

Public Administration and Constitutional Affairs Committee

Oral evidence: The work of the Cabinet Office, HC 118

Thursday 10 December 2020

Ordered by the House of Commons to be published on 10 December 2020.

[Watch the meeting](#)

Members present: Mr William Wragg (Chair); Ronnie Cowan; Rachel Hopkins; Mr David Jones; Navendu Mishra; David Mundell; Tom Randall; Lloyd Russell-Moyle.

Questions 543 - 624

Witnesses

I: Rt Hon Michael Gove MP, Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office; and Mark Sweeney, Director General, Economic and Domestic Affairs Secretariat, Cabinet Office.

Examination of Witnesses

Witnesses: Michael Gove and Mark Sweeney.

Q543 **Chair:** Good afternoon, and welcome to a hybrid public meeting of the Public Administration and Constitutional Affairs Committee. I am here in a Committee Room in Portcullis House with a small number of staff needed to facilitate the meeting, suitably socially distanced from each other. Our witnesses are down the line at the Cabinet Office, and colleagues are in their homes and offices across the UK. Our witnesses today are Michael Gove, the Minister for the Cabinet Office, and Mark Sweeney, Director General at the Cabinet Office.

Mr Gove, good afternoon. What role does the Cabinet Office play in bringing together Covid data sources for the purposes of decision-making?

Michael Gove: Thank you very much, William. The Cabinet Office plays a co-ordinating role, as you know, in a range of areas across Government. We have a Covid task force. That task force ensures both that when the Covid-O—the operations sub-committee of the Cabinet that deals with Covid-related decision-making—meets, the appropriate data are provided for that decision-making body. It is also the case that talented Cabinet



Office civil servants help to compile the dashboard that provides people with a daily update on the progress of our fight against the disease.

Q544 **Chair:** We are grateful as a Committee for your reply, which we received today, to the letter from 27 November asking a variety of questions. Just fleshing out some of those matters further, witnesses to our inquiry on Covid data have told us that the data are fragmented and there is not an integrated Covid surveillance system. Is that a fair criticism?

Michael Gove: I do not think it is. I think that the Joint Biosecurity Centre, another innovation in the Government's response to Covid, provides a way of looking at different sets of data that allows us to make appropriate decisions about how to respond. It is also the case that the public data about the incidence of the virus, and indeed more broadly about how the NHS is responding, is there to enable people—most importantly, parliamentarians—to challenge the Government on their decision-making.

Q545 **Chair:** Just in terms of overcoming the fragmentation, you mentioned the role that Cabinet Office has in doing that. Is it not easier, rather than overcoming that fragmentation, to try to draw it together to a much more central source?

Michael Gove: Again, there are different ways of judging how effectively this Government or any Government are responding to the pandemic. One of the most useful ways, of course, of looking at what is happening is looking by lower-tier local authority at the incidence of the virus. Anyone can look up to see, whether it is in Manchester or Surrey Heath, exactly what the current incidence is, and that informs all sorts of judgments made not just by the NHS locally but by Government when it comes to questions about tiers and restrictions. It is also the case that data are published by the ONS and by the NHS, and at different times people will see patterns in that data, signals amid the broader noise, which will enable them to make judgments about whether or not the right response is being delivered.

Q546 **Chair:** Indeed, on the issue of tiering, clearly there is a national command structure and decisions are ultimately made by the Prime Minister. Is this decision-making disconnected from the data? Indeed, is there some subjectivity in how tiering decisions are made?

Michael Gove: I think it is the case that there is always an exercise of discretion, but the decision-making is driven by the data. We look at the incidence of the virus, we look at the pressure on the NHS, and we make a judgment about how effective tiering mechanisms have been. A similar if not identical process is carried out by leaders in the devolved Administrations. The First Minister of Scotland will make a judgment about whether or not, for example, Edinburgh should be in an appropriate tier, looking both at the rate of incidence of the virus, potential doubling times if the R rate is above 1, and also the NHS's broader resilience.

Q547 **Chair:** Ultimately, whom can the public hold to account for those tiering decisions and the use of data to justify them?



Michael Gove: The public can always hold the Government to account and can challenge. Again, I know there is an area of contention and concern around the decision to put all of Kent into tier 3, but we have seen the incidence of the virus in Kent, particularly but not exclusively in north Kent, put pressure on NHS capacity elsewhere in Kent. Again, we will have an opportunity next week to review the existing tiers in which different parts of the country sit, but there is—and I think there was in Parliament—a well-informed, thoughtful debate about where the Government had drawn the line.

Q548 **Chair:** In those tiering review decisions next week, will local authorities be dealt with individually or, indeed, as wider counties or combined authorities? Is there a chance of decoupling, so to speak?

Michael Gove: Yes. The point was well made in another Select Committee hearing, in which the Chief Medical Officer and the Chief Scientific Adviser were giving evidence, that it can cut both ways. It might well be the case that one could argue that a certain part of a certain county, whether that is south Kent or south Lincolnshire, should be exempt from the restrictions placed elsewhere on the county. For example, one might want to see Greater Manchester move in its entirety out of its current tier, but it might well be the case that if one were to split up combined authority areas in that way, some parts of Greater Manchester might stay in a higher tier as well. There are perfectly legitimate arguments either way.

One of the points that had been made consistently was that sometimes, when you had part of a broader urban area that was in a lower tier, it was not long, just in the nature of social and other contact, before that urban area was prone to an increase in infection because of its proximity to other areas within a broader combined authority area. There are always fine judgments, and the Government are always happy to defend where those judgments lie. I naturally have sympathy with those who would argue that they sit within a larger geographical area but the incidence of the virus is low in that area. As I say, these are always finely balanced judgments.

Chair: I know there are two members of the Committee, myself being one of them, who will look with interest in the Greater Manchester context, and particularly Stockport. On that note, I go to my colleague and constituency neighbour, Navendu Mishra.

Q549 **Navendu Mishra:** Mr Gove, in July the Prime Minister announced that the responsibility for data was moving into the Cabinet Office. Could you please update us on the progress of that move? Specifically, which elements of Government data are now within the remit of your office, the Cabinet Office?

