

Public Administration and Constitutional Affairs Committee

Oral evidence: The work of the Cabinet Secretary,
HC 1250

Monday 9 September 2019

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Members present: Sir Bernard Jenkin (Chair); Ronnie Cowan; Dame Cheryl Gillan; Kelvin Hopkins; Dr Rupa Huq; Mr David Jones; Eleanor Smith.

Questions 324 - 479

Witnesses

I: Sir Mark Sedwill, Cabinet Secretary and Head of the Civil Service, Cabinet Office, and John Manzoni, Chief Executive of the Civil Service and Permanent Secretary, Cabinet Office.

Examination of witnesses

Witnesses: Sir Mark Sedwill and John Manzoni

Q324 **Chair:** I welcome the Cabinet Secretary and the Permanent Secretary from the Cabinet Office to this session on the work of the Cabinet Secretary and of the Cabinet Office. Can I ask you to confirm your identities for the record, please?

Sir Mark Sedwill: I am Mark Sedwill. I am the Cabinet Secretary.

John Manzoni: John Manzoni. I am the Chief Executive of the Civil Service and the Cabinet Office Permanent Secretary.

Q325 **Chair:** We will ask our questions as crisply as possible and if you could keep the answers short as well we will get through it. Thank you for being with us.

First, I have some questions about the operation of the Fixed-term Parliaments Act, which we reported on at the beginning of this year. I have seen nothing to suggest that a dot or comma of that report was not correct and we took very careful advice from a very large number of sources about the consequences of that Act. Cabinet Secretary, what do you see as the role and responsibilities of the Cabinet Secretary if the House clearly expresses no confidence in the Government?



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Sir Mark Sedwill: Of course, continuity of Government is an important constitutional principle, so even if the House has expressed no confidence in the Government, the Government continue until an alternative Government is formed either within the 14 days or through a general election. The role of the Cabinet Secretary is as the principal adviser on constitutional matters of this kind to the Prime Minister and the Cabinet and that advice would be given to them in the national interest.

Q326 **Chair:** The Fixed-term Parliaments Act removed the Prime Minister's ability to advise the sovereign to dissolve the Parliament. How has that affected the role of the Cabinet Secretary and the civil service in general following a vote of no confidence?

Sir Mark Sedwill: I don't think it affects us directly on a vote of no confidence because in a sense what it has done, as you set out, is put some procedure and timelines into what might have happened anyway after a vote of no confidence. It was always possible that an alternative Government might be formed, which is what happened when Baldwin lost one in 1923, or it might be possible to go for a general election, which is what happened in 1979, and of course they were at different phases of the Parliament. What the FTPA does is put in some statutory procedure, the 14 days and so on, but fundamentally the initiative in those circumstances as to whether to resign and recommend the sovereign send for an alternative or to see whether the Government can reconstruct a majority within the 14 days or to allow the 14-day period to time out and an election take place remains with the Prime Minister. The role of the Cabinet Secretary is to advise the Prime Minister in those circumstances.

Q327 **Chair:** During our inquiry it was made very clear to us that the people behind the drafting of the Act, and indeed the Minister who put the Act through Parliament at that time, were very clear that other forms of confidence motions that do not fit the statutory definition were nevertheless intended to continue to have the same effect. If there is a non-statutory motion of no confidence that does not engage the terms of the Act, what do you understand should happen after that?

Sir Mark Sedwill: I think that is unclear. It has not happened yet in formal terms, although a vote on the Queen's speech and so on would presumably pass that test if one were applying the traditional conventions. I think this is one of the areas one would expect to be considered when the Act is reviewed, as it is due to be next year. We touched on this last time I was here, Mr Chairman, that a vote of no confidence that is not a statutory vote of no confidence has political effect and it is then for the political system to determine what follows from that. The statutory vote of no confidence still has political effect but, of course, there are timelines that kick in.

Q328 **Chair:** Under what circumstances would you advise the Prime Minister he has to resign following a no confidence vote?



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Sir Mark Sedwill: It is a hypothetical, Mr Chairman, and you would not expect me to be drawn into it. Clearly things would depend on the circumstances at the time: what period of the Parliament it is; the scale of that; does the Prime Minister believe they can reconstruct a majority and win a subsequent vote of confidence; and so on. It would have to depend on the circumstances at the time and I would be very mindful of that in providing my advice to the Prime Minister. Fundamentally, the Prime Minister would have to reach the decision in the advice, the recommendation he makes to the sovereign.

Q329 **Chair:** In the case of the Prime Minister feeling he has to resign, we expect, as you have indicated, in order to provide continuity he can give clear advice to the sovereign as to who the sovereign should send for to be Prime Minister. What would happen if that was not clear or could not be made clear?

Sir Mark Sedwill: The responsibility lies with the Prime Minister to make that recommendation to the sovereign. There has been no occasion when a Prime Minister has not been able to do so and in the modern era continuity of Government has been an important principle. The Cabinet Manual sets this out. The Prime Minister's duty is to resign only when they can make such a recommendation. That recommendation does not have to be a cast-iron guarantee that the alternative, the person that he or she is recommending, could command the confidence but it is the person they consider likeliest to be able to do so. Then that individual would have the opportunity to test that if the sovereign invited them to form a Government. They do not necessarily have to have kissed hands before they do so.

Alec Douglas-Home in 1963—in very different circumstances to the modern era but there is an interesting parallel—wanted to test first whether he believed he could command the confidence in those days of the Cabinet, because the Government had a substantial majority, before accepting the sovereign's commission. In 2010 Gordon Brown could have simply resigned straight after the election, could have said that he believed that David Cameron was likeliest to command confidence and that would have been an entirely constitutional course of action to follow, but he decided with agreement to allow some time for the Conservative-Liberal Democrat negotiations to go ahead to see whether they could form a Government that commanded a majority before the Queen sent for Mr Cameron.

Again, it is a matter of judgment for the Prime Minister. It is a judgment they exercise in the national interest in their recommendation to the sovereign, but their responsibility is to be able to make a recommendation to the sovereign on who she should invite to form a Government.

Q330 **Chair:** How would you look for some kind of confirmation prior to the present Prime Minister resigning that a future Prime Minister could in fact command the confidence of the House?



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Sir Mark Sedwill: Again, that would be a political judgment. It is more complex in situations where there is a minority Government than in those where there is a majority, but fundamentally it is a political judgment that the Prime Minister must exercise, with advice from me but no doubt others, according to the circumstances in which the incumbent Prime Minister has felt it necessary to resign.

Q331 **Chair:** But given that the House may well be prorogued during such a period, hypothetically, it is not necessary to test that?

Sir Mark Sedwill: No, and if you think of the appointment of the current Prime Minister, although it was done at the end of the parliamentary session and although he became Prime Minister of a minority Government when appointed by the Queen, there was the opportunity—but it was not proceeded with—to test confidence before the summer recess. But it is not necessary to have tested confidence before the sovereign appoints a Prime Minister. Of course, after elections Prime Ministers are appointed before they have been to Parliament, so the sovereign is, in constitutional terms, inferring confidence from the election result but confidence formally has yet to be tested when they go before the House.

Q332 **Ronnie Cowan:** If there is a vote of no confidence against the Prime Minister, he has 14 days but he is not dutybound by the law to do anything during those 14 days, so effectively he could just run the clock down for 14 days. Is that the case?

Sir Mark Sedwill: That is correct. What happened in pre-FTPA terms is that the election has been triggered but there is just a 14-day delay on that trigger to see whether an alternative Government can be formed or whether the incumbent Prime Minister can regain the confidence. Of course, that would depend very much on the political circumstances, but the Act is clear that there does not have to be a second vote. The election will happen unless there is a second vote that has demonstrated positive confidence in Her Majesty's Government, whoever is forming that Government at the time.

Q333 **Ronnie Cowan:** Is it 14 calendar days?

Sir Mark Sedwill: Calendar days.

Q334 **Ronnie Cowan:** If there is a belief that there could be an alternative Government formed, again the Prime Minister is not bound by law to go to the Queen and say, "Let's move forward". He could just hang tough for 14 days.

Sir Mark Sedwill: That is right, Mr Cowan. It is constitutional convention, very much established practice but it is constitutional convention. It is not set out in the FTPA. Indeed, the FTPA is silent on all of that.

Q335 **Ronnie Cowan:** If we get down to 14 days there, is 25 working days before a general election?



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Sir Mark Sedwill: Depending on the timing but it is 14 calendar days. Sorry, I misunderstood. It is 14 calendar days and then a minimum of 25 working days, but it is for the Prime Minister to set the date of the election or at least formally to request of the sovereign the time of dissolution. The dissolution has to happen 25 working days before polling day. That is a minimum period but it is not a maximum period.

Q336 **Ronnie Cowan:** Obviously I am talking about a general election date here. It is a minimum of 25 working days but the Prime Minister sets the date.

Sir Mark Sedwill: If I have this wrong I will clarify it in writing but formally what happens is the legislation says the polling day, the general election day, will be 25 working days from dissolution. The date of dissolution follows the 14-day period if it is a matter of no confidence, but the request to dissolve is still initiated by the Prime Minister and the formal request is made of the sovereign because the sovereign dissolves Parliament. It is a minimum of 25 days, not a maximum of 25 days, and there might be wash-up or whatever it might be before that would happen and one would normally expect that to be the case.

