



Political and Constitutional Reform Committee

Oral evidence: [Revisiting the Cabinet Manual](#), HC 233

Thursday 17 July 2014

Ordered by the House of Commons to be published on 17 July 2014.

[Watch the meeting](#)

Members present: Mr Graham Allen (Chair); Mr Christopher Chope; Tracey Crouch; Paul Flynn; Fabian Hamilton; Mr Andrew Turner

Questions 62 - 124

Witness: **Sir Jeremy Heywood KCB CVO**, Cabinet Secretary, Cabinet Office, gave evidence.

Q62 Chair: Sir Jeremy, thank you very much for coming this morning. It is a great pleasure to see you. Is there anything that you would like to say before we ask questions, particularly in the general context of the Cabinet Manual and where we are on that?

Sir Jeremy Heywood: No. I think we will just get straight into the questions.

Chair: We don't normally do this but we will try to get very topical and talk about events in the last couple of days. Chris, I think you are going to start us on that.

Q63 Mr Chope: Good morning. Can I ask you to put a bit of flesh on the bones of the Government's press announcement on 15 July that said in a footnote, a note to editors, "The Cabinet Secretary will take the title of Head of the Civil Service while maintaining his current responsibilities"? It implies that you might be getting additional responsibilities. If so, what are those?

Sir Jeremy Heywood: I think the main thing about the announcement earlier this week was the Prime Minister's decision to create a chief executive of the civil service post to drive civil service reform and the efficiency and reform agenda, so that was the main novelty, if you like, in that. The decision was taken by the Prime Minister to make me head of the civil service. What does that mean in practice? I think of the various functions that Bob Kerslake currently has; I will probably take on the performance management of the permanent secretaries who I don't currently performance manage. At the moment they are split between myself and Bob Kerslake. I will probably have some responsibility for senior talent management at the top of the civil service, but this is something to be worked through with the person who is appointed through external competition as the chief executive. We don't want to set it down in stone at this point because I think there will be a discussion to be had with whoever is appointed.

Q64 Mr Chope: But surely in terms of transparency and accountability, it is important that, for example, Members of Parliament and the public should know who is responsible for what, and that is why most people who hold senior positions have precise job descriptions. It seems from what you are saying that you are going to be writing your job description in due course, but in the meantime you have a new title. Is that a fair way of summarising it?

Sir Jeremy Heywood: I think when it has all settled down and it is very clear what I am doing and what the chief executive is doing, that will need to be set out very clearly for Parliament and everybody else. In the short term, what we need to do is agree a job description for the chief executive post in order to do a proper public advert and competition for that post. There will be more clarity provided. I am currently in discussion with Ministers as to precisely what the demarcation is of the chief executive role so that we can advertise and attract the best possible person.

Q65 Mr Chope: What is the timescale for advertising for a new chief executive?

Sir Jeremy Heywood: Hopefully in the next few days we will—

Mr Chope: In the next few days?

Sir Jeremy Heywood: Yes, hopefully.

Mr Chope: And you have not even agreed on that person's terms of reference yet.

Sir Jeremy Heywood: We have broad agreement on it but I have not yet completely finalised it with all the Ministers who have an interest in that and I think it is right to do so. But, yes, we are keen to get on with this and get an advert out in the next few working days.

Q66 Mr Chope: This all seems rather bizarre because it was only in November 2011 that the Prime Minister was saying how important it was to split the roles. At the time, Lord Hennessy said he did not think it would work and it would not be long before the roles were reunited, and indeed he has been proved right rather sooner than I think he might have expected.

Sir Jeremy Heywood: To some extent, yes, but I think we are going to continue with this idea of having two significant jobs at the centre, one essentially running the Cabinet Secretary-type responsibilities and one leading on the management of the civil service. That functional split will be retained. We will be doing it in a slightly different way than originally envisaged, but I think that the core insight—that the Cabinet Secretary's role needs to be focused on supporting the Cabinet, particularly at the time of the coalition when you have the Prime Minister and Deputy Prime Minister each needing to be supported, and split off from the executive role of running the civil service—will be maintained.

Q67 Mr Chope: It seems as though this had not been properly thought through in November 2011 because it has unravelled. We now have a situation where you have been appointed to an additional position without having a job description, because again that has not been thought through. Wouldn't there be something to be said, to set an example to other civil servants and other public servants, to think these things through and then make the announcements rather than make announcements and then find that the first thoughts unravel in practice?

Sir Jeremy Heywood: No, I don't really accept that at all. I think it has been thought through very carefully. It is just that the detail of the job description has not been finalised. That is a different

point and I think it would be wrong to rush out a job description before all the Ministers who have an interest in this have had a chance to express their views about it. The basic outline of the Cabinet Secretary and head of the civil service's role and that of the chief executive are clear on the press releases that have been put forward.