Michael Gove: DCMS leads on data policy overall. It is a cliché to say that data are the new oil, but if we think about how the broader economy and society can make the most of steps forward in the use of data, that is a DCMS lead. When it comes to how Government themselves use data, that is something that the Cabinet Office leads on. We have benefited from the



HOUSE OF COMMONS

support of Doug Gurr of Amazon in reviewing how we operate, and we are looking at how we can improve the way in which the Government Digital Service and others use data and data analytics to improve decision-making and transparency.

Q550 Navendu Mishra: How has this recent change impacted the data-led response to the current pandemic?

Michael Gove: Again, it has helped in that there is a clear understanding that the Cabinet Office has a role in making sure that we can cross-reference data from different sources—from the NHS, from DHSC and others—to try to provide as comprehensive a picture as possible about how Government are responding to the disease but also how other partners, including local government, can play a role as well.

Q551 Navendu Mishra: There are reports in the media that there now exists a secret clearing house within the Cabinet Office, screening responses and logging, retaining and sharing information on those making freedom of information requests. There are two points to this question. Is there any substance to these reports? Also, has the Cabinet Office changed protocols across Government in relation to the release of data following these FOI requests, including from members of the press community?

Michael Gove: As a former journalist myself, I recognise the importance of a fair and consistent approach towards freedom of information requests, and that is exactly what we have. There has been some highly coloured reporting of this, but the truth is that the Cabinet Office does have a role in making sure that we apply consistency in our response to freedom of information requests. The idea that there is a secret clearing house or any sort of blacklist is, I am afraid, not correct. Actually, I am glad it is not correct. It is the case that when we look at all freedom of information requests, they are applicant-blind. Whether it is a freelance journalist, someone working for an established title or a concerned citizen, all freedom of information requests are treated in exactly the same way.

Q552 Navendu Mishra: The suggestion that the Government have been acting unlawfully when it comes to freedom of information requests or other data-sharing activities, would that be a fair comment or is it not correct?

Michael Gove: There is no evidence that has come to light or come to my attention of any unlawful activity. If people have specific concerns, I am always happy to address them.

Q553 Ronnie Cowan: This is a supplementary to the supplementary there. When I read that the Cabinet Office was taking control of the data, it raised my concern because the Cabinet Office does not have a good history of handling FOIs very wisely.

The basic example I can think of is the infected blood inquiry, where NHS patients were infected with HIV. Jason Evans's father died as a result of this. He put an FOI into the Treasury. The Treasury was happy to answer, but it got passed into—you do not call it a clearing house—the Cabinet



HOUSE OF COMMONS

Office. There was then a five-month delay before he got his answer.

You do not want to call it a clearing house, but something happens in the Cabinet Office where decisions are being made about whether or not FOIs are being answered and how promptly they are being answered. Is that going to be the situation for Covid-19 inquiries as well?

Michael Gove: No.

Q554 **Ronnie Cowan:** Why was that a problem with infected blood?

Michael Gove: Again, the point I made earlier is that the Cabinet Office is there to ensure consistency in the treatment of freedom of information applications, but these decisions do not go anywhere near Ministers.

Q555 **Ronnie Cowan:** Who is making the decision as to whether or not an FOI gets answered?

Michael Gove: Obviously there are different officials in different Government Departments who receive freedom of information requests, and then the Cabinet Office is responsible for making sure there is a consistent response.

Q556 **Ronnie Cowan:** Why is the Treasury not answering its own FOIs?

Michael Gove: The Treasury will have access to information about its operation, as all Government Departments will, but we simply ensure there is a consistent approach across Government.

Q557 **Ronnie Cowan:** You would dispute the fact that the Cabinet Office clearing house actively discouraged the release of sensitive information?

Michael Gove: I think the Cabinet Office and all Government Departments will want to make sure that, in answering freedom of information requests, we provide the maximum amount of transparency, but of course sometimes, as in responding to all freedom of information requests, we have to have appropriate consideration to any issues of confidentiality that might arise.

Q558 **Ronnie Cowan:** Can you assure me going forward that if FOIs are raised around all the practices associated with Covid-19, those FOIs will be responded to as accurately and as promptly as possible?

Michael Gove: Absolutely.

Q559 **Rachel Hopkins:** The usual procedures around procurement were relaxed to manage the Covid-19 response. What steps were taken to manage the risk of doing this?

Michael Gove: You are absolutely right. We used well-established procedures, which exist in any emergency situation, to be able to procure, for example, PPE at speed. Regulation 32(2)(c) of the Public Contracts Regulations, which predate the pandemic, explicitly allows for emergency procedures, including direct award. Of course, we always seek to make sure that, even though we can accelerate the acquisition of the products



that we need in an emergency to keep the people safe, we do so in a way that is consistent with good procurement practice.

Q560 Rachel Hopkins: There is an example, Clandeboye, where about £108 million-worth of contract was given to this confectionary wholesaler two months before it received a risk rating of red. That is not really acceptable, is it?

Michael Gove: We will look at each individual case, but it is important to recognise that, of the PPE that was procured during the pandemic and procured at speed, 99.5% of it was absolutely what was required, and it was all procured, as I say, in a way that ensured that at no stage did anyone on the NHS frontline—even though times were very, very difficult, at no point were we in a situation where we ran out of PPE.

Q561 Rachel Hopkins: It is true to say that there was a situation where some PPE just was not fit for purpose. For example, PestFix, 25 million FFP2 masks, a total of £59 million. We do not know whether they can be used. I think there are questions around this, but I will move on to my next one around the procurement of PPE.

There was the establishment of the high-priority lane to process offers of PPE from firms with contacts in Government or Parliament, but how were conflicts of interest managed?

Michael Gove: It is important to recognise that, no matter where any request or offer of support came from, every offer of PPE went through the same eight-step technical and commercial assurance process, including quality checks, price controls and other due diligence.