Q337 **Dr Rupa Huq:** Obviously the Fixed-term Parliament Act can be got round. If we do have an election this year I will have had one every other year and I haven't even finished what should have been my first term and will be heading for the third. I want to ask a couple of little ones on prorogation.

Sir Mark Sedwill: Are you channelling Brenda from Bristol?

Dr Rupa Huq: Yes, I think we all have a bit of her in us, have we not? I wanted to ask a couple of questions about prorogation quickly and then move on to purdah. What has gone on is completely unprecedented and it looks to me underhand and undemocratic as well. I know you don't do hypotheticals, so I wondered on what date in August you were first informed of a plan to prorogue?

Sir Mark Sedwill: I don't recall exactly, but as you will have seen from the documents that we disclosed in the various court cases there was a submission from one of the Prime Minister's advisers proposing that course of action and I was copied on that submission. I was on leave at the time but I was reading my papers every day. I couldn't give you the exact date off the top of my head but I think you should presume that I saw that submission either that day or the day after. It was around then, yes.

Q338 **Dr Rupa Huq:** On the day before or the day itself?

Sir Mark Sedwill: I would have seen that submission either the day it was submitted into the Prime Minister's box or possibly the day after.

Q339 **Dr Rupa Huq:** Do you know what time Edward Young, the Queen's private secretary, did?



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Sir Mark Sedwill: I don't.

Dr Rupa Huq: I was abroad. It looked so surreal.

Sir Mark Sedwill: The Queen's private secretary would not be privy to the internal consultations within No. 10. Any communication with the Palace would only happen once the Prime Minister had reached a decision and then he would want to make a request to the Palace. The Palace is not involved in any of the discussions about this.

Q340 **Dr Rupa Huq:** They are just told, "They are on their way; get ready to receive them"?

Sir Mark Sedwill: I don't think the Palace would quite recognise it in those terms, but it is essentially a discussion within Government and then once the Prime Minister has made a decision the request is made of the sovereign, and that happens through the usual channels.

Q341 **Dr Rupa Huq:** On the day?

Sir Mark Sedwill: Well, in due course, not necessarily.

Q342 **Dr Rupa Huq:** But you don't know when that was?

Sir Mark Sedwill: I don't. There is a very firm convention that we don't comment in detail at all on the communications between the Palace and No. 10 and particularly between the Queen and the Prime Minister.

Q343 **Dr Rupa Huq:** Do you know why it was that the Cabinet, as we now know, did not know until the Privy Councillors were travelling up to Balmoral? What reason would that be?

Sir Mark Sedwill: It is very much a political question. I genuinely don't know what other advice the Prime Minister took on that. He has regular conversations with his Cabinet colleagues, but decisions of this kind, including if you think in the past before the Fixed-term Parliament Act, were made by the Prime Ministers themselves. For example, usually before the Fixed-term Parliament Act Cabinet was informed of decisions to call elections on the day that the Prime Minister would have sought dissolution, and that has been true certainly in the whole of my adult lifetime. These are decisions of the Prime Minister as the sovereign's principal adviser not usually for Cabinet as a whole.

Q344 **Dr Rupa Huq:** The timing bit in August looks weird when you were away, I was away, everyone was away.

Sir Mark Sedwill: In the modern era as Cabinet Secretary you are never really away but I was not in the office.

Q345 **Dr Rupa Huq:** Would leaving the European Union without a deal during a pre-election purdah period constitute a breach of convention?

Sir Mark Sedwill: There is no precedent that one could draw upon for that. Fundamentally, I think one has to say that is an absolutely core political matter and it is for the political system to address. The purdah



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rules are not really designed to answer the first order political questions of that kind. They are designed to ensure the proper conduct by Government of an election and to ensure that an incumbent Government does not use the inevitable prestige and resources of being an incumbent Government inappropriately during an election. First order political questions of that kind are not really questions that the purdah rules are designed to address.

Q346 Dr Rupa Huq: During the original 24-month negotiation there was eight weeks off for an election already, so I think people are suspicious of what might happen if the worst case scenario happens now. What would you say be the effect of purdah on the UK's negotiations with the EU?

Sir Mark Sedwill: The purdah rules allow for essential business to continue and that was true during the two earlier elections we had in spring this year when negotiations were continuing. We would have to handle that with great care, given that this would be one of the central issues of any election campaign. Of course, we don't yet have an election. I would need to make judgment and advise the Prime Minister and the Cabinet at the time, but there is provision for international negotiations and for essential business to continue were an election called. We don't yet know whether that is to be the case. There is another motion this evening but I note the results of last week's.

Dr Rupa Huq: It feels like the election campaign has already begun with public money but I think that is for future questions in this week.

Q347 Ronnie Cowan: During purdah, what access would the Opposition parties be given to any developments with Brexit negotiations or progress towards a no deal?

Sir Mark Sedwill: During an election campaign the Opposition has access talks. We can provide them with information. I think in these circumstances we would have to look very carefully with the Government at exactly what request the Opposition was making, but there is an underlying principle that during an election campaign we seek to prepare alternative Governments to be able to assume the reins of office and do so effectively. It is essentially an unprecedented situation. Were an election to be called—and of course I am slightly breaking my rule by indulging in hypotheticals because an election has not been called, but for example after the financial crisis Alistair Darling kept the Shadow Chancellor informed but he still made the decisions and that was the key thing. There was only one Government at a time and he still made the decisions on some of the measures he was taking.

Q348 Ronnie Cowan: Is that again another convention?

Sir Mark Sedwill: Yes. The purdah rules are advised on by the Cabinet Secretary and to some extent policed by me but formally they are issued in the name of the Prime Minister and the Government.

Q349 Ronnie Cowan: Mr Sedwill, you said on 13 August that, "The purdah



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rules are set out in chapter 2 of the Cabinet Manual. Let me reassure you that I am ready to ensure their full and proper application". The goodwill is there but can you actually guarantee that?

Sir Mark Sedwill: I was speaking there as the Cabinet Secretary but also as the Head of the Civil Service. The purdah rules are very largely, as I said, about the conduct of Government and their use of resources and the powers of incumbency during an election. We have dealt with this in challenging circumstances before and I would absolutely do my job and exercise my responsibilities were that to arise.

Q350 **Dame Cheryl Gillan:** I want to ask a simple question. Everybody is talking about an election all the time but the fact is that under the rules of the Fixed-term Parliaments Act the vote has gone against that. That can be sustained indefinitely until the natural end to the life of this Government, can't it?

Sir Mark Sedwill: That is essentially the intent of the Fixed-term Parliaments Act. Assuming that Parliament continues to operate within its terms—and of course there are alternatives that you will have seen some speculation about—the Fixed-term Parliaments Act sets a fixed term. There can only be an early election either if there is a vote of no confidence, in the circumstances we have discussed, or if there is a supermajority for an early election.

Q351 **Dame Cheryl Gillan:** Likewise, we have seen a Prime Minister try to remove the purdah rules. Particularly I am thinking of the referendum that was the subject of such discussions and that was defeated in the House. Presumably the purdah rules cannot be removed unless there is legislation.

Sir Mark Sedwill: The purdah rules are largely a matter of convention. The word itself is not used in law but there is some reference to that in CRAG. The purdah rules are a very long-established convention. As I say, they are largely about ensuring that an incumbent Government is not able to use the resources and the communications capabilities and so on of Government in order to disadvantage the Opposition during an election campaign. They are designed to resolve these first order questions that you are touching upon.

Q352 **Chair:** That was the thing that was rattling in my mind, that these rules are non-statutory. They are merely a convention and, therefore, the courts would not have any lien on these matters.

Sir Mark Sedwill: If I may, Mr Chairman, I am not sure I would use the word "merely" because I think conventions are as important as legislation in matters of the Constitution. The Constitution is built on foundations of both law and convention.

On your second point, of course it is for the courts to decide where they draw those boundaries. We are in the middle of a case that is going to the Supreme Court right now, which is largely about convention but is



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being subject to the judicial process. So far the courts have concluded it is non-justiciable but that process is yet to be determined. It is a long way of saying I agree. Fundamentally conventions are a matter for the political system, as I think reports of this Committee before have reinforced, rather than a matter for the courts.

Q353 Chair: I feel suitably admonished. Of course any of our constitutional conventions are every bit as important as our laws, but the flexibility exists that did not exist in the provisions for referendum purdah, which led to some anxiety that Government couldn't function. Am I correct that the other thing you would want to do is to protect civil servants from being involved in anything that could be regarded as partial in an election campaign?

Sir Mark Sedwill: Indeed.

Chair: We think that is very important.

Sir Mark Sedwill: Thank you. I have said it before and at the risk of prolonging the proceedings I do want to put on record again my appreciation on behalf of the whole of the civil service, and the wider public service, of this Committee's strong support every time we have addressed it for those underlying values of impartiality in service to the citizens that you have always given us. We do appreciate it.

Q354 Dr Rupa Huq: On a related thing, the civil service code says civil servants can't break the law but if the Benn Bill is ignored and the anti no-deal stuff is ignored, civil servants could be in a conflict of loyalty. They could be within their rights to refuse working with a Tory Government to enforce an illegal no-deal Brexit. What would you do in that circumstance?

