of Lord Birt a few years back.

12. It is not always clear, at least from the published information about most of these appointments, which of these models applies, and therefore what accountability mechanisms are appropriate to each appointment.

#### APPOINTMENT PROCESS

13. The Committee's key question 6 is "Is the process of appointing 'tsars' sufficiently transparent? If not, how can it be made more transparent?"

14. The same distinctions as above with accountability seems to apply here:

- (a) Appointments made to the Senior Civil Service are subject to Civil Service Commission procedures and oversight (including public advertisement, competition etc) and sometimes with the assistance of recruitment consultants.
- (b) Other appointments are made under similar procedures and with the oversight of the Commissioner for Public Appointments.
- (c) While others are appointed directly by a Minister through informal procedures of search, interview and negotiation of terms.

Additionally:

- (d) Consultants and researchers will be appointed through departmental procurement rules that will usually involve open competition and transparent procedures, but without any independent oversight.

15. There is here a clear distinction between the formality of some "Tsar" appointments (usually including competition, transparency of procedure and independent oversight) and the informality of others. There can be good reasons for the informal appointment process—speed, Ministerial confidence in the chosen appointee, unwillingness of suitable candidates to undergo a formal appointment process. But the informality may exclude potentially good candidates and lays the appointment open to a charge of cronyism.

16. Tsar appointments commonly involve part-time work for a fixed term. This is suitable where the appointees may be advising on a specific task rather than ongoing policy development, they may be dependent on the patronage of a particular Minister, and they need to maintain their outside profile and experience to sustain their expertise. These terms contribute to their effectiveness. We note that of the 54 outsiders in senior civil service posts in 2005 whom we identified in our research (see Table A of our report) only 15 are still in the service (on the basis of the Civil Service Yearbook 2009) and only 10 of those are working in their field of former outside expertise.

#### CONCLUSIONS

17. We draw the following conclusions:

- (a) "Tsar" has come to be used loosely as a generic term for a wide range of part time, fixed term advisory posts in government. Moreover the term invokes vivid associations with the exercise of (surely now outmoded) autocratic imperial power, which does not reflect the style or content of expert authority that today's advisors can bring. The Committee may wish to comment on this.
- (b) In detail these posts have various titles and remits but have a common purpose in seeking to bring outside expertise to bear on public policy. Therefore the Committee may want to avoid restricting its recommendations to the few posts that are labelled "Tsar", and to widen the scope of its inquiry so that the many other similar posts are included.

- (c) By and large bringing outsiders into departments in these ways does have value in strengthening the work of government, provided that certain conditions are met, particularly patronage and organisational support. The Committee may want to emphasize that if these appointments are to be more than window-dressing, the appointees need to be enabled to exercise influence that is commensurate with their expertise. They are likely to be critical of existing policies and practices, and this is to be welcomed, even if it is uncomfortable.
- (d) Tsars' accountability seems to vary—sometimes they are within civil service lines of command, sometimes only accountable direct to a Minister; their accountability to Parliament and its Select Committees can be uncertain. The Committee may wish to comment that this apparent arbitrariness weakens accountability and that a clearer rationale would be worthwhile.
- (e) While some of these appointments are made subject to formal CSC or OCPA procedures and oversight or departmental procurement procedures, others are made informally at the discretion of Ministers. Appointment procedures obviously differ in terms of the openness and degree of competition involved. The Committee may want to consider whether the seemingly arbitrary choice of procedure is in the interest of securing the most effective advice to Ministers.

*September 2009*

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