It is fair to say that many of the requests for close attention to offers of support came from Members of Parliament across the political spectrum, and indeed my own opposite number, Rachel Reeves, wrote me a helpful letter in which she outlined some companies that she felt were experiencing frustration in not having their kind offers of support looked at sufficiently quickly. We did look quickly at Rachel's request, and while there were a number of firms that were capable of providing support, there were also one or two whose experience or capacity to provide the support required was perhaps not all that it might be.

Q562 Rachel Hopkins: I appreciate your frankness, and I hope you will have feedback from the Minister who spoke at the Westminster Hall debate earlier this week to hear from Members such as the Member for Hull and Hessle, Emma Hardy, who was just flabbergasted as to why one of the most longstanding producers of PPE was not taken up to produce PPE, yet others, such as a couple I have mentioned, were with no history.

What are the safeguards in any further procurement? There really are some questions around the whole process.

Michael Gove: I am glad that you mentioned the Westminster Hall debate that occurred yesterday, because I think the Cabinet Office Minister who responded, Parliamentary Under-Secretary Julia Lopez, responded with



HOUSE OF COMMONS

great authority on this question and put to bed a number of the concerns. I can understand why these concerns were raised, but they were fundamentally misplaced. The high-priority lane received 493 offers, but only 47 of those were taken forward, so 90% were rejected.

It is the case that there were a number of companies, some with a high public profile, that had their offers rejected. The Government cannot go into the details of why they were rejected, because the commercial confidence of those negotiations has to be respected, but it is also the case that there were some companies that did not have a prior strong track record in certain areas, who had the connections with those who were supplying in other countries or the lines of credit that enabled them to be nimble and effective procurers of the goods that we needed. We are very happy to have every contract analysed. As I say, the overwhelming majority, 99.5% of all PPE that we paid for, was effective and helped keep those at the frontline safe.

Rachel Hopkins: I think those final comments are right, although it is only right, again, to flag up that if you were in the VIP lane, you had a one in 10 chance of receiving a contract, whereas it was one in 100 for those outside the priority lane, so there are questions. I will leave it there.

Q563 **Chair:** Mr Gove, could you confirm that the request of Members of Parliament to recommend contacts, suppliers or local businesses in their own constituencies of which they had knowledge was sent to all MPs on a cross-party basis?

Michael Gove: It was indeed, and the whole point was that there are many Labour MPs, and indeed Liberal Democrat MPs, Scottish National MPs and others, who will have good businesses in their constituencies, and it is an absolute right of Members of Parliament to stand up for businesses in their constituencies and to make sure that Ministers buck their acts up. The whole point of the approach we were taking was to make sure that offers of PPE could be followed up as rapidly as possible.

As I mentioned, my opposite number wrote me a helpful letter setting out some companies that she felt it was an absolute priority for us to look at. As I pointed out, one or two of those companies were not best placed to help us, but the letter was, nevertheless, an honest and sincere effort to help us in a national crisis.

Q564 **Tom Randall:** Mr Gove, an independent review of Cabinet Office communications services contracts is under way. Could you tell me why this has been deemed necessary?

Michael Gove: If you are referring to the particular challenges that we faced during the pandemic, I think it is the case that we asked the non-executive director of another Government Department to look at that in order to provide assurance. That report, the Boardman report, is now published, so parliamentary colleagues and others can look at the recommendations that were made.



HOUSE OF COMMONS

It reflects on the point that Rachel made. We were operating at speed, we operated in a way that I believe was rigorous, but there is always, always, always room for improvement.

Q565 **Tom Randall:** Just moving on to a broader question of propriety and ethics, are codes of conduct binding on the conduct of those to whom they apply?

Michael Gove: It depends on who is the eventual arbiter, but codes of conduct are there to guide how civil servants, special advisers and, in the case of the ministerial code, Ministers should operate. In the case of the ministerial code, it is the Prime Minister who is the ultimate arbiter. The ministerial code and the other codes of conduct are there to ensure that everyone who works in Government operates in an appropriate way.

Q566 **Chair:** It does not seem they are worth the paper they are written on, then, if it depends on who arbitrates in making a judgment.

Michael Gove: Ultimately, there has to be an arbiter. The Prime Minister is responsible for the composition of the Government. He makes recommendations to the Queen about those who should be in Her Majesty's Government, and that is a well-understood constitutional principle. The ministerial code is there to guide Ministers, to show what is and is not appropriate conduct. Ultimately, there has to be an arbiter, and that arbiter should be someone who is democratically accountable, as the Prime Minister is.

Q567 **Navendu Mishra:** Mr Gove, would you expect a civil servant who was found to have broken the civil service code of conduct to be sacked?

Michael Gove: It all depends on the specific circumstances. Again, one of the things about the administration of justice or the policing of any code is that we need to look at the individual circumstances. Obviously, the appropriate process of investigation and then judgment is one that I hope would be rigorous about the facts but also wise and judicious in any decision about what consequences might follow.

Q568 **Navendu Mishra:** What about charges of harassment or bullying? What would that entail? A civil servant found guilty of that, would you expect them to be sacked?

Michael Gove: A proper investigation. It is always difficult to look at any case in the abstract. It is vital that the facts are assembled, vital that an investigation is rigorous, but it is also important that at the end of that investigation we look at the conduct of any individual. Again, it is impossible without looking at the specifics of any case to know what the appropriate response might be.

Q569 **Navendu Mishra:** I take your point, but if a full, fair and transparent investigation has taken place and the civil servant has been found guilty of harassment and/or bullying—sorry to push on this—would you expect them to be sacked?



Michael Gove: Again, it is impossible without knowing precisely what the individual had done. We take harassment and bullying incredibly seriously, and it is important that everyone in Government should behave with respect to all their colleagues, but I will always want to see the specifics of any case. When I was a young reporter, I was always told that you could only ever judge whether a judgment in court was right if you had sat through all the evidence and you had an opportunity to see how the judge or the jury made their decision. It is important in this case to recognise that we need to be in possession of all the information in any individual case. General rules are very helpful as a guide to conduct, but the specifics of any case matter hugely.

Q570 **Navendu Mishra:** Finally, could you tell the Committee about steps that are being taken to monitor the number of grievances brought forward by civil servants following allegations such as bullying and harassment within the Cabinet Office itself but also broadly across the various Government Departments?