Sir Mark Sedwill: With respect, I think that is piling a series of hypotheses together. Every Minister who has been asked about this has said the Government will comply with the law, including some of the most senior members of the Government over the weekend.

Q355 Dr Rupa Huq: There is mixed messages coming out of that.

Sir Mark Sedwill: I am as interested in reading unattributable briefings and press speculation as anyone else because I am a political junky—it is part of the attributes for the job—but as Cabinet Secretary I am quite clear I don't make my decisions or comment on those things in formal hearings of parliamentary committees. Every Minister who has been asked about this has been clear that the Government will comply with the law. The key deadline is six weeks away. There are many steps between now and then. The Government are engaged in seeking to negotiate a new deal. The Prime Minister has been in Dublin this morning, as you will have seen. His sherpa has been in Brussels last week and is in Brussels again this week. I think we should take these things step by step. The Ministers have said they will comply with the law, and of course civil



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servants always comply with the law. Indeed, it sets the framework by which we operate.

Q356 **Dr Rupa Huq:** You are not going to instruct people to break the civil service code?

Sir Mark Sedwill: Of course not. It would be completely inappropriate to do so, nor do I need to instruct people to observe the civil service code. It is in our DNA.

Q357 **Eleanor Smith:** I want to ask about the impartiality that we have touched on a bit. Under the previous Administration there were complaints from Ministers that officials were not giving impartial advice. What impacts have these complaints had on the perception of civil servants' impartiality?

Sir Mark Sedwill: No Minister has made that complaint to me that I can recall or am aware of. There may have been some unattributed comments but I have never heard that. Indeed, we had strong support from Ministers for it. If I can put it this way—and this is a real summary, I think, and I hope John would agree with me, of our attitude—we owe Ministers two things: candour and can do. We give candid advice in private, including unwelcome advice that may be contesting some of their political instincts based on the evidence. Once they have made a decision, we owe them our creativity, energy and purpose in implementing those decisions within the law once taken. There is that mixture in the civil service DNA, if I can use that, of the candour in private and the can-do attitude in implementation. That is how we maintain our utility and support to Government.

How do we demonstrate impartiality? We demonstrate impartiality not by me stating it, or indeed even by this Committee endorsing it, but by the actions the civil service takes in delivering the agenda for Governments of all complexions.

Q358 **Eleanor Smith:** That ties very well into my second question, which is about that civil servants need to demonstrate a commitment to working on behalf of the Government of the day. While speaking the truth to power where there are significant concerns about the practicality of implementing policies, how do officials manage this tension without undermining Ministers' confidence?

Sir Mark Sedwill: In some ways it is the key attribute of a really good policy official. Of course one has to speak truth to power but it is only really effective if you speak in a way that power is actually paying attention when you do so. It is no good just indulging yourself. The skill of the experienced policy official is that they do that. They remain absolutely true to our need to provide evidence and our analysis of whatever policy areas Ministers are contemplating, all of the risks they might be taking and the resources they might need, but we have to combine that with a clear commitment that we will deliver what Ministers want. That is essentially about developing trust and confidence between



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Ministers and their key officials. In many ways it is the attribute I look for most if I am appointing a permanent secretary. Sorry, recommending the appointment of a permanent secretary, before the Chair gets his own back on me.

Q359 Eleanor Smith: To what degree are civil servants speaking the truth to power regarding the preparation for a no-deal Brexit?

Sir Mark Sedwill: There has been a great deal of work on that. The decisions that both this Government and the last Government took on no-deal preparations are based on our assessment, drawing on a lot of evidence from outside of what is necessary to ensure that the country as a whole is prepared properly for a no-deal Brexit, which of course remains a contingency. Until the European Council decides otherwise, we are leaving on 31 October. That is the decision in international law. There have been leaks, which as you know I regret and I am doing what I can to prevent, but the civil service has provided Ministers with very candid advice on both the country's preparedness and the Government's preparations.

Q360 Mr David Jones: Without going into individual cases, what mechanisms exist to enable you to establish if an official is acting obstructively or is seeking to act in a partial way?

Sir Mark Sedwill: I would expect largely that to arise either through an informal or potentially even a formal complaint or at least a question from the Minister or indeed from other civil servants. Civil servants are self-policing in this area and we have lots of conversations, including with our senior teams, about how we ensure that we are instrumentalising our values in the modern era across the whole range of values, not just impartiality. There are lots of internal checks and balances. If a civil servant were considered to be acting in breach of those values, including the requirement to act impartially, if inadvertent I would expect that to be a performance matter, maybe informal to start with, depending on the seriousness of it. If it were deliberate it would be a disciplinary matter.

Q361 Mr David Jones: Before we go into that, to revert to the point that you have made, there are arrangements, it is understood that other officials will report officials who they suspect are not acting in an impartial manner?

Sir Mark Sedwill: Yes, absolutely. The civil service self-polices in this area because it is very important to all of us. Essentially we are team players in public service. It is not a great place to pursue your career if you are not. People are very conscious of that and conscious of the values, particularly when there is a big political focus on. In other times they might be conscious of other areas of our values but right now impartiality is front and centre in people's minds.

Q362 Mr David Jones: Would that be a professional obligation under the civil service code?



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Sir Mark Sedwill: Not an explicit one. There is a professional obligation on all of us to ensure that we are operating in accordance with the code and in accordance with our values. I would expect any civil servant who felt that another civil servant were operating in breach of those values, whether impartiality or any of the others—for example, behaving without respect to colleagues—to raise that through their line management channels.

Q363 **Mr David Jones:** You have touched on it briefly, but what would be the practical consequences for somebody who was discovered not to have been acting in an impartial manner?

Sir Mark Sedwill: Mr Jones, as I said, it would depend on the circumstances. It would depend on the seriousness of it and whether it was inadvertent or deliberate. If inadvertent and not particularly serious it might be a matter of some personal coaching, performance management and so on, depending on where on that scale seemed appropriate. Obviously if it were deliberate that would be a significant disciplinary matter.

Q364 **Mr David Jones:** Could that lead potentially to dismissal?

Sir Mark Sedwill: Depending on the seriousness, any disciplinary matter can lead through all of the various misconduct proceedings. At the most serious, dismissal is the most severe sanction.

Q365 **Mr David Jones:** How often does dismissal take place?

Sir Mark Sedwill: Very rarely. I don't know—a tiny handful. We could let the Committee know in writing but it is extremely rare.

Q366 **Mr David Jones:** Yes, if you could give us maybe a note of the practical consequences in certain cases, obviously without identifying anybody.

Sir Mark Sedwill: Without attribution, yes, of course.

Q367 **Dame Cheryl Gillan:** In the commercial world if I didn't want to work on a particular client I could discuss that with my colleagues and I could be removed from that client. Does that mechanism exist within the civil service if a civil servant is finding it particularly challenging because of their own views?

Sir Mark Sedwill: Yes, but not really because of people's own views. It would usually be because they might have some either real or perceived conflict, for example if their partner or spouse is working in the area concerned or has taken a public position on something of that kind. Generally, in fact almost always, we would expect civil servants to serve the Government of the day irrespective of their personal views with equal enthusiasm and loyalty and, if not, they might not have chosen the right career.

Q368 **Dame Cheryl Gillan:** Would it be fair to say that this is a particularly challenging time for civil servants but the civil service ethos is holding



fast?

Sir Mark Sedwill: I think the civil service ethos is holding fast, absolutely. We now have a new Government with quite a large number of new Ministers and I think all have been impressed by the pace, the application, the candour, the can-do attitude of the civil service, particularly those who are encountering it close up for the first time. Of course this is a high pressure period. It is for the entire system, but I am very proud of how the civil service is responding.

Q369 **Dame Cheryl Gillan:** Lastly, as a personal enquiry, do you have good counselling services available to civil servants? The pressure must be absolutely enormous at the moment.

Sir Mark Sedwill: We do, although it is an area we run largely through our human resources function. I don't know whether John wants to add anything, but we are conscious of that requirement. I think it was the Public Accounts Committee—I may have that wrong—that was very interested in the whole question of the right procedures for legitimate whistle-blowing, which goes back to the values and impartiality question. We have developed those kind of mechanisms within the civil service in order to ensure that there is absolutely no excuse for people to decide that if they are unhappy about something the recourse is to disclose it illegitimately to someone outside of the system. But I think there is always more we can do. John, I don't know if you want to add anything.

John Manzoni: Only to reinforce. As you rightly point out, this is a highly stressed time for a group of people and everybody is different and they deal with those things differently. We have absolutely ramped up the availability of those channels for people who would like to speak to somebody outside of their line management chain. We have a "speak up" campaign that is about to launch and it does all of the things for the reasons that you have implied.

Q370 **Dame Cheryl Gillan:** They can feel confident that that will not affect their career paths?

John Manzoni: Absolutely.

Sir Mark Sedwill: One of the areas we ask about in the staff survey and watch quite carefully is the whole "safe to challenge" culture, and that goes to the point you are making, Dame Cheryl.