Q68 Mr Chope: But you said originally you were going to take on performance management and work through—that was your expression—some other ideas and roles, and that sounds incredibly vague. Is that going to be finalised in the next few days—before the end of next week?

Sir Jeremy Heywood: Not every aspect of this will be finalised. I think it is perfectly reasonable to say that once we see who the candidate for chief executive is, there will be an opportunity to discuss with that person the precise demarcation in detail. The broad allocation of responsibilities is already clear, but the detailed job description needs a few more days' work.

Q69 Mr Chope: Would you agree that what was put forward in November 2011 was that the Prime Minister said his successors might revert to combining the role? In fact he has decided to do that himself and not wait for any successor to do it. Do you think that this has been properly consulted on, and what is the cost to the quality of administration? Obviously, something went wrong that caused the November 2011 experiment to fail.

Sir Jeremy Heywood: Obviously, that is one point of view. I believe that the arrangements that were put in place at the beginning of 2012 have generated a significant strengthening of the leadership of the civil service. I think we have significant achievements registered over the last two and a half years. This is probably not the right Committee in which to go through all that in detail, but clearly the Prime Minister feels, and I am very happy to support that, that we can do even better with a further evolution in the structure. We are keeping the essential distinction between the Cabinet Secretary's role, which will be largely focused on supporting Cabinet on policy, and the management of the civil service and the driving forward of civil service reform, which I will remain very closely involved in but there will be another senior figure leading that. That is the essential split that was introduced at the beginning of 2012; we are retaining that.

Q70 Mr Chope: Will this save money or cost more money?

Sir Jeremy Heywood: I don't think it will make much difference financially, but it is possible we may reduce the number of senior jobs.

Q71 Paul Flynn: Do you think we can claim copyright as a Committee on what we have heard so far for a future edition of "Yes Minister"? If I can put it this way: Gus Macdonald was known as God, because of his initials; in the beginning was God. God then became a trinity of you, Bob Kerslake and Ian Watmore. That was perfect. You said it was perfect; the Prime Minister said it was perfect. Ian Watmore went somewhere—he disappeared—and there was two, and that was perfect too. You said so; the Prime Minister said so. Now it is down to one again, and this too is perfect. You say so; the Prime Minister says so. Do you think you have a credibility problem, and do you suggest that this management by chaos is a model for the rest of the civil service?

Sir Jeremy Heywood: I don't think I have ever said it was perfect. I said it was an improvement, and I think this will be a further improvement. I certainly don't accept it is management by chaos. I think you should judge by results and I think the results have been a significant improvement in the

way the civil service has operated over the last two and a half years. I hope this further evolution will lead to a further improvement still.

Q72 Paul Flynn: But you said now that you entirely agree with the Prime Minister. You have been saying this for about the last 25 years in various jobs. Is this the way to progress in the civil service? The abiding philosophy of the civil service was described in the 1970s as following the rule of the unimportance of being right. The supreme virtue is having a dogged support for everything the Prime Minister says. Don't you see yourself as a sort of courtier and somebody just echoing whatever the Prime Minister thinks: "Yes, sir; no, sir; three bags full, sir. Yes, it is right to have three; yes, it is right to have two; yes, it is right to have one."?

Chair: I think we get the idea. Jeremy?

Sir Jeremy Heywood: That is not the way I operate. When the Prime Minister has made a decision it is my duty as a civil servant to support it in public, and that is what I am doing. Frankly, I do not think anybody would rise towards the upper echelons of the civil service if all they ever did was parrot what Ministers want to hear. Most Ministers, and certainly the Prime Minister, want to have good, fearless advice. They often will agree with it; sometimes they won't agree with it, but they make the decisions. They are the elected politicians and it is then my job to carry that out.

Q73 Paul Flynn: The Prime Minister has made three different decisions; every one of them was right in your view. Do you think you earn your salary by always echoing what the Prime Minister says and thinks?

Sir Jeremy Heywood: I have just answered that question once already. I don't. I give my advice to the Prime Minister, but when he has made a decision, it is my job to carry it out.

Q74 Paul Flynn: But when he changes that decision he is still right.

Sir Jeremy Heywood: That is just answering the same question over again.

Q75 Paul Flynn: The infallibility of the Prime Minister should be the overriding principle of the civil service. That is the example you are setting to the rest of the civil service.

Sir Jeremy Heywood: I give my advice to the Prime Minister in private. He sometimes takes it; he sometimes doesn't. I absolutely believe that the structure that we are evolving towards here has the best chance of taking forward the civil service reform in the way that he, Francis Maude and others want over the next period.