Michael Gove: Yes, and it is vital that we do so. I know that friends and colleagues in the trade union movement, Mark Serwotka and others, are anxious to ensure that we in the Cabinet Office and other Government Departments take any instance of the poor treatment of our colleagues seriously, and I certainly do. It is absolutely vital that Government are an exemplar when it comes to making sure that people who are living with disabilities and people who have protected characteristics under the Equality Act have their rights protected and, more broadly, that everyone who works for the Government, who has made a commitment to public service, is treated with respect. That should be unambiguous and total.

Q571 **Navendu Mishra:** I appreciate that, Mr Gove, but you have not addressed the point about tangible steps being taken to monitor these allegations brought forward by civil servants within your Department, the Cabinet Office, and more broadly within the various Government Departments.

Michael Gove: I know that you had my colleague, Alex Chisholm, the Permanent Secretary and chief operating officer of the civil service, in front of you. Alex, along with other Permanent Secretaries, leads work to ensure that we monitor how staff are treated. There are regular surveys generally of how the civil service feels about the working environment in which individuals operate, but it is also the case that if there are any specific concerns, then they are investigated, they are monitored and, if sufficiently serious, appropriate action is taken.

Q572 **Ronnie Cowan:** There are a range of sanctions available for breaches of MPs' code of conduct. Lord Evans, the Chair of the Committee on Standards in Public Life, told this Committee recently that he thought a range of sanctions should also be available for breaches of the ministerial code. Do you agree, or is it resignation or dismissal?

Michael Gove: That is a matter for the Prime Minister.

Q573 **Ronnie Cowan:** Why? Enlighten me.



HOUSE OF COMMONS

Michael Gove: Because he is the man or woman who is in charge of the ministerial code.

Q574 **Ronnie Cowan:** I think you will find he is a man.

Michael Gove: We are fortunate in that the Conservative party has had two female Prime Ministers, but the serious point I would make is that it is for the Prime Minister to decide on the ministerial code.

Q575 **Ronnie Cowan:** Entirely his judgment?

Michael Gove: That is my view, yes.

Q576 **Ronnie Cowan:** It is nothing personal, but does that not leave it open to abuse if one person has entire control over the ministerial code?

Michael Gove: No. The Prime Minister is democratically accountable. I am a great believer in democratic accountability. While it is always helpful to have boards or committees that can provide advice, and it is always very helpful to have people of independence who can conduct investigations, ultimately these decisions in our constitution should be taken by people who are democratically accountable. The judge and jury on whether or not this is the right decision should be the electorate.

Q577 **Ronnie Cowan:** To come back to the question, then, to say that sanctions can only be taken under the ministerial code if someone is dismissed or resigns, do you not have any opinion on that?

Michael Gove: It should be the Prime Minister's decision.

Q578 **Ronnie Cowan:** I am asking your opinion.

Michael Gove: That is my opinion. I think the Prime Minister should decide.

Q579 **Ronnie Cowan:** If, I am sure it is not too far in the future, you become Prime Minister, would you still stand by that?

Michael Gove: Mercifully, there is zero chance of that happening.

Ronnie Cowan: I agree.

Michael Gove: I think we can probably both agree that is a good thing, Ronnie.

Q580 **Mr David Jones:** Sir Alex Allan, as you know, has resigned as the Prime Minister's adviser on ministerial standards. Has the process for recruiting his successor been opened yet?

Michael Gove: I don't know. Mark, has it been opened?

Mark Sweeney: I believe it is under way, yes.

Q581 **Mr David Jones:** Is it an open competition?



HOUSE OF COMMONS

Michael Gove: I believe so. I think it will be a process that is overseen by the Civil Service Commission.

Mark Sweeney: It is not within the code for public appointments, so it is a personal appointment of the Prime Minister.

Michael Gove: Forgive me, a personal appointment of the Prime Minister.

Q582 **Mr David Jones:** So it is not within the code for public appointments?

Mark Sweeney: That is right.

Q583 **Mr David Jones:** Has that always been the case?

Mark Sweeney: Yes, it has.

Q584 **Mr David Jones:** The recent spending review has seen Departments reporting against the Treasury's public value framework. How does this impact on the system of single departmental plans?

Michael Gove: The single departmental plans, which were a feature of the coalition Government, are evolving. One of the things we wanted to do was to make sure that Government Departments are clear about what their priorities are and that we also publish metrics so that people can see their performance against those priorities. Single departmental plans have been a very useful tool, but it is also right that we should know what the clear, top priorities of every Government Department are so that we can ensure there is focus, particularly on delivering the manifesto pledges that the Government have.

Q585 **Mr David Jones:** Forgive me, the public value framework establishes targets for individual Departments, whereas the single departmental plans set out goals. In the case of the Cabinet Office, they are similar but they are slightly different, too. Is that the cause of any confusion in any way?

Michael Gove: It is a refinement. For example, one of the things that has changed over time is that the Cabinet Office has assumed additional responsibilities during the Covid crisis, and it is important that we should be held to account for those. Obviously, the Cabinet Office has some additional responsibilities that relate to making sure that our relationship with the devolved Administrations works well. It is only right that that should be reflected appropriately, too.

Q586 **Mr David Jones:** Are there any processes in place to ensure consistency between the single departmental plans, on the one hand, and the public value framework, on the other?

Michael Gove: Yes, there is work between the Cabinet Office and the Treasury, and we have a joint Cabinet Office/Treasury Minister, Lord Agnew. Working with the Chief Secretary to the Treasury, Lord Agnew—and, indeed, at an official level Alex Chisholm, the Permanent Secretary, and Tom Scholar, the Permanent Secretary in the Treasury—and, of course, the No. 10 team, they work to agree what the priorities should be and what appropriate metrics might be.



Q587 **Mr David Jones:** Does that obviate any suggestion that there might be confused priorities?

Michael Gove: There is always, always, always a risk that, if you have—what is the word?—a set of priorities, you require additional political leadership to make it clear what at any given time is the top priority and what are other areas of very important focus, and then those issues that, while important, are lower priority. The whole aim of the approach from the spending review is to focus attention on those things that are truly top priority in the context, in particular, of delivering on manifesto promises.