Q371 **Chair:** That is very interesting, thank you. I will add on the end of this, there has been a debate over recent years, particularly during the David Cameron Administration, about whether the system needs to be reformed to give Ministers more say over who fills what key roles. Some individuals in the Government today have been publicly extremely critical of the concept of the permanent, impartial civil service as it is today. What kind of debate is going on in Government about this at the moment?



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Sir Mark Sedwill: On that broader question I think it would be fair to say the bandwidth is relatively limited for issues other than the immediate issue of Brexit, so I have not had a particularly active discussion of that kind. But I think it goes back to the earlier point, Mr Chairman, that you and several of your colleagues have been touching upon. The civil service's best argument for retaining the overall structure of the civil service—not avoiding reform and modernisation, we must always be on that agenda, but the basic concepts on which the civil service exists—is to demonstrate to every new Government and to the wider political system the benefits of our system.

According to an international survey—the InCiSE Index—we are the world's best civil service. It was up against a whole load of others and we came out top. I think that is a pretty good indicator. I am not complacent about it because there are various areas where we can still improve and learn from others, but we came out top and I think we should take some pride in that. We must always re-earn the confidence of Governments, the wider political system and the public by our candid advice and our can-do attitude to delivery.

Q372 **Chair:** Since time immemorial it has been possible for Ministers to influence the choice of officials going into particular roles. To some extent the formalisation of open recruitment and open application has made that a little bit more difficult than it used to be. To what extent can you preserve the flexibility so that Ministers do finish up with the officials they want to carry out the policies that they need? Is there some scope for dealing with the inevitable clashes between conflicting personalities without damaging the long-term prospects of someone's career?

Sir Mark Sedwill: In a sense, Mr Chairman, I think the answer is exactly the way you put the question. We have to remember we are dealing with human beings and personal relationships. It is in no one's interests if personalities don't work well together, particularly in a high pressure environment. We have to do that in accordance with the rules and our underlying values and principles, but there is enough flexibility in the system—it is a very big institution—to enable us to operate that way. It depends, as you know, according to experience and convention on the nature of the job.

It is very important that a Minister's private office and the Minister have a good relationship. Those are quite high pressured environments and it is stressful for everyone if they don't. I can think of occasions when we have found that with a particular private secretary, for example, the personalities just have not worked, the private secretary has not been happy and, therefore, performing to their full potential. We have moved them to another job with absolutely no concern for their career, because these are very particular jobs with very particular requirements.

We do have the formal position now for most senior appointments—it was a reform introduced under the Cameron Government—that permanent secretaries are appointed by the Prime Minister from a shortlist of the



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candidates who are deemed appointable by a professional panel chaired by the Civil Service Commission. It is not just choose A. The Prime Minister does have a choice in appointing candidates and that was a reform introduced during the Cameron Government and David Normington's time as the first Civil Service Commissioner.

Q373 Ronnie Cowan: You mentioned about working relationships and loyalty to Cabinet. I am not questioning you personally but I am curious. Were you asked to sign a statement for the court proceedings in Scotland and England regarding prorogation?

Sir Mark Sedwill: The witness statement was produced and signed by the Treasury Solicitor. I can't think of an occasion in which a Cabinet Secretary has ever been asked to sign a statement of that kind. I am not sure it would have been appropriate for me to do so.

Q374 Ronnie Cowan: But were you asked to sign a statement?

Sir Mark Sedwill: No.

Q375 Chair: If you are asked in front of a court, you are asked as a single personality, the Government, and not as an individual.

Sir Mark Sedwill: Exactly. This was a witness statement on behalf of the Government and had attached to it the papers we were disclosing to the various courts in order to meet the duty of candour that we have. Unless one is giving a witness statement in a personal capacity because you are saying, "I was at this event and—" you do it on behalf of the Government, and that was done by the Treasury Solicitor. There was a whole load of rather inaccurate speculation about that in the press.

Q376 Dr Rupa Huq: The integrity and impartiality of our civil service used to be the envy of the world but I think people feel it is—

Sir Mark Sedwill: I hope it still is.

Dr Rupa Huq: It still is, but it is being tested by an unelected Prime Minister with no majority who is prepared to entertain working around the rule of law. You said the last one was hypothetical, so here is a real example. On Thursday the rows of police officers in a Trumpian way that were appearing in what looked like an election stunt went way beyond the recruitment campaign. My colleagues Louise Haigh, the Shadow Policing Minister, and Holly Lynch have written to you about this but they have not had an answer. They wondered if I could raise with you some questions about did the chief constable of the area know that it was going to be that? Were they informed?

Sir Mark Sedwill: I don't know all of the detail, which is why I have not responded yet. I know there have been some questions around that event. My understanding is that the concerns have largely arisen around the Q and A session rather than the initial statement, but I need to look at all of it.



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Dr Rupa Huq: It was a speech.

Sir Mark Sedwill: I need to look at all of the details and I will obviously respond. Of course, that is not really about the civil service's impartiality.

Q377 **Dr Rupa Huq:** They are public servants.

Sir Mark Sedwill: Yes, they are public servants and I will need to consult the chief constable and so on before I respond.

Q378 **Dr Rupa Huq:** They have a series of questions about how many rest days were cancelled. We talk about wasting police time and that is what that looked like.

Sir Mark Sedwill: I would not be in a position to answer on any of those. I would have to ask the chief constable about those questions and I will respond in due course.

Q379 **Dr Rupa Huq:** I will tell them a response is on its way.

Sir Mark Sedwill: Of course they can expect a response.

Q380 **Chair:** I will add at this point the grateful thanks of this Committee to every civil servant who has had a very trying time in recent years and recent months, and it is probably going to get even more trying over the next few weeks and months. Parliament is very grateful for their public service and they deserve our support and admiration for what they do.

Sir Mark Sedwill: Thank you. I really do appreciate that. When we receive those statements I often, in fact invariably, pass them on in our internal communications and people do notice it and appreciate it, so thank you.

Chair: I would be grateful. Thank you.

Q381 **Kelvin Hopkins:** What is the status of the investigation into leaked official documents that led to Sir Kim Darroch's resignation?

Sir Mark Sedwill: Unusually, Mr Hopkins, this is now a police matter. Most leak inquiries are internal but this was sufficiently serious that it crossed the legal threshold. It is now a police matter and they are conducting the investigation.

Q382 **Kelvin Hopkins:** Could you say what impact these leaks have had?

Sir Mark Sedwill: That particular leak was very serious and that is the basis on which it crossed the threshold in legislation to involve the police. Leaks generally—and we have discussed it before—are debilitating. They damage trust. There is always a risk that we close down information sharing and dialogue within Government and it can impede the questions you were asking earlier about ensuring that Ministers have all of the evidence they need, that there is the opportunity for robust challenge within the system. If people are unsure about whether a skewed account of those conversations is going to make it into the public domain they will



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inevitably hold back or restrict the conversation. My view is that leaks are debilitating to the conduct of good government.

Q383 **Kelvin Hopkins:** Most importantly, and you have touched on it, would such leaks cause civil servants to be less frank in their private communications, particularly with Ministers, if they are fearful that anything they say might be leaked?

Sir Mark Sedwill: Yes, and I think that is just human nature. I have also mentioned to the Committee before that if confidential internal documents are required of Government to be brought into the public domain in future there will be an inevitable incentive—explicit or implicit—for those documents to be written with that in mind.

Q384 **Kelvin Hopkins:** What action have you taken to protect the diplomatic service and other civil servants from further leaks of private communications, including through the hacking of e-mails?

Sir Mark Sedwill: Most leaks are not hacking. In fact, I can't think of an example. They are by someone who has just decided to share information improperly, but we do provide guidance to people on the security of communications generally. We have government encryption around our e-mail systems. People have guidance on passwords and how they handle security of that kind. There are some processes of that kind that we have put in place. We try to ensure that people are conscious of the address list that they are sending information to, particularly more classified information, and that it is not sprayed indiscriminately around too wide an audience. We have the classification system itself with the most sensitive material, not just national security material but international negotiations, held on a separate secret system or sometimes, if it is intelligence-related, on an even more highly protected system.

But the underlying issue is about training, education, culture and people working out for themselves what is the appropriate balance between sharing information in a way that generates the most efficient and effective policy process so that all the people who need to know do know and can contribute but doing so in a way that protects the underlying information, particularly if it is sensitive. That is a judgment that people have to make and we try to offer training, education, coaching and so on in enabling people to do that.

Q385 **Kelvin Hopkins:** It has been reported to us, and it is obviously likely, that quite a number of people see e-mails even when they are sensitive and at a lower level the possibility of one or another person leaking is increased because of that.

Sir Mark Sedwill: It is a feature to some extent of the digital era, of course. When I joined we did not have e-mail. Things were sent round on paper and inevitably copy lists were much more restricted just through practicalities whereas in the e-mail era much more can be copied. If you look at big organisations, whether military, civilian, private sector, public sector, whatever it is, the broad sharing of information generally enables



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people to do their jobs better because they are making decisions with all of the relevant information available to them. There is a general desire in big organisations to share information more widely to ensure everyone has it available to them and it is easier to give people more autonomy because you know they are making decisions with full knowledge.