Q76 Paul Flynn: My final question: if he had sacked you instead of Bob Kerslake, would you have been saying, "That is absolutely right, Prime Minister"?

Sir Jeremy Heywood: It is a hypothetical question and I am not going to go down that road.

Q77 Mr Turner: Has the Cabinet Manual achieved its aims of helping the public better understand how our democracy works and that it would shed more light on how Government relates to other branches of state?

Sir Jeremy Heywood: I think it is probably a work in progress. There has not been a huge pick-up of public interest in it. I think it was primarily intended as a guide to Ministers and civil servants and for those working closely with Government rather than for the general public. I think I am right in saying that we have had something like 5,000 hits on the website, if that is one measure of the degree of public interest. But I think this will build over time as the thing gets established, and it has only been in place for a few years. I hope it will be in place for a long time and will gradually become more important in the public's mind.

Mr Turner: You said 5,000 hits?

Sir Jeremy Heywood: I think something like that, yes.

Q78 Mr Turner: The Cabinet Manual is described as a guide for members of Cabinet, other Ministers and civil servants in carrying out Government business. How is the Cabinet Manual being used? Are they just part of the 5,000?

Sir Jeremy Heywood: I think it is being used exactly as you have just said, as a guide. It is there as a reference guide for civil servants and Ministers and anybody else who wants to understand how the Government works and that is what it is, so it is being used in that way.

Q79 Mr Turner: How quickly is it updated?

Sir Jeremy Heywood: It has not been updated at all so far. We have had the first edition, which I think was put in place in 2011, and it is a matter for the Prime Minister and other Ministers to decide when it should next be updated. My guess is that we probably will come to that issue sometime in the next Parliament.

Q80 Mr Turner: The fact of a change in the way in which Government took decisions on Syria is not something that would be changed, although that is evidently quite significant?

Sir Jeremy Heywood: The way the Syria issue was put to Parliament is consistent with the current wording of the manual, but I think Ministers have agreed that, when we get to the next updating, the practice of what happened on Syria will be reflected in the detailed wording of the document.

Q81 Mr Turner: Professor Ian Cram suggested that there could be two different versions—an internal one and one for the public. What do you think of that?

Sir Jeremy Heywood: I don't really support that, to be honest. I think that this needs to be established as the manual and I hope over time there will be more awareness of it, but I don't think that greater public awareness of it would be helped if there were two different versions. I personally would prefer to have just one document.

Q82 Mr Turner: What I don't quite understand is how things can be up to date and yet out of date at the same time. It seems to me that if there is a change one must change the manual pretty quickly.

Sir Jeremy Heywood: That is definitely a point of view. I think Ministers have taken the view so far that it is better not to change it every six months or so when something new has happened that

requires a textual change, but to hold those points until the point has been reached where a major consultation on an update may be ready. But this is an issue to be debated, clearly.

Q83 Chair: Sir Jeremy, I think we will forgive you if you have not read the several hundred pages of our document called “A new Magna Carta?” that was published very recently.

Sir Jeremy Heywood: It is my holiday reading, Chairman.

Chair: Very enjoyable on the beach, I am sure. We outline a number of options to move towards some sort of codification. The big question is, do you want codification or not, and then there are three options if you want some sort of codification in a document. The last one of those is a written constitution; the middle one is a consolidation of all existing Acts in one place around constitutional issues; but the first one is relevant to what we are talking about today, which is whether the Cabinet Manual might be given some sort of non-statutory basis by Parliament; in other words take it out from being an Executive-only manual into the broader legislative and judicial field. Given that you will not have had a chance to read that in any detail, does that sound like something that you would be interested in reviewing at least?

Sir Jeremy Heywood: I think Ministers are very clear that they are interested to hear the outcome of the consultation you have set out. The Government does not have a position on any of the three options at the moment and therefore nor do I, but having said that, of course we are interested to know there is a groundswell of opinion that Parliament should get more involved in the Cabinet Manual. As you know, Chairman, I was not directly involved last time round but my perception is that parliamentary committees played quite a significant role in helping to scrutinise and improve the first draft of that, so that is a very good use of senior parliamentarians’ time. A lot of you obviously have a close interest and experience of these issues. Going beyond that to some sort of parliamentary vote on it is something that was held back from last time, because this is really just, in a sense, a pulling together, a compilation of the various rules and processes and conventions. Trying to give it some additional status was not thought appropriate or necessary last time, but let’s see what comes out of your consultation.

Q84 Chair: I think it would be short of being given statutory force. That may make more people more comfortable with the possibility of parliamentary involvement, that it would be a non-statutory code rather than a fully-fledged Act of Parliament and all that entails in terms of being a committee and being chewed over by all sorts of interests.