Mr David Jones: I was just about to ask you a question that I was keen to ask about churn in Departments, but sadly I have to go and vote.

[David Mundell took the Chair]

Q588 **Chair:** I will assume this virtual acting chairmanship momentarily. What Mr Jones was going to ask you about was that you had previously highlighted to the Committee the problem of churn in the civil service. How worried are you that the pay freeze announced in the spending review will exacerbate the problem, and what steps are you taking to mitigate this?

Michael Gove: I don't think the pay freeze, per se, exacerbates the problem. It has to be looked at in the broader context, as we know, of the very difficult economic times through which we are living and, in particular, the challenges that so many in the private sector face as well. If one is looking at it purely in terms of pay and reward, one needs to look at the broader labour market.

The real challenge is to make sure we can provide appropriate reward for civil servants at every stage in their career and also ensure, as we have discussed in the past, that people can be promoted in post so that expertise stays where it is best capable of being deployed, but also that we ensure that the overall working environment in the civil service is better. That touches on some of the points we were discussing earlier to do with the general respect given to colleagues in the working environment, but it also touches on some very basic bread and butter issues, like making sure that people have the chance to get rid of legacy IT that does not work and that they have up-to-date IT, which makes sure they can do an effective job in an efficient way.

Q589 **Lloyd Russell-Moyle:** Churn has increased by 9% in the civil service. Are you really saying that IT not being updated and the general job market has increased churn? Is that the real reason it has increased by 9%? It would seem to me more likely that pay has been frozen and there has been a real-terms pay cut of £2,000 in that period. Has there been any research or analysis on why people are leaving in larger numbers?

Michael Gove: It is, like so many phenomena, multifactorial. You probably would not be surprised how often problems with the IT with which colleagues have to work is raised as a frustration, but I do not think it is a reason why people will—



Lloyd Russell-Moyle: There have been problems with IT over many Governments. I do not think any Government get IT right, do they?

Michael Gove: You're telling me, yes. I think there are many reasons and I suppose the point I was making to David is that we are entering tough economic times, and I do not want to make any generalisations, but it is particularly tough for many in the private sector. If we are looking at pay overall in terms of recruitment and retention, we need to look at the broader economic picture.

Of course, prior to Covid, you are quite right to say that there was a level of churn, and I am very interested in the reasons why people have left the civil service and also why people have moved from the civil service. We are doing our very best to ascertain what those reasons are to make sure that we can continue to retain many brilliant people and attract good people as well.

Q590 **Lloyd Russell-Moyle:** Exactly, and pay will be one of those factors. One in five at HMRC is paid at the minimum wage, so you cannot get lower paid in the private sector than one in five of our colleagues. This is the agency that is included in enforcing the minimum wage and the people are being paid it themselves, so they see the real impact of it.

I want to move on to civil service reform. In September, you told us that civil service reform and change in how the civil service works is something you want to do with the civil service and not to the civil service. I have two points on that. First, has that been made harder since the Prime Minister dismissed the findings on bullying behaviour by Ministers?

Michael Gove: I haven't observed the work that I do with civil servants and the work that we are doing to improve how all of Government operates being affected by that at all.

Q591 **Lloyd Russell-Moyle:** Okay, so there has been no morale change? Despite resignations, there has been no overall morale change on that issue?

Michael Gove: Not in any of the working relationships that I have borne witness to.

Q592 **Lloyd Russell-Moyle:** Again, has the Cabinet Office sought to ask staff about that?

Michael Gove: We certainly survey staff regularly across Departments and across Government on their feelings about how effectively their Departments operate and how well managed and led they are. I take very seriously any concerns that are raised. I want to make sure that everyone who works in public service recognises that we value the extra mile they go to for their fellow citizens. In the lecture I gave, which was called "The privilege of public service," there are all sorts of things in it that can be picked apart, but my central argument was that there is an extra level of dignity and respect due to those who dedicate their life to public service, not just civil servants, of course, but people at the frontline in the NHS and in the blue light services and so on.



Q593 Lloyd Russell-Moyle: If we are going to talk about dignity and respect, and pay, of course, for civil servants and your commitment to reform the civil service to make it more efficient, which I think we all welcome, is there not a case to end the farcical situation whereby there are 200 separate bargaining units, resulting in anomalous and inconsistent rates of pay, terms and conditions, management structures, even complaint structures, in each different Department and return to a system of national collective bargaining or nationally set wages within certain parameters and, therefore, meaning that Departments can focus on what they are meant to be doing and not on HR negotiations every five minutes?

Michael Gove: You make a very good point. It is the case that trying to tackle some of the balkanisation of the process of pay, reward, recruitment and so on—creating what has been called in a vogue phrase “one civil service”—is a very good thing. We also have to recognise that one will naturally want to pay more for certain roles in certain locations, in which case we are not arguing at all. We are agreeing.

Q594 Lloyd Russell-Moyle: We have a national pay structure for teachers and for other kinds of professions, so we should be able to do it. I think the unions are very keen and on board with that, and I hope that discussions are progressing.

Finally, you are one of the loudest critics but also champions of the civil service in Government. What do you think was the impact of Dominic Cummings’s civil service reform agenda? Did it make civil servants feel that they wanted to engage with you on that reform agenda, or did it make them not?

Michael Gove: I can’t speak for everyone, but I think the case was best made by Sir Mark Sedwill when he appeared in front of the Committee. Sir Mark said that, while he would not necessarily have expressed himself quite in the way that Dominic had, many of Dominic’s commentaries about how Government overall could improve were ones with which he had more than a measure of sympathy.

I think it is also fair to say that, while Dominic was critical of how Government operated, he saved his strongest criticisms for politicians, not for civil servants. As you know having worked alongside Dominic in the Department for Education, while he is not everyone’s cup of tea, saw that he had a very good relationship with lots of civil servants, which reflected their shared sense of mission. As I say, not everyone will necessarily have approved of everything that he said, but anyway, I am a fan.