But of course in Government there has to be a balance between that and protecting information that might be sensitive, whether that is sensitive on national security or international relations grounds or domestically politically sensitive because there might be information contained therein that is politically controversial. We are constantly trying to get that balance right.

Q386 Kelvin Hopkins: On that theme, are you satisfied that existing protocols, for example around access and delegated access to what are termed official sensitive e-mails, are sufficient?

Sir Mark Sedwill: In a sense, the issue is probably less the formal protocols and more the underlying culture in question. It is not just official sensitive material. For example, the immigration system or the benefit system or the tax system have a great deal of information on individuals that needs to be highly protected because it is about our personal tax records or status and so on. Fundamentally, if people did not have the right values and culture more people than need it could get access to that information, but they don't.

We don't see problems of that kind and that is partly because there is an underlying professional commitment to deal with only the information that one should have access to. It is ensuring that we have that same culture of responsibility to information that we need to ensure applies to all information. It did when I joined because we were in a different era. The digital era has made it more challenging. We are striving to try to ensure that it is properly embedded in the era in which we now operate.

Chair: We are going to come to a connected issue.

Q387 Dr Rupa Huq: I wanted to talk a bit about the special advisers. That old phrase of Thatcher—sorry, it was her Chancellor at the time, wasn't it?

Sir Mark Sedwill: No, it was her and then it was quoted by Lord Fowler, I think, in his autobiography.

Q388 Dr Rupa Huq: I remember seeing it on a Brian Walden interview when I was doing politics A Level. I think it was the sacked person who said that it became a conflict—was it Lawson? Anyway, those kind of people used to be shadow figures nobody had heard of. They were in the background whereas Mr Cummings is a household name, unusually. Does he have any sort of special exemptions from the usual special advisers?

Sir Mark Sedwill: No. I have served seven Prime Ministers. Many of them have had some very big personalities as advisers. That original phrase was because an adviser—I think Sir Alan Walters—became a very



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public figure at the time. I can think of advisers from Labour Governments who became quite well known political personalities and advisers to Conservative Governments. It is a common political feature. The rules apply to all of them equally.

Q389 **Dr Rupa Huq:** Okay, so he has had no exemptions from the civil service code?

Sir Mark Sedwill: No. The special advisers code.

Q390 **Dr Rupa Huq:** Within the civil service code?

Sir Mark Sedwill: The special advisers code is a separate document because there are particular rules about their conduct.

Q391 **Dr Rupa Huq:** It has raised eyebrows that he was granted a security pass when he has been found in contempt of Parliament. He has a pass to here.

Sir Mark Sedwill: I am sometimes criticised for having too many responsibilities but fortunately Parliament and its access is not one of them.

Dr Rupa Huq: Deftly dodged that one.

Sir Mark Sedwill: I can imagine I would be in trouble with the Speaker if I started to suggest I did.

Q392 **Dr Rupa Huq:** Why has someone who has been found in contempt of this place allowed free rein of it?

Sir Mark Sedwill: That is a question for someone else.

Q393 **Dr Rupa Huq:** Okay. Did the recent sacking of the Chancellor of the Exchequer's special adviser infringe her civil service employment rights? To be marched out of the building at gunpoint on the say so of a special adviser is not a good look.

Sir Mark Sedwill: Sir Stephen House, the Deputy Commissioner of the Met, has responded to some MPs' correspondence on exactly that matter. There were some lurid descriptions of that in the press. I think you should refer to his letter on that and the police officers' role.

Chair: To be clear, she was not marched out at gunpoint.

Sir Mark Sedwill: He has responded to that and what he said in that—I was going to put it slightly less vividly—is that she did not have the right pass to get out of the turnstile that she was going out of and the police officer facilitated her through that because there was no one else available. That is essentially what Stephen House's letter says, but I refer you to his letter because he is responsible for that. As for the case itself, I am not going to be drawn on individual personnel cases because there is a degree of privacy around the individuals we have to protect.

Q394 **Dr Rupa Huq:** Has there been an investigation launched?



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Sir Mark Sedwill: I think the facts of the case are clear. As I say, I don't want to be drawn into an individual personnel case because that might yet still be the subject of further action.

Q395 **Dr Rupa Huq:** You can't say if there is an inquiry ongoing into the circumstances?

Sir Mark Sedwill: We don't comment on individual cases. I can talk about the general principles and the rules but we never comment on individual cases. The only reason I have been able to comment on the involvement of the police officer is because Sir Stephen House has responded to an MP's letter on it. I forget which MP; it might be Mr Doughty.

Q396 **Dr Rupa Huq:** In this kind of instance—well, particularly with this one—do you discuss these things with Helen MacNamara who is the ethics tsar of the civil service and have you had a conversation about this case?

Sir Mark Sedwill: Helen MacNamara is one of my closest colleagues. She is the Deputy Secretary to the Cabinet and oversees the propriety and ethics team, among other things. Of course I discuss all issues with her but again I am not going to talk, in a parliamentary committee, about the internal conversations I have with my closest colleagues.

Q397 **Dr Rupa Huq:** An opinion has been expressed, has it?

Sir Mark Sedwill: This is somebody I speak to all the time. I talk to her about all sorts of things. I really don't think I should be disclosing internal conversations.

Q398 **Ronnie Cowan:** On the respect for impartiality and the diligence of the civil service, I am surprised that Dominic Cummings, who is a hired gun, has the authority to sack somebody in a senior position, a special adviser to the Chancellor of the Exchequer.

Sir Mark Sedwill: Special advisers are essentially a hybrid. They are temporary civil servants in employment terms but they serve at the discretion of the Prime Minister, so like Ministers they serve at the discretion of the Prime Minister. If a Minister resigns, the special advisers resign as well and there is a particular package that applies to special advisers. Any special adviser serves at the discretion of the Prime Minister as well as supporting their individual Secretary of State or Cabinet Minister. In the end it is a decision for the Prime Minister whether or not to terminate their employment.

Q399 **Ronnie Cowan:** You would not be expecting Dominic Cummings to sack other civil servants?

Sir Mark Sedwill: No one can sack civil servants except through the disciplinary procedures that we have discussed. That is done within the civil service code and of course within employment law.

Q400 **Ronnie Cowan:** He can sack special advisers?



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Sir Mark Sedwill: As I said, special advisers serve at the discretion of the Prime Minister so it is the Prime Minister's decision as to whether special advisers continue or not. Generally, for example, if Ministers resign special advisers are expected to resign at the same time.

Q401 **Chair:** Can you explain what is the correct procedure for investigating and taking action following a suspected leak by a special adviser?

Sir Mark Sedwill: Exactly the same as it would be for anyone else. We would investigate the leak itself. If that investigation took us to a special adviser as the source in that case, the special advisers code applies and the Prime Minister would need to make a decision as to whether to continue with that special adviser's employment.

Q402 **Chair:** How confident are you that the proper procedures were followed in this case?

Sir Mark Sedwill: Again, I don't want to comment on the individual case, Mr Chairman. There is a standard. If I comment on one I might have to comment on others and we don't comment on individual personnel cases, not least because we need to leave some latitude for the individual concerned to pursue whatever course of action they may wish.

Q403 **Chair:** But you said a moment ago that the special advisers are employed at the pleasure of the Prime Minister and it is the Prime Minister's decision whether to let a special adviser go. Was the Prime Minister aware of the decision being made on his behalf at the time it was made?

Sir Mark Sedwill: Again, I do not want to comment on the individual case, but I think you have set out the formal position very clearly. I do not want to be drawn on the individual case. It would not be right for me to do so.

Q404 **Kelvin Hopkins:** A simple question: would special advisers be eligible for membership of the FDA, the trade union? If so, could they seek representation from the FDA in a case of dismissal or whatever?

Sir Mark Sedwill: I do not think so, because the FDA represents permanent civil servants, but I must admit it is not a question I have ever confronted. Perhaps I could take that away, Mr Hopkins, and just make sure that I have given you the correct answer. I think my understanding would be no.

Q405 **Chair:** I thought it would be yes.

Sir Mark Sedwill: To the second part of the question, of course, anyone is entitled to have representation in an employment case. That is a right of every employee, and employment law covers everyone, but the specific question on the FDA I think is probably no, but let me check.

Q406 **Chair:** Presumably, any special adviser could be a member of any union they are eligible to be a member of.



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Sir Mark Sedwill: Yes, in a personal capacity, but I was assuming that Mr Hopkins was talking about the FDA as the one of the civil service's unions. I genuinely do not know. Let me check. I am not aware of that ever having been the case, and my presumption is no.

Q407 **Kelvin Hopkins:** Did some of them join the FDA?

Sir Mark Sedwill: Not that I am aware of.

Q408 **Dame Cheryl Gillan:** Are special advisers at the level within Government whereby they should not be a member of a political party?

Sir Mark Sedwill: Special advisers sometimes are and sometimes are not. Civil servants are permitted to be members of political parties. They are just not permitted to take part in national political activity.

Q409 **Mr David Jones:** Could we move on to no-deal planning? The Prime Minister took office on 24 July, having made it very clear during his campaign for election as leader of the Conservative Party that he intended to ensure that the UK left the European Union on 31 October, as he put it, "No ifs, no buts". What new major programmes for no-deal planning have been introduced since he took office?