Sir Jeremy Heywood: It would definitely change its nature because at the moment it clearly is a document of the Executive and largely for the Executive but with considerably helpful input from parliamentary committees. You are suggesting turning it into something different, which is a perfectly legitimate proposal, and let’s see how people respond to your consultation.

Q85 Chair: Thank you. That is very helpful. As part of the Cabinet Manual and part of our interaction with the Executive, you will be aware that we have looked at the war-making powers and how Parliament gets involved in that. It is a little bit of a concern to me, Sir Jeremy, that we felt we were making some progress. I hope you will agree that we have been extremely open to suggested wording and suggested possibilities of a structure in which that could take place. A former Foreign Secretary suggested a statute; we have suggested a parliamentary standing order, effectively. There are lots of ways to skin this cat, but it does seem to have ground to a halt a little bit at the Whitehall end. Is that something that you could have a look at and see if you can Dyno-Rod this issue, which has been on our Committee agenda since 2010, so that we can arrive at some sort of wording that would allow

Parliament to play a legitimate role in decisions around deploying or legitimising post-hoc the deployment of troops in conflict?

Sir Jeremy Heywood: I think the key members of the Government with responsibilities in this area are well aware of the proposals you have put forward. It is an issue that has been debated internally and continues to be debated. Clearly the existing Cabinet Manual wording reflects the fact that Parliament does have a role, except in emergencies, and the Government has adhered to that convention. I don't think it is fair to say that Parliament does not have a role. I think the issue is one of whether to and how best to codify what that role is by resolution, legislation or whatever, and there are some arguments in favour of that and some arguments against. I think the Deputy Prime Minister himself has acknowledged there is a range of different views on that. We are still working through those but hopefully we will be able to get to a decision fairly soon without using the Dyno-Rod.

Q86 Chair: Does “hopefully...fairly soon” mean this side of Christmas and certainly this side of the general election?

Sir Jeremy Heywood: I can't really put a timeframe on that but I know it is an issue that people are conscious has not been resolved yet.

Q87 Chair: Would you mind having another look at this and perhaps dropping me a line and seeing where we can get to on this, hopefully before the general election?

Sir Jeremy Heywood: I can certainly have a look at it. In the end this is a matter for the senior political leaders on both sides of the coalition to work through. They have obviously just had a reshuffle as well, which affects some of the personalities. But, yes, I will take it away and make it clear to senior Ministers that there is a desire to move forward on this.

Chair: Thank you. That would be very helpful, Sir Jeremy.

Q88 Tracey Crouch: I simply wanted to ask if you could explain what your role as Cabinet Secretary is in relation to the Cabinet Manual.

Sir Jeremy Heywood: This is a document that was put together by Cabinet Office officials, and as head of the Cabinet Office official policymaking team clearly I sit on top of that group of advisers. It then goes to the Prime Minister and Deputy Prime Minister and ultimately to the Cabinet, and my job then is to make sure that the Cabinet's comments are all reflected in the final draft. I guess it will be my job at some point to go to Ministers and say, “I think the time has come now to consider some updating of the manual”.

Q89 Tracey Crouch: Do you own it?

Sir Jeremy Heywood: No, it is owned by the Cabinet. It is a politically owned document rather than one owned by me.

Q90 Fabian Hamilton: Sir Jeremy, I want to move on to updating the Cabinet Manual. What discussions have you had with Ministers regarding a timeframe for that?

Sir Jeremy Heywood: I have not had any recent discussions with Ministers about that. I think we have sort of assumed, but I will definitely test this again at some point in due course, that there is no real appetite to have another edition before the election. As I say, the first edition was only produced in late 2011 and I personally don't think it is necessary to revise it every two or three years. I take the point made by Mr Turner earlier that there are already a few areas where it is clear that we will probably have to update in due course, but at the moment it is not something that any Minister has raised with me or I have raised with any Minister. My guess is that this will not come up again until the next Parliament.

Q91 Fabian Hamilton: Given what you have said about the lack of necessity to update it—you don't feel it should be updated—and the fact that it has not been updated since 2011, do you not think there is a danger that it will lack authority unless it is kept up to date?

Sir Jeremy Heywood: No, I don't think so. The number of areas where updating is necessary is very small. They are largely factual issues. I think the thing acquires more status if it is not seen as something that has to be updated frenetically but is updated once in a while. I understand the New Zealand precedent is very much along those lines, and to date the development of this concept has borrowed a lot from New Zealand. I think I am right in saying that on average they update every two or three Parliaments. That may be too slow in a UK context but I think an updating every two or three years would be a little too far in the other extreme. In the end this is a matter for Ministers and if they wish to update it then obviously we will set to work and give them the advice on which bits do need updating.