Q595 Lloyd Russell-Moyle: You are a fan of some of the stuff that he said about the civil service. Do you not think—

Michael Gove: I am a fan of Dominic overall. Again, I have had one or two disagreements with him over the years, but an awful lot of nonsense has been written about him. I like him and I like his candour.

Q596 Lloyd Russell-Moyle: I think that is a useful thing to say. I wonder how



that will reflect on colleagues who find his candour difficult. Sometimes we have to moderate how we talk to each other to reflect their sensibilities as well, if that makes sense.

Michael Gove: It makes perfect sense. I think that is very fair.

Q597 **Lloyd Russell-Moyle:** The question that the Chair was going to ask was that, in September, you told us that you had been working to flesh out the bones of your lecture. When will we be able to see that?

Michael Gove: We are doing it bit by bit. We will be saying much more in the next couple of months about our proposals for improving the training and education of new arrivals and the provision of additional skills for existing civil servants. We will also be saying more about Places for Growth, which is the catch-all name we have given to the relocation of significant roles and parts of Government outside London. We are also, I hope, going to be publishing a short but helpful overview paper in the new year.

Q598 **Lloyd Russell-Moyle:** Has Lord Maude completed his review?

Michael Gove: Yes, he has. We want to publish Lord Maude's work alongside Doug Gurr's work, which I referenced earlier, but we want to do that at a point when we can explain exactly which bits of it we are accepting and which bits we are not. It was originally commissioned as a report for Ministers, but we think it will be helpful to publish it and then provide a gloss on why we agree with bits of it—well, almost all of it—but why there are one or two other areas where we will not be carrying forward his recommendations.

Q599 **Chair:** Mr Gove, you have argued that many of our citizens have a deep sense of disenchantment with the political system, which they feel has failed them. How do you see the Government addressing that?

Michael Gove: It is a massive issue, and there are lots of different ways in which we need to address it. The first thing, of course, is making sure that we deliver public services effectively. It is the bread and butter task that all of us in Government have to make sure that the operation of the NHS, schools and so on improves.

The second thing is that we need to make sure people have a sense that the services that the Government provide more broadly are easily accessible, well integrated and as responsive as any other service with which the public interact.

The third thing, and it is a broader thing, is recognising that there are some particular challenges that we are facing, as all Governments in developed nations are facing at the moment, that sharpen some of the divides in our society. Covid has been an uncomfortable reminder of some inequalities in our society, but some of the technological changes that will affect the world of work will sharpen some divides in our society. Government need to show that they recognise how those potentially wrenching technological changes will affect the lives of many people.



HOUSE OF COMMONS

The other thing, without wanting to go on forever, is that what we have thought of as globalisation over the last two decades has increased prosperity overall, but it has also meant that some of the overlooked families and undervalued communities of our country have felt left behind, with good reason, and that is why the Government's agenda of levelling up is so important.

There is a great book just out—I have not read it all yet, I have just read a bit of it—by David Goodhart called *Head, Hand, Heart*. It makes the point that, over the last few years, many people in this country have felt that decisions have been taken in the interests of the already well off and well connected and that we need to do more to reconnect with everyone.

The final thing I would say is that I was watching—and perhaps I should not have been—an interview with Tony Benn from the 1975 EU referendum. Tony Benn made this very important point. He said, "The most important thing is the vote. There are people who will have wealth and connections who will be able to influence Government, but the one thing that everyone has is the vote as a way of making sure that Government responds" and I think that quintessential argument about democratic accountability, which we touched on earlier, is very important. It is making it clear that people's votes determine the shape and the future of this country.

Q600 **Chair:** Do those answers imply that you think the current constitutional arrangements in the UK are fit for purpose and are not a major part of the disenchantment?

Michael Gove: We need to look at every part of our constitution to make sure it is fit for purpose. It will not surprise you, or indeed Ronnie, to know I am a strong supporter of the principle that the different parts of the United Kingdom are stronger together, but that does not mean that we cannot look at how every part of our constitution works in order to make sure that it is as responsive as possible.

Q601 **Chair:** The Government had committed to launching a constitution, democracy and rights commission in the first year of government. Obviously a lot of other things have happened in that year, unanticipated. At what stage are the Government's proposals for the commission?

Michael Gove: We are eating the elephant in chunks. We have put forward some proposals for looking at how judicial review operates. We are going to be saying more. I think the Lord Chancellor has said a bit about how we can make sure the Human Rights Act works even more effectively. I hope that either I or the Prime Minister will be saying a wee bit more early in the new year about some other ways in which we can modernise the constitution.

Q602 **Chair:** But are we likely to hear from either you, the Prime Minister or others that a commission is being set up and what its scope is going to be?



Michael Gove: What I think we will see are different bits of activity, all of which come together. As I say, it will be bit by bit by bit, but we will attempt to tackle all these issues, for reasons that I think most people will completely understand. The constitution, the system of government in this country, depends on lots of different component parts and it requires some thoughtful specialist care in each of those. There are people who are, for example, very expert in helping us to refine how judicial review works, but there are also going to be people who, when it comes to looking at the relationship between central and local government, will have expertise to bring to bear there. I think some people thought or interpreted the idea as a sort new Royal Commission with eight to 12 wise men and women looking at all these issues. In fact, it is going to be a set of specialist groups looking at each part of it and coming together.

Q603 **Chair:** The Lord Chancellor described it as a Royal Variety Performance in his evidence to us, but just to confirm, because I think you have said it, we should not anticipate an all-encompassing commission to be brought forward?

Michael Gove: Exactly. It is not the intention to have a sort of Kilbrandon 2 or something like that. It is the intention to have—the Lord Chancellor put it better than I did—a set of different talents coming together to look at different parts of the whole picture.

Chair: Now—

Michael Gove: Sorry, carry on.

Chair: No, you carry on. We are here to hear you.

Michael Gove: I have another meeting afterwards, which is why we had to constrain time, but because of the voting and because it has disrupted things, I think—and I may get a kick under the table—we can extend for another 10 minutes, in fairness. If you would like to run until 3.10 pm, I think we can do that.