Sir Mark Sedwill: John may want to add something and perhaps I can make a couple of points. First, of course, we were already doing a great deal of no-deal planning. We did it in the spring. I think nearly all of the portfolio is essentially picked-up plans that were already being made. There are no wholly new areas that we were not already addressing, unless John wishes to correct me.

We changed the central governance around it. Michael Gove is the Chancellor of the Duchy of Lancaster and that portfolio is focused on no-deal preparation, as no-deal preparers—indeed, Brexit preparations, operational preparations and preparedness, not just no deal—and there is some new Cabinet governance around it.

In general, as you will have seen, there has been a refuelling of many of the programmes that we already had in place in order to ensure that we are ready on the 31st. I do not know whether there are any specifics you wanted to add, John.

John Manzoni: The new governance has taken place. There has been a new cadence to the civil service arrangements and organisation, and that has not been unhelpful, frankly, to inject new energy into the system. There has been a major new communications plan launched, both public and to business, to ensure business readiness.

There has been more time and there has been more progress on the building of systems. The minimum viable products are a little better now than they were. There has been continued progress in international agreement. There have been a number of things that have happened by virtue of more time, and there has been some reshaping a bit of certain



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things. We are now proactively issuing what they call EORI numbers to the small businesses that trade to Europe. That was not happening before. There are one or two additional funds available for UK nationals in Europe that were not available before. There is a range of things that have happened that are different to what had happened.

Q410 Mr David Jones: These are essentially programmes that were already in the pipeline but had been given new impetus and new governance arrangements.

John Manzoni: I think in large part that is a true statement, partly because the civil service, as I have said before, was largely ready, as ready as it could be, although I would say to you that the communications in particular stand out as a big step change in pace, energy and focus.

Q411 Mr David Jones: What has happened materially to affect Operation Yellowhammer plans since the new Prime Minister took office, if anything?

John Manzoni: As you will recall, Operation Yellowhammer is a reasonable worst-case assumption against which we can plan, but it brings with it operational preparedness on the ground for day 1 and the relatively short period thereafter.

From 12 April, those operational preparedness arrangements were largely stood down. They have been ramped back up again, or are in the process of being ramped back up again, because we have to put back in place the 24/7 operations, the control rooms and such things.

Q412 Mr David Jones: Sorry to interrupt, but could you explain why they were stood down?

John Manzoni: They were stood down because it was clear that 31 October was the next point at which we might exit Europe with no deal. We were ready for 29 March and 12 April, and then the next moment was 31 October. People were working 24/7 in shifts, and we did not want to have them working 24/7 in shifts between the period of April to October, so we stood them back down. The plans existed and the plans were getting better and better, and they—

Q413 Mr David Jones: Presumably, the plans were being developed as well, I would have hoped.

John Manzoni: They continue to be developed, and I think they continue to get better. We are now in the process of ramping those people and plans back up, ready for 31 October.

Q414 Mr David Jones: Are they now ramped up to a level that they were at previously, when it was thought that we were leaving on 29 March?

John Manzoni: The numbers of people involved are rather greater this time than they were the last time. Many of the operational teams have to



go into place relatively proximate to the moment at which they are needed, so probably in October. We are not in October yet so we are not ready to do that. They are not quite at the place they were when we stood them down, but they are well developed plans. There are 2,600 people being identified to move around. They are better developed than they were and they are ready to move at the appropriate time.

Q415 Eleanor Smith: We talked about the ramping-up of no-deal here, but what about for people abroad in Europe? Has that been ramped up and developed as well?

John Manzoni: A large part of the communications that I have mentioned, or a part of the communications that I have mentioned, are intended for UK nationals overseas. There are large numbers of pensioners, as you know, and people who are working over there. The Foreign Office posts have been ramped up as well so that the communications can go through those places. There are targeted communications. There are funds available to help. There are societies or groups that deal with those groups of people who we are funding to communicate. Yes, the answer to your question is that they are being communicated with.

Q416 Chair: Can I ask very briefly about the decision-making structure the new Government have introduced? How does it compare with what existed in the run-up to 29 March? My understanding is that it is much more ministerial-led now but that the civil service itself was setting quite a healthy pace anyway but we just did not hear much about it. How much of that can you answer?

Sir Mark Sedwill: Yes, it is. You are right, Mr Chairman. It is now ministerial-led, so the CDL, Michael Gove, chairs meetings virtually every working day on it. There is a new committee called XO, which has a wide range of Cabinet Ministers on it, supported by officials.

That is a different approach to the way we were doing it in the run-up to March, when the ministerial committee met less frequently, sometimes under the then Prime Minister's chairmanship and sometimes under the then CDL's chairmanship, largely to resolve the big policy questions rather than the operational progress. A committee either I chaired or John chaired or the DExEU Permanent Secretary chaired—EUXTPO, an official committee—did essentially the operational work. It is a different style and, therefore, we have adapted the civil service mechanism supporting XO to support that new rhythm.

John Manzoni: We should say, if I may, on the record, there has been new momentum, there has been new drive, and there have been some new programmes. What is rather pleasing is that the work that has been done by the civil service in the first instance was being displayed to a new group of people. As I think Mark has already said, the new group of people have generally found that that work was of high quality and good work, so that is quite pleasing.



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Q417 **Ronnie Cowan:** As we work toward 31 October, we have heard the Prime Minister's statement, "No ifs, no buts, we are leaving". Within Operation Yellowhammer, is a milestone in there for a "no go, no decision"?

John Manzoni: There is a series of milestones.

Q418 **Ronnie Cowan:** For a "no go, no decision", is there a point when you go back to the Prime Minister and say, "We can't guarantee medical supplies. We can't guarantee to maintain a food supply chain. You have to change your mind on this"?

John Manzoni: There is a series of decisions, some of which have already been taken. We have, as you have seen, recontracted for freight capacity, which might be needed in the event of no deal on 31 October. There is a series of such decisions that run, and that was the first one that popped up, but there will be a series of others going forward. I cannot remember them all now. Our job is to prepare in the event that Britain leaves the European Union on the 31st without a deal, so there will be a series of such decisions being taken.

Q419 **Ronnie Cowan:** Particularly on the medical supplies, if between now and 31 October the people behind Operation Yellowhammer are convinced that we cannot supply all the medical supplies, including radioactive isotopes and insulin and methadone, are you in a position where you can go to the Prime Minister and say, "Look, this can't happen"?

John Manzoni: With regard to medical supplies particularly, there is a structured response that is already underway. Indeed, the freight that I have discussed is a part of that response. In addition, there are more than 400 suppliers that we are in contact with, talking about what they are doing to build stocks. That will be the first thing. Ditto medical devices.

In the event that the short straits where most of those goods come into the UK are blocked, the contingency is the freight, but there is also what they call an air bridge, so aeroplanes being contracted. That is in process as I speak. It has not been awarded, but there is an air bridge contracting process to allow aeroplanes to bring the isotopes and the short-cycle emergency medical supplies. All of the steps are being taken in order that we will not run out of medicines in this country on 31 October if we leave without a deal.

Q420 **Ronnie Cowan:** If you get close to that date and you go back to the Prime Minister and say, "You have to back off from this", because there are no ifs, no buts, is that one of those red lines we never cross, but if people's health is at risk on 31 October, can you go back to him and say, "You have to change your mind"?

Sir Mark Sedwill: As we have said, we cannot mitigate every single consequence because some of those things depend on others, but in the end the Prime Minister and the Government need to make the decision,



just as the last one did. We will provide them with the evidence of the state of national preparedness, not just the state of Government preparations, and they will make the decision.

Our job, however, as John has suggested, is to ensure that those preparations are in the best possible shape. In particular, for issues like medical isotopes and supplies of that kind, we have the contingency plans in place, were we to leave without a deal, to ensure that those supplies continue uninterrupted. That is essentially the expectation Ministers have put on us, and indeed put on us in March.

Of course, we continue to advise Ministers on the state of national preparedness, and Ministers in any Government then need to reach whatever political decisions they reach. The Prime Minister and the Government have been very clear about 31 October. It is the decision in international law unless and until changed, so we have to be ready for it.

Q421 Dr Rupa Huq: Sir Mark, you told us in February that you cannot fully mitigate the consequences of no deal. Since then we have had all these billions of pounds poured in. Which aspects of the risks of no-deal Brexit cannot be mitigated?

Sir Mark Sedwill: What I think I was explaining at the time—and have done in one or two further events since—was making the point that there are some elements of national preparedness, if I can use that phrase, that are outwith Government's control and, therefore, we cannot fully mitigate them. The communications campaign is designed to try to ensure that citizens and businesses make all the right decisions for 31 October.

As I think I might have said in previous sessions, we can push out as much information in the most effective and professional way possible, but if the front pages are telling people something different, they will make their own decisions according to their own appreciation of the impact on themselves, the impact on their businesses and their appreciation of the likely outcome. We are communicating with people. The judgments they make will depend as much on their appreciation of the overall political position as they will on the information Government are proposing that they take. They will make rational decisions on that basis. That is outwith our control. Those are individual decisions of citizens and businesses.