Q92 Fabian Hamilton: Let me take you up on that. One of our witnesses, Professor Robert Hazell, told us that he would expect that soon after the election the Cabinet Secretary would ask the Prime Minister the following questions, "Would you like your Administration also to be guided by a Cabinet Manual and are you content with the Cabinet Manual as it is or would you like to see any revisions?" Is it your intention to do this?

Sir Jeremy Heywood: I have not really thought about what would be in my advice to an incoming Prime Minister but, yes, it is definitely one of the issues that would have to be addressed early on in the next Parliament if we have not addressed it beforehand.

Q93 Fabian Hamilton: Professor Hazell went on to suggest that you might want to prepare a list of possible revisions for a new Prime Minister. We do not know if there is going to be a new Prime Minister or not, but is this something you plan to do for the current Prime Minister or any new Prime Minister?

Sir Jeremy Heywood: We keep a running tally in the Cabinet Office of various detailed areas that might need updating or do need updating, so if there is any ministerial appetite to engage on that subject then we will be ready to provide advice. Then, of course, we would want to consult, as last time, to make sure we had captured all the other issues that other people wanted to see updated as well.

Q94 Fabian Hamilton: You have made it clear that you don't think it needs to be updated until at least after the next election. Professor Hazell also told us that he thought the Government might incorporate minor updates to the Cabinet Manual on an online version and only release a new edition—a printed edition I assume—when a major revision has taken place. Do you feel that is an appropriate way of dealing with it or should you not even update the online version?

Sir Jeremy Heywood: As I said earlier, I don't think it is particularly helpful to have two different versions, one online and one offline, but I think there is an issue here. I will talk to the officials about in more detail and discuss with Ministers whether we could, alongside the online version of the manual, have a list of the issues we already know will need to be taken into account at the next point of updating, without giving people the actual wording. For example, I think there is one paragraph where the number "17 days" needs to be replaced by the number "25 days" to reflect some legislation. That is the sort of thing we could flag up conceivably, but this is an issue we need to discuss with Ministers. We do not want to distract attention from the manual. There is only one manual at any point in time so, unless Ministers advise me otherwise, I don't think we would want to move too far away from that central concept. Frankly, if the people who are using this document have practical suggestions of how we can make it more useful then we are very happy to listen to those.

Q95 Fabian Hamilton: There is only one version as far as you are concerned and that is the printed version, and the online version should simply reflect the printed version.

Sir Jeremy Heywood: That is the current position and that is my view. As I say, there may be other ways of recording the fact that there are some specific paragraphs that we already know will need updating or Ministers have already pledged should be updated, so that people who take an interest in these things—I know there are quite a few—have a good sense that the next update will definitely include revisions in these areas. I don't know whether that would be helpful or not, but it is something we are happy to look at.

Fabian Hamilton: Thank you very much, Sir Jeremy.

Q96 Paul Flynn: The present Cabinet Manual on military action refers to the last two recent decisions as Iraq and Libya. It does not take into account a far more important decision taken by the House in 2006 on the incursion into Helmand. At that time there had been just two British soldiers lost in combat and then the decision was to go into Helmand on rather different aims—in fact, to eliminate the poppy crop was one of them—and the result was the deaths of 463, which was the total after the invasion of Helmand. Do you think there should be amendments that would allow for major escalations in warfare also to be debated in the House?

Sir Jeremy Heywood: It is a very interesting point and just shows you the complexity of this issue on what exactly it is that Parliament will be asked to approve and when, if one tried to codify this. For example, if one did not have ex-ante justification by Parliament for something would that then make the UK action illegal? There are all sorts of complex issues around the question of codification that would need to be teased through, which is precisely the reason why it is taking so long for the Government to reach a final position on that.

Q97 Paul Flynn: In the debate that we had in the House a short while ago, on the 19th of last month, the Government accepted that the Cabinet Manual should be updated to include reference to the decision taken by the House of Commons on 29 August. It was a very significant decision and I believe it was the first time for centuries where Back-Benchers, the House of Commons, had defied the will of a Prime Minister who wanted to go to war—wanted to take military action. Do you think it is necessary to codify this now? As the House of Commons clearly is going to take a much more powerful line in making these decisions, shouldn't we codify it and make sure the House is properly informed?

Sir Jeremy Heywood: As you say, Ministers have already made clear that the manual does need updating to take into account Syria and the Syrian vote. Government Ministers are on the record as supporting that so that is what will happen, but that is not commitment to codification. As I said earlier, that is still an issue being debated in the coalition and no decision has been taken on that.

Q98 Paul Flynn: There is a strong argument that says we would be far better relying on the good sense of 650 MPs rather than a hubristic Prime Minister writing his or her page in history, and there is convincing evidence that the tendency is for Prime Ministers to take a more belligerent attitude than the wisdom of 650 Members. Isn't it important to record that and codify it?