Q604 **Chair:** On behalf of the Chair, I shall accept that offer and press ahead with the next issue, which relates to the commitments you gave when I previously asked you about the publication of the Dunlop review and you said that it would be before the Internal Market Bill received Royal Assent. Obviously that Bill is ongoing at the moment. Do you now have a clearer idea of a publication date?

Michael Gove: I would like to publish it alongside the conclusion of the intergovernmental review. As you will know, David—and I think most people on the Committee will know—for some time we have been looking, and this is part of the broader constitutional renovation work, at how we can improve the way in which the UK Government work with all the Administrations in the UK. We have made good progress there and part of what Lord Dunlop was arguing for is a systemic overhaul of how we do that.



HOUSE OF COMMONS

I would like to publish Andrew's report alongside the conclusion of our work there, but that depends on my being able to reassure the Governments and the devolved Administrations that we have a seaworthy set of arrangements. But one of the things we can reflect on is whether or not it is better, if we can't get that perfect agreement before the end of the year, to publish Andrew's report, to explain what we have done so far and also to explain the ongoing work that we are undertaking to complete and finish all of his recommendations.

Q605 **Chair:** Obviously only speaking for myself, but I think the scenario you set out is the optimum one, of publicising his report along with the IGR. If you are not able to do that, I think it would be very helpful if you were able to publish his report before the end of the year so that it can be looked at in a reflective way, for example, within the Scottish scenario and indeed the Welsh scenario, before we end up in electoral mode, which may not allow for the sort of reflection that is required.

Michael Gove: Completely understood.

Q606 **Chair:** That has concluded the issues I wanted to raise. The Chair may have said it at the start, but I want to be clear that there is a proposal that, once the Dunlop report and indeed the intergovernmental review have been published, this Committee, the Scottish Affairs Committee, the Welsh Affairs Committee and the Northern Ireland Affairs Committee would come together in some form and would hope that you will be able to appear before that joint Committee to discuss the issues raised.

Michael Gove: The more that Scotland, Wales, Northern Ireland and Westminster work closely together, the happier I am.

Chair: Indeed, me too, but here is someone who may not be so happy in that regard but will, I am sure, ask constructively the questions that have been assigned to him.

Q607 **Ronnie Cowan:** Probably the worst introduction ever, but I have a serious question on this, because the Dunlop review has been sitting locked away somewhere for some considerable time. I know that members of this Committee are allowed to go and read it if they wish to do so. Obviously they cannot write things down and they cannot take photographs, the usual caveats, but I am up here in Scotland and I cannot travel to London, I cannot travel out of my constituency right now, so I cannot access that report. Fortunately I have members of this Committee who can do this. I would like to do it myself but, as far as I know, the Scottish Affairs Committee does not have access to the Dunlop review either. Is that the situation? If so, can you justify that?

Michael Gove: My understanding is that we are giving Select Committee Chairs an opportunity to read the report. I think that is the case. If any Select Committee Chair has not had that chance, I will get back to you.

Ronnie Cowan: You will get back, thank you.



HOUSE OF COMMONS

Michael Gove: The Dunlop report is not like the first Mrs Rochester or whatever. It is not being kept in the attic because we are embarrassed by it. It is a great report, but what we wanted to do, and I mentioned this on reflection to David—

Ronnie Cowan: But we keep hearing this.

Michael Gove: As well as the recipe, we want to have the cake alongside.

Ronnie Cowan: I have said enough. You want—

Michael Gove: We want to do it in proper Nigella fashion to show that we have baked the cake that we have been asked to bake.

Q608 **Ronnie Cowan:** Right now we are starving. Right now we are starving, so I don't want the icing, I don't want the cherry on top. I just want the cake, if that is at all possible.

Michael Gove: Absolutely. Ronnie, there is nothing I would like more than to make sure we can share a Christmas cake together.

Q609 **Ronnie Cowan:** If you can make it available to the Chair of the Scottish Affairs Committee, that would be great, but also if you could take into consideration the fact that, if it is physically locked away somewhere in London, there are people who should be getting access to it who currently cannot get access to it.

Michael Gove: Understood.

Q610 **Ronnie Cowan:** We will move on. Will the Government proceed with the UK Internal Market Bill if legislative consent is withheld by devolved legislators?

Michael Gove: We want legislative consent, but there are exceptional circumstances here, so yes.

Q611 **Ronnie Cowan:** So you will move on regardless? You will disregard the fact that the Scottish and devolved Parliaments will not give you consent and you will carry on regardless?

Michael Gove: Not at all regardless. I have great regard for the views of the Scottish Government.

Ronnie Cowan: Disregardless?

Michael Gove: No. You can have enormous regard, which I do, for the views of the Scottish Government, but respectfully disagree. One of the points about the principle we have here is that we do not normally legislate without legislative consent motions, of course, and we work hard to secure them. I am grateful to our colleagues in the Scottish Parliament who work hard to frame them, but there are certain exceptional circumstances. Leaving the European Union is one such when we may need to legislate without necessarily having an LCM, but there has been very good working with colleagues in the devolved Administrations, particularly, but not exclusively, the Welsh Government to ensure that concerns and hopes that



have been expressed about the UK Internal Market Bill can be incorporated into the finished product.

Q612 **Ronnie Cowan:** If you have consulted but you are ultimately going to say, “We are going to disregard your views on this,” where does that leave the Sewel Convention?

Michael Gove: The whole point about the Sewel Convention is, first, it is a convention, and second, it says that the UK Government will not normally legislate without an LCM, but it does not say the UK Government should never legislate without an LCM. The whole point about the Sewel Convention is that sometimes it envisages circumstances in which the UK Government will inevitably legislate without an LCM, but that should be by exception.

Q613 **Ronnie Cowan:** You have absolutely nailed it. The word “normally” is the key to that entire convention. In fact, the convention is not worth the paper it is written on. This is another example of when we have tried, at one level, “We have listened to devolved powers and ultimately the UK Parliament is going to reign supreme regardless.”