Secondly, of course, we do not yet know exactly what decisions the EU will take around no-deal preparedness. We have had conversations with it. We are not in formal negotiations with it; we have had conversations with it. A lot will depend on the overall tenor of our negotiations. Those are things that we can do contingency planning against but if, for example, the EU takes a particular position on data adequacy or something of that kind, there is only so much we can do.

Q422 Dr Rupa Huq: Is the likelihood still a million to one?



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Sir Mark Sedwill: That was not my phrase, and I think the Prime Minister has updated that.

Q423 **Mr David Jones:** One question, pursuing that point. The website has now been up and running for nine or 10 days.

John Manzoni: The new one, yes.

Mr David Jones: Yes, the new one. What sort of impact has that had since it was publicised?

John Manzoni: We are at the front end of the communications campaign, and it is going to ramp up from here. We are at the very early stages. It has been substantially enhanced. The website can deal with 20,000 requests a second, so it is ready to handle all of the things. It has been substantially upgraded to be more user friendly from a user's perspective. If you are a trucker, you go on and you need to know what to do and then it gives you step-by-step all of those things. It is very early though. We have not gone very public with the communications campaign that I have referred to and it is beginning to ramp up from here. I think this is all for the next few weeks.

Q424 **Mr David Jones:** You say it could handle 20,000 hits a second. Is that the level of hits it is receiving at the moment?

John Manzoni: No, nowhere near.

Q425 **Mr David Jones:** What level is it receiving?

John Manzoni: I do not have that information.

Q426 **Mr David Jones:** Would you be able to give us a note on it?

John Manzoni: Probably. I can give you that it has done about 14 million requests a week.

Mr David Jones: That is what I wanted to know. That is great. Thank you.

Q427 **Dr Rupa Huq:** One of the small things that is also beyond your control: do you believe a strong Parliament is a help or a hindrance to the Executive?

Sir Mark Sedwill: That is a small question? It is our system. Of course a strong Parliament is part of our democracy and we are held accountable and Parliament takes decisions and so on. I think it is a PhD thesis, or maybe one for lectures I might give when I am retired, rather than for now.

Dr Rupa Huq: Yes, and multiple choice.

Chair: It is not much use if you have a weak Parliament that will not make any decisions, which seems to be the Parliament that we have.

Dr Rupa Huq: It is a binary multiple choice. It is an easy question.



Q428 Dame Cheryl Gillan: In common with my colleague MPs, I am receiving a great deal of correspondence from constituents because they have been made fearful that their supplies of medicines are not going to be forthcoming in a no-deal situation. Are you aware of that pressure that is coming on to MPs from their constituents and the genuine fear that these people have, and is there some way that you can address this? Your answers today probably need to be communicated more widely, particularly when it comes to isotopes and short-lived medical interventions.

John Manzoni: I am only aware in a general sense on the basis of perceived demand and, therefore, orchestrated capacity. I am not aware of the individual things. To the extent that people are concerned, I will take that away and make sure that we are dealing with all of these concerns. I believe we are because it is an aggregated demand and supply. I will then see if we can orchestrate a communications campaign in order to set people's minds more at rest.

Dame Cheryl Gillan: I think particularly the pharmacies are coming under a great deal of stress. They are getting a lot of enquiries on this front now. In my constituency, some of the specialist magazines have put up an A-board saying, "Do not blame us for medicine shortages. Write to your MP". In fact, some of the shortages have been due to pharmaceutical companies and their manufacturing elements. I really do feel this area needs a great deal of increase in communications. If you could do that and write to the Committee about what you are doing, that would be very helpful.

Q429 Mr David Jones: Apologies for coming in again, but there is one specific example that I had in a public meeting the other day where we were discussing Brexit, and that was the issue of EpiPens, which are used in the case of anaphylactic shock. Apparently these are not readily available. They are having to cope with used ones. On enquiry, I discovered that EpiPens are manufactured in the United States and there is a worldwide shortage of EpiPens, completely unrelated to the EU. The problem is that these issues are becoming conflated and I think that some form of an information campaign, as Dame Cheryl says, would be very helpful.

John Manzoni: I was about to make exactly the same point for EpiPens.

Q430 Chair: Is there any evidence that the other countries of the European Union or the European Union itself want to frustrate the vital medical supplies getting to the United Kingdom? If such a shortage was anticipated in any way, what evidence is there that they would not want to co-operate in order to make sure that we had medical supplies?

Sir Mark Sedwill: Our job is to make sure a shortage does not arise. We need to distinguish between deliberate and inadvertent. It is possible that supply chains could clog up, not because there is any desire to do so, but just because, for example, the short straits are clogging up with traffic and so on. These procedures are designed not against a deliberate



attempt by anyone to try to restrict medical supplies, but inadvertently the side effects of other blockages at the border or whatever have that effect. There is absolutely no indication of that, and one would not expect it. These are contingency plans drawn up in order to ensure that the supplies continue to move.

Q431 Chair: Given that the director of the Calais port has said that the traffic will be free flowing and that there will be no unnecessary checks, unless somebody insists on applying extensive unnecessary checks, these scenarios seem rather unlikely.

Sir Mark Sedwill: Our job is contingency planning, and it does not have to be reasonable worst case. As you know, the flow through the short straits is at such a high level of intensity that even a handful of necessary checks do have an effect. A great deal of work has been done on both sides. The French have now invested in infrastructure.

John Manzoni: I have to say there are still some risks.

Sir Mark Sedwill: There are still risks.

Q432 Eleanor Smith: What is the current status of the HMRC and Border Force capabilities for conducting additional checks at the borders?

John Manzoni: Quite a lot of work has been done. To get this in the right perspective, as Mark has said, any shortages will not be as a result of people wanting to impose shortages on the UK but some may arise as a result of clogging up of the various critical bridges, the interfaces between continental Europe and the UK. The French have said that they will do checks for things going into France. Therefore, our concern is to make sure that all of the lorries and trucks going into France have the right paperwork and such things. That, of course, comes to the Border Force and HMRC's preparedness.

A number of things have happened. For instance, we have introduced a series of pop-up check-in points, 29 so far identified—we are looking toward 100—all around the country so that trucks on their way to the port can be checked got the right paperwork so they do not get held up in France and, therefore, do not cause a back-up. Border Force will man those posts. It has hired about 900 people since last March. It is funded for another 1,000, of which about 200 to 300 are in place, and it is building for the rest in order to man those pop-up places.

Then there is a series of six, I think, of something called Operation Block, which is so that in the event that Dover does start jamming up, there are places to put trucks. There are 11,000 places to put trucks in a tiered manner. Again, there will be people in those truck stops to check the paperwork or to help people complete the paperwork so that when they do get over to the other side they can pass straight through. All of these are the sorts of things.



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HMRC has hired about 3,000 extra people thus far. It plans to get to somewhere between 5,000 and 6,000 in the period shortly after day 1. You can see we are ramping up both Border Force and HMRC in preparation for the sorts of things that we are talking about.

Q433 Eleanor Smith: We just talked about the stockpiles of medicines. How likely is it that we will not have enough sufficient stockpiles of medicines and medical supplies?

John Manzoni: I think all of the steps we are taking are intended to mitigate exactly against not having them, and that is why—controversial though it was the first time around, and I have said it before in public—it was exactly the right thing to do to contract the extra ferry capacity. We did it a bit late last time. We are doing it a bit earlier this time, and we are doing it in a way that is a little more compliant and a little easier to do. That contract is in standstill right now. It will be awarded in the next week or two, so that puts in place the capacity.

Then, of course, it is up to how well we can manage the forecasting activity around which ports are getting jammed, where we can buy that extra capacity. The air bridge does the emergency short-cycle medicines and such things. For all of these, I cannot tell you exactly whether there will be any issues or not, but we are doing everything that we possibly can in order to mitigate against it.

Q434 Chair: In a sentence, given that the CDL and Cabinet Office are co-ordinating no-deal planning, what does DExEU do?

Sir Mark Sedwill: Officials in DExEU and the Cabinet Office are working in essentially a single collective group. A lot of DExEU officials are supporting CDL in the operational preparations. We decided, because of the pressure of time, not to do the traditional big machinery of Government change because it would have disrupted those preparations. Officials in DExEU and the Cabinet Office are in essentially one team supporting CDL on preparedness, deal or no deal, Stephen Barclay, DExEU Secretary of State, on the negotiations that he is pursuing at his level, deal or no deal, and David Frost, the Prime Minister's sherpa, in his negotiations as well. They all work under the supervision of Clare Moriarty, who is the Permanent Secretary of DExEU.

There is a WMS down today—it might already be out—on that change, or actually lack of change.

Chair: You anticipated that I was going to ask the question.

Q435 Mr David Jones: Mr Manzoni, you described how preparations were originally ramped up towards 29 March. They were then stood down. It is now being ramped up again. What would be the impact on preparations if it were decided not to go ahead with EU exit on 31 October?

John Manzoni: We are pretty good at that by now. Our job is to get ready for the 31st. If it turns out that it does not happen on the 31st, we



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will do exactly what we did on 29 March and 12 April, which is that those people who have moved into position to be ready in the control rooms and such things will, over time—and it does not happen overnight, of course—be moved back, depending upon when the next likely date might be.

Q436 Mr David Jones: It is a bit “Grand Old Duke of York”, isn’t it? Aren’t your officials getting very fed up with this?