Sir Jeremy Heywood: As I say, that is a matter for Ministers to decide or Parliament to force upon them. The convention has been established that there will be a debate unless an emergency action makes that impossible. That is the convention and the Government is abiding by it. The issue of whether it should be codified by way of resolution or statute is yet to be resolved, and I could not really comment any further than that.

Q99 Paul Flynn: The best piece of information that Members could have on the wisdom of future decisions would be to inquire on the wisdom of past decisions. The most controversial one was the decision to go to the war in Iraq. The Chilcot inquiry report is now four years late. It has been suggested that you are responsible for the delay. The Prime Minister says it is not his responsibility and there has been speculation that you are delaying the report. Is that true?

Sir Jeremy Heywood: No, it is not true at all. My role under the protocol that was published at the time the inquiry was set up is to help work through the really complicated issue of which of the very sensitive documents the Chilcot inquiry has seen can be published. The protocol set out a whole series of considerations to be taken into account when deciding that and I have the role of deciding that, although I obviously try to do it in a way that current and previous Ministers are happy with. There are some genuinely very difficult issues because we would not normally imagine whole Cabinet minutes being published or highly sensitive documents relating to conversations between the Prime Minister of Great Britain and the United Kingdom and the President of the United States. We would not normally dream of those things becoming public for a variety of very strong reasons.

Q100 Paul Flynn: Do you accept there is an urgency in discovering what happened, and why Prime Minister Blair decided to join Bush's war with the result of 179 British deaths, and that it is absolutely crucial to avoid similar errors and mistakes in future by understanding what happened then? Doesn't this override any considerations of relationships, traditions and protocols?

Sir Jeremy Heywood: I think it is for the Chilcot inquiry to decide what its timetable is. Obviously everyone would like to see it published as quickly as possible. We don't want to put pressure on the inquiry, which is independent of Government, to stick to a particular timetable if they don't feel they are ready to publish. I can assure you, Mr Flynn, that we are working through as fast as we can a series of very difficult judgments about declassification of very sensitive documents. All of these documents have been seen, of course, by the inquiry so there is no secrecy about the documents as far as the inquiry is concerned. The issue is simply which documents should be published alongside the inquiry; which documents the inquiry feel are essential for them to be able to tell the whole story.

Q101 Paul Flynn: What was your role in 2003?

Sir Jeremy Heywood: I didn't actually have any role in 2003 on Iraq. I was dealing with domestic policy business.

Q102 Paul Flynn: You were working for the Prime Minister, I think.

Sir Jeremy Heywood: Tony Blair, yes.

Q103 Paul Flynn: You don't feel any personal responsibility? There is no question of covering up any culpability that you might have in taking the decision to join the war in Iraq?

Sir Jeremy Heywood: Absolutely not, no.

Q104 Paul Flynn: Does your loyalty to Tony Blair affect your decision? The likelihood is that the reports that come out might well show that 179 British soldiers died for the vanity of one man. Do you feel any loyalty there?

Chair: Paul, I think you are straying just a little bit now.

Sir Jeremy Heywood: I am taking the decision on which documents can be published. My starting point to this is that I would like to publish everything that the Chilcot inquiry would like to publish, so I start from a presumption of maximum transparency. That conflicts with a series of longstanding conventions about the publication of documents and I have been trying to work through with legal advisers, the Foreign Office, the Americans and others to make sure that we can publish the maximum possible without destroying our relations with the United States, and without revealing secrets that don't need to be revealed. It has nothing to do with my loyalty to a previous Prime Minister.

Q105 Paul Flynn: When can we expect the truth to be revealed?

Sir Jeremy Heywood: That is a matter for the inquiry but obviously, like everybody else, I hope sooner rather than later.

Q106 Paul Flynn: The code covers the royal prerogative. Do you think that, in view of the difference in personality of the likely future monarch, Prince Charles, and the present Queen, some change is required in the use of the royal prerogative? The Queen's example has been of not interfering in any decisions over the last 60 years but we know the future monarch is an opinionated man with strong opinions, which he expresses, and there is a possibility that he would likely want to interfere in legislation in exercising the Royal Consent and the Royal Assent, and that changes should be made to make sure that we avoid a future constitutional crisis between monarch and Government.

Sir Jeremy Heywood: I don't agree with any of that actually and I don't see what it has to do with the Cabinet Manual.

Q107 Paul Flynn: It is in the Cabinet Manual.

Sir Jeremy Heywood: The Cabinet Manual is a backward-looking document that—

Q108 Paul Flynn: At the moment we are in a position where we are told by the sadly sacked Attorney-General that there are letters written by Prince Charles to Ministers that contain information that might affect his standing as a monarch and they are so explosive that we, his future subjects, are not allowed to know what is in them, and they are not publishing the black spider letters. Is this going to help us avoid future constitutional crises?