Michael Gove: The thing is that “normal” means customary or usual, it does not mean at all times. Normally Aberdeen could be expected to beat Kilmarnock, St Mirren or St Johnstone. They don’t always, so the point I am making is that there are—and this is clear in the convention—always circumstances in which it is envisaged that we will, regrettably, have to legislate without an LCM, but we would always prefer to have one. That is the purpose of the Sewel Convention.

Q614 **Ronnie Cowan:** So the purpose of the Sewel Convention is what?

Michael Gove: To recognise that there will be exceptional circumstances where we may legislate without an LCM. As I say, not normally means there will be times, so there will be occasions. If the Sewel Convention said the UK Government can never legislate without an LCM, it would be a different convention.

Q615 **Ronnie Cowan:** But these are extraordinary times. I don’t have to remind you that people in Scotland—

Michael Gove: You are making my point for me.

Ronnie Cowan: I will finish. These are extraordinary times, because the people of Scotland voted to remain in the EU, so surely their voice has to be listened to.

Michael Gove: Where to begin? The people of Scotland also voted to remain in the United Kingdom.

Q616 **Ronnie Cowan:** We are not discussing that now. You have an LCM motion, which you will not wait for. You have talked to devolved powers. The devolved powers in Scotland represent the voice of the people of Scotland. The people of Scotland said, “We want to remain in the EU,” therefore you



HOUSE OF COMMONS

would expect the Scottish Government, the Scottish Parliament, to express concerns over that and to want to be part of that discussion, but also to have a say in the outcome. What you are saying is, "You don't have a say in the outcome."

Michael Gove: Oh yes, absolutely, the Scottish Government do have a say in the outcome through the JMC(EN) and a number of other fora. Indeed, Scottish electors have a say in the outcome because they send superb Members of Parliament such as yourself to Westminster. The point I would make is that one can't pick and choose referendum results. The people of Scotland had a referendum in which they voted to stay in the United Kingdom—

Ronnie Cowan: No, but this is about a legislative consent motion.

Michael Gove: —and the people of the United Kingdom had a referendum in which they voted to leave the European Union.

Q617 **Ronnie Cowan:** Encapsulated in that, what you are saying is that the majority of the population, 62% of the population of Scotland who voted to remain, gets superseded by a majority of people in England saying otherwise.

Michael Gove: No, I say that we operate as one United Kingdom. The point I would also make is that, I think, between a third and 40% of SNP voters voted to leave the European Union.

Q618 **Ronnie Cowan:** How do you know that?

Michael Gove: I think it is on the basis of looking at where votes were cast. Let's say it is only 20%, let's assume that for a moment. How many—

Ronnie Cowan: You are still making up a number here.

Michael Gove: I will develop my point: 20% of SNP voters voted to leave the European Union. How many SNP MPs in Westminster reflect that view? How many SNP MSPs reflect that view? The admirable Alex Neil reflects that view, the great man that he is. There aren't others. If we are talking about effective representation, what about all those SNP voters who voted to leave? Who is speaking for them beyond Alex Neil and, I think, Jim Sillars? If we are going to talk about percentages, that seems to me to be a legitimate question as well.

[Mr William Wragg took the Chair]

Q619 **Chair:** Thank you, Mr Gove. Thank you to my colleagues for so ably stepping into the breach as I voted on the Bill I think you have just been discussing. I do not have a proxy and I act as proxy for two colleagues as well. Thank you all.

Just drawing things to a close in the context of English devolution, the Ministry of Housing, Communities and Local Government is currently apparently drawing up a White Paper on English devolution. Given the constitutional nature of devolution reform and your responsibility for those



issues and, indeed, strengthening the Union, what involvement have you and the Cabinet Office had in drawing up that White Paper?

Michael Gove: The penholder and leader on this is, of course, the Secretary of State at MHCLG, but Rob Jenrick and I meet regularly about these issues and there is a Cabinet sub-committee that deals explicitly with some of these devolution and constitutional issues. Rob, the territorial Secretaries of State and I often discuss these issues.

Q620 **Chair:** In your Ditchley lecture, you spoke of, “allowing communities to take back more control of the policies that matter to them” and spoke quite admiringly of policy innovation that comes from governors in the United States. Is it the Government’s ambition to devolve power to parts of England?

Michael Gove: Yes.

Q621 **Chair:** What appetite is there for that?

Michael Gove: In my case, a strong one, but I don’t want to pre-empt the work that the Secretary of State at MHCLG will bring forward.

Q622 **Chair:** Is there an appetite within the Conservative party?

Michael Gove: I think there is, yes. Let me speak for my own local authority in Surrey. We have an excellent leader, Tim Oliver, and I know that Tim has some very well worked out plans for making sure that, with any appropriate local government reform, he can exercise a greater degree of responsiveness but, again, one of the whole points about the glory of England is that we have different strokes for different folks. The success of Ben Houchen and Andy Street shows that the right approach for Tees Valley, for Deeside and for the West Midlands can be a strong combined authority but, again, in other parts of the country a different approach is appropriate.

Q623 **Chair:** How would you describe the Government’s long-term vision for how such devolution should operate within the UK?

Michael Gove: Organic.

Q624 **Chair:** Could you describe the organic qualities it would need to possess?

Michael Gove: Again, one of the basic Tory principles is that, out of the crooked timber of humanity, no straight thing was ever made, and I think we recognise that you need to have different approaches in different parts of the United Kingdom, that is the first thing, and also potentially different approaches within England. As I say, combined authorities Mayors are right in some circumstances. Some of those combined authorities will assume responsibilities that others will not. In some cases you will have very effective unitary authorities; in other cases not. I think the appropriate thing is to recognise that what is right for London might be slightly different from what is right for Greater Manchester, and that will certainly be different from what is right for Devon or for Surrey.



HOUSE OF COMMONS

Chair: Thank you. We will conclude our meeting there, Mr Gove. Thank you very much for your attendance this afternoon. We are looking forward to having you in the new year at greater length, because we feel deprived of you sometimes as a Committee. I know you would wish to satisfy the urge we have to see you more. In the meantime, can I wish you a Merry Christmas, among everything else that you are involved with at the moment? I thank colleagues and the team here for facilitating the meeting.