Sir Jeremy Heywood: I am not going to comment on correspondence between the royal household and Government Ministers.

Q109 Chair: Can I bring you back to the Cabinet Manual, Sir Jeremy? As it stands right now the Cabinet Manual we all can see will be the basis upon which Ministers and civil servants will conduct negotiations around any coalition, and of any discussions that take place between party leaders who interact with officials.

Sir Jeremy Heywood: I don't expect an updating of the Cabinet Manual before the election but obviously that can't be ruled out if Ministers decide they want an update. Just to be very clear, civil servants don't get involved in negotiations on coalitions. That is a matter for political parties, not the civil service.

Q110 Chair: That is helpful. Thank you. Do you think that involving Parliament in discussions about the draft Cabinet Manual last time round resulted in a better final document?

Sir Jeremy Heywood: Definitely. Absolutely. We had three Select Committees spending quite some time on it and I think all of them helped to improve the document.

Q111 Chair: So if there is any lingering anxiety that getting too close to Parliament or getting too involved with the legislature might produce a negative result, your experience is exactly the opposite, that it was quite a helpful interaction?

Sir Jeremy Heywood: I think that interaction was very good. As I said in answer to a previous question, I would not want to go as far as to have a parliamentary vote on it, or if we did so we would have to recognise collectively that that was turning it into a different sort of document. That may well be what the Government chooses to do at some future point but it is not the current version. The current version is an Executive document designed to improve the transparency of Government rather than to have some sort of formal constitutional status.

Chair: That is helpful. Thank you.

Q112 Tracey Crouch: I wanted to turn to the precedent book. It is a fascinating document.

Sir Jeremy Heywood: It is.

Tracey Crouch: In October last year Lord Hennessy asked a written question about the precedent book and when it was going to be declassified and released to the National Archives. In response Lord Wallace of Saltaire replied that officials in the Cabinet Office have been reviewing the precedent book and consulting with relevant parties to identify what material could be released to the National Archives. Could you give an update on that consultation and where we are at with the precedent book?

Sir Jeremy Heywood: We are working hard, prompted by the Chairman's letters to me and other forces, to try to get the two remaining precedent books published as soon as possible. It will not be weeks, but hopefully in the next year to two years we will be able to get both of the remaining precedent books into the National Archives. I would like to do that if we can. It is quite a resource intensive business, frankly. These are very long documents with lots of personal information in that would have to be redacted, but if we can do it then let's do it because I don't think there should be secrecy around these things.

Q113 Tracey Crouch: The Committee's previous report mentioned that, "The current precedent book and a number of earlier editions has remained classified" but your letter to the Chair on 11 July said that the 1992 edition was the last one compiled, so there is no such thing as a current precedent book apart from the last one, being 1992.

Sir Jeremy Heywood: That is correct.

Tracey Crouch: What happened between 1992 and then 2011 with the Cabinet Manual? Was there just nothing?

Sir Jeremy Heywood: The 1992 precedent book is there. I don't know, you would have to ask my predecessor. How we deal with these issues now is on the basis of experience of how the ministerial code, for example, has been interpreted in the past, what the recent precedents have been, but we don't collect those together into something called the precedent book. In a sense, the corporate memory is there in the Cabinet Office and in my office but we have not gone to the trouble of bringing all of those individual cases together into a new version of the precedent book.

Q114 Tracey Crouch: There was no collection between 1992 and now of all the sensitive and personal information that was put into previous precedent books?

Sir Jeremy Heywood: We don't do it in the same way. We have an independent adviser on ministerial interests now who goes through individual Ministers' financial and other interests when they are appointed. We do it in a slightly different way now. We just don't collect it together and put it into a specific book called the precedent book.

Q115 Tracey Crouch: But presumably that is not going to be published either—

Sir Jeremy Heywood: No.

Tracey Crouch: —until several decades on when the next Committee is looking at it.

Sir Jeremy Heywood: I think there is much more transparency these days anyway among parliamentarians and Ministers about what their interests are. The precedent books are historical documents but, given the degree of interest there seems to be in releasing them, we will do our level best to get them done. It is the same team working on that as are working on FOI requests and the general putting of records into the archives and so on, so there is a resource issue, but we will try to speed that work up, given the interest that you have expressed as a Committee.

Q116 Tracey Crouch: You appreciate the importance and the value of publication of the precedent book and how it can lead to greater transparency and wider debate about—

Sir Jeremy Heywood: I do. Believe it or not, I am a big believer in transparency.

Q117 Tracey Crouch: Do you have any idea when they might be published or how long this process is going to take?

Sir Jeremy Heywood: I think there is a good chance we will be able to complete the 1980s version at the turn of the year when the 1986 papers are released to the National Archives. I think the last document that is part of the 1980s version is a 1986 document. I am getting quite technical now. I think hopefully, cut to the chase, around the turn of the year for the first one and maybe a year or so later for the next one but that is not a firm promise because we need to work through the documentation. There is lots of personal, sensitive and privileged information that should not be published so we have to work through that. I looked the other day at chapter 6, for example, and it is a very long document, even one chapter, so it is just time. It requires judgment and detailed forensic work.

Q118 Tracey Crouch: So, more holiday reading alongside our Magna Carta report.

Sir Jeremy Heywood: I don't think I could take such a sensitive document on holiday with me.

Q119 Mr Chope: Following on from that, there is a 30-year rule in relation to sensitive documents and that is a deadline. Why can we not have a similar deadline in relation to the Chilcot report? It may well be that there is never going to be agreement on all the documents that should be published, but surely what is important is that the report itself, with as many documents as are available and can be published, should be published before the end of this year so that it can be debated before the general election. Do you agree with that?

Sir Jeremy Heywood: It is up to John Chilcot and his team as to whether they can meet that timetable and I think it would be wrong for me to try to push them one way or the other. The Prime Minister and the Deputy Prime Minister have expressed a very strong view that it should be published sooner rather than later but they recognise that this is an independent inquiry.

Just coming back to your point, John Chilcot wrote to me recently to say that we now have reached agreement on the documents that can be published or the extracts from documents. So, although we are still working through a few details, I am pleased to be able to report that he will be able to publish everything that he wants to publish as part of his inquiry. That results from a lot of discussion with him and his team, and we have managed to find a way through all of the difficulties that I explained earlier. That was because I think it is extremely important that this is seen to be a proper, fully transparent account of what the inquiry thinks happened. I didn't want there to be any suggestion that any part of that story was being obscured, but it has taken time. I am sorry it has taken as long as it has but the most important thing was to find a legally safe way of achieving what John Chilcot wanted and that is what we have tried to do.

Q120 Mr Chope: That sounds to be brilliant news. Why can't anybody say now how long it is going to be? It is obviously not going to take that long to print all these documents now we have agreed which ones are going to be—

Sir Jeremy Heywood: You have to go through a Maxwellisation process where people who are going to be named in the report are given an opportunity to comment, but that is a matter for John Chilcot. You need to talk to him about that, not me.

Q121 Chair: Sir Jeremy, in terms of big events coming up, we have the Scottish referendum looming ever closer and no doubt you have various scenarios, depending on which way the results go. Could I ask whether you will include in that the report of this Committee on the need for a constitutional convention, which suggested a wide range of ideas, as one of the possible options? Of course we have also done a lot of work on the devolution settlement for England and, if I may speak personally, I think people will believe that we are all serious about devolution when we are serious about it for the English as well. It will give it that extra legitimacy that we are all committed to devolution as a principle. Do you have any comment on that?

Sir Jeremy Heywood: As you know, Mr Chairman, we are not doing any contingency planning on the Scottish outcomes, but clearly we will want to take into account any thinking the Committee has done if that becomes relevant, given the outcome that happens. I have not personally read that but I will do so.

Q122 Chair: Finally, just to finish from me on “A new Magna Carta?”, one of my colleagues, Fabian Hamilton, is about to give a statement to the House, since I will sadly have to be absent, outlining the fact that this document is now available for public consultation, which will be open until 1 January. I understand that officials have been talking to each other about the Government’s response to this. I hope you are happy that in fact my view—and I think it has prevailed—is that we would not want you to go to great lengths to produce an enormous response to the whole document at this moment but to do some sort of holding statement, a shorter version, because this is a dialogue we would like to continue once the consultation itself has finished. In a sense, with your agreement there will be a two-stage response on “A new Magna Carta?”. I think I have got that just about in line. Does that sound a sensible way to proceed?

Sir Jeremy Heywood: It sounds very sensible to me.

Q123 Chair: Normally we would want the full McCoy and we would want it relatively speedily, and on occasions we have pressed you to do that. On this occasion, because there is a public consultation, I think we can hopefully all be a little bit more relaxed about the timing on it.

Sir Jeremy Heywood: Yes. I haven’t talked to Ministers about it but that does sound very sensible to me.

Q124 Chair: Thank you, Sir Jeremy. If colleagues have no other questions, Sir Jeremy, is there anything you want to say before you go, anything we have missed that you would like to put on public record at the Select Committee?

Sir Jeremy Heywood: No, I don’t think so. I think we have had a very good discussion about the Cabinet Manual.

Chair: And other things. Sir Jeremy, thank you for your time this morning. It is much appreciated. Thank you, colleagues.