John Manzoni: As Mark has said, one of the positives of a daily preparation meeting is that it does reinject energy into a system, and it has done that quite effectively. The civil service will respond.

Q437 Ronnie Cowan: It has been suggested that the “Get ready for Brexit” public information campaign—the last budget I heard rumoured was £100 million—is designed to serve political purposes. What is your response to that?

Sir Mark Sedwill: We have applied all the rules that we apply to other Government communications campaigns to this one. There are precedents. I think there was a “get ready” campaign for entry to the single market. There was a campaign around the millennium bug. This one operates within all the same rules as others. Some of those have been controversial too, but the same rules apply.

Q438 Ronnie Cowan: Would your view of that change if we entered a purdah period?

Sir Mark Sedwill: In purdah, all Government communications have to be handled with particular care and sensitivity. Were we to enter a general election and a purdah period we would have to apply that lens to it. It is possible to continue with information campaigns, but obviously, with purdah, they have to be handled with great sensitivity and care, and there would be some adjustments made.

Q439 Ronnie Cowan: The very nature of the political “Get ready for Brexit” campaign is pretty much the “keep calm and carry on” type of mentality.

Sir Mark Sedwill: I think it is not about saying to people, “Keep calm and carry on”. It is, “Work out what it is you need to do for Brexit on 31 October. Here is how to find the information you need. Make those preparations”.

John Manzoni: It is much more outlining facts for what people need to do.

Sir Mark Sedwill: The new website is really good. I would recommend, Mr Chairman, you and colleagues have a look at it. It is possible through dropdown menus to get essentially the bespoke answer to your requirements, whereas with previous campaigns just the nature of technology meant we had to tell everybody everything and inevitably it was more generic. This, like anything in the digital era, enables people to be more self-served and more bespoke. It is pretty good.



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John Manzoni: Do have a look on the website. I recommend it.

Q440 **Ronnie Cowan:** Two of those facts, presumably, that will be given out to the haulage industry, as we talked about earlier, are that there were 11,382 applications for the European Conference of Ministers ECMT permits, and the UK can only allocate 984, which by my quick reckoning means we have 10,500 HGV licensed drivers who cannot drive an HGV across Europe.

John Manzoni: There are two things on that. First, the numbers are not quite right. There are actually 1,622 permits available.

Ronnie Cowan: There were 11,000 applications.

John Manzoni: There are an additional 4,824 short-term permits available.

Q441 **Ronnie Cowan:** We are still 6,000 short.

John Manzoni: They are not per driver. They are per company, generally. That is the first point.

The second point is that the European Union has said that up until December this year UK drivers, or indeed drivers driving in Europe, are able to continue as they are today. There is a period beyond October at least where all of that can continue. Discussions go on, of course, to try to ease that situation. You have described one of the issues that hauliers are dealing with in a no-deal Brexit situation, but I just wanted to get the numbers right.

Q442 **Ronnie Cowan:** What of the 16,000 drivers across eastern Europe that are having their citizenship questioned?

Sir Mark Sedwill: The Government's policy on settlement is that essentially there is continuity through that period, and there are many drivers from eastern Europe who will drive here under their existing citizenship.

Q443 **Eleanor Smith:** How do you define the success of the "Get ready for Brexit" campaign?

John Manzoni: There is a series of metrics that are being developed now. It primarily directs people to the website and we can do quite a lot of analytics on the website about what journeys are being followed, how many people leave successfully from that website, that they find all of the information. There is quite a lot of analytics we can do. We can track for the business groups, because we have nine of what they call step-by-step processes, so we can track the numbers of the business groups who go there. We are additionally introducing a series of surveys, both with the public citizens and with businesses, so that we can routinely check where those are, and those will be ramped up. There is a series of metrics around the success and readiness of the population of businesses as we launch the campaign.



Q444 **Eleanor Smith:** You will know that the campaign is on track and how it meets its objectives by those very things that you are saying it is tracking?

John Manzoni: Those are the metrics. Like any communications campaign, these things are a little bit subjective. For this campaign, as Mark has said, in fact we have introduced an assurance panel, because it has been done at some pace. We have introduced a specific assurance panel to make sure that it has all of the right controls and metrics and that it is done in a professional way. In addition, we have external auditors checking that the media buys are sensible and the right price. All of those normal checks are going on and the metrics are being developed as we speak.

Q445 **Eleanor Smith:** What further measures will you adopt if the businesses and citizens are not taking appropriate mitigation measures for the no deal?

John Manzoni: The campaign is designed to target individuals, to make it easier for everybody. There is a 60-second checker on the website. If you want to come on to this website, in 60 seconds we will tell you what you need to do by asking a series of questions. This campaign has been designed to get the maximum contact and access to both individual citizens and businesses.

There are lots of other things happening. There is a series of events around the country where the forums and events are being held. There are extensive campaigns through the various business representative organisations: the CBI, the Federation of Small Businesses. All of those are happening. There is a very significant ramp-up of activity.

In the end, of course, you can take it to water but you cannot force it to drink. We will see.

Q446 **Dame Cheryl Gillan:** Can I ask how good your communications are with Members of Parliament on this subject? I will tell you why. I have had an e-mail while this session is on from somebody saying that she has had a letter from a Member of Parliament saying that no-deal Brexit would lead to food and medicine shortages. This person says it is causing hysteria and mistrust, and presenters also in the media are feeding through that misinformation. I cannot verify it, but it seems a very straightforward e-mail that has come in to me. It would seem to me that we need to have a clear communication strategy with Members of Parliament so that that sort of misinformation is not issued to people, which is also helping cause disquiet and fear that we should be allaying at this time.

Sir Mark Sedwill: I would be surprised if the MP concerned was representing information they had been given directly by Government. What MPs say to the public is a matter for them. As you said earlier, Dame Cheryl, we do need to try to make sure that the right information is available to MPs. What you will make of it is then a matter for you.



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The Chancellor of the Duchy of Lancaster gave a statement in Parliament last week. He has committed to continue to keep Parliament updated on this. We have a lot of correspondence. We need to look and see whether there is anything further we can do in pushing useful information to MPs.

What I would ask all MPs to do is to advise people who have concerns about their own situations to go to the website, have a look, see what they need to do, and see if they still have concerns at the end of it. That is what that is designed to achieve.

Q447 **Dame Cheryl Gillan:** Could you give details of that website? What should they search for?

Sir Mark Sedwill: Gov.uk/Brexit.

Dame Cheryl Gillan: Good. Everybody now has that quite clear.

John Manzoni: It used to be "EU Exit", and it was decided "Brexit" was better.

Q448 **Chair:** Cabinet Secretary, none of my colleagues has any further questions for you in particular. It might be expedient for you to take advantage of that because I am sure that other matters are waiting for you.

Sir Mark Sedwill: Mr Chairman, thank you. Colleagues, thank you very much for your time and for your support for the civil service once again. Thank you.

Chair: Thank you. Mr Manzoni, if you can stay for a few more minutes, we would be very grateful.

Q449 **Kelvin Hopkins:** Just to follow Dame Cheryl's last point, I do not think there is any evidence that British companies want to stop selling to the big EU market, and the EU companies do not want to stop selling to the very large British market. There are reports that the Calais authorities are very concerned to make sure that trade flows very smoothly because they might lose trade to other ports. That is a real concern they have.

Large numbers of staff have transferred between Departments and there have been changes of permanent secretary at key Brexit Departments. How is the civil service coping with this level of churn?

John Manzoni: If I start high, the level of churn inside the civil service is at just under 10%. The movement in the civil service generally is just under 10%. If that is compared with the outside market, it is closer to between 16% and 17%. In a general sense, if I look at the total civil service, we are pretty good on churn. By the way, the movement between the inside of the civil service and the outside of the civil service is still well below the private sector.

When you include the movement intra civil service, you are getting to 18% or 19% at the senior civil service level in the civil service, and that begins to be of some concern because that is a little bit too high.



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We are doing various things, none of which is a quick fix but we are doing various things. In the short term, we have various retention allowances for particularly pivotal roles. For Brexit and for the European exit preparations—because, of course, people get up to speed and, in the normal way of the civil service, would then be inclined to go and look for something else—we are holding them in place a little longer with some financial incentives, which are all approved and are being utilised. We are doing some things in the short term.

In the long term, as you know because we have spoken about this before, we are building career paths that look different for civil servants. We are starting to introduce a culture that values experience as opposed to just pure intellect. All of those things are being put in place in the long term, with some success. There are 10 or 12 professions now that have defined career paths and defined accreditation levels. We are putting remuneration patterns in for some of those professions. All of that is happening in the long term.

At permanent secretary level, if you examine what has happened in the last 12 months, there have been six appointments and five permanent secretaries leaving. That is about average. If there are about 30-odd permanent secretaries that have five-year contracts, it is about right. There is nothing out of the ordinary in this matter. Of course, it is more acute where particular posts move, but I think we have handled that relatively smoothly.

Q450 Kelvin Hopkins: There is a matter that I have raised a number of times in this Committee in different settings and different contexts, and that is the retention of corporate memory within the civil service. What is the civil service doing to ensure that corporate memory is not lost during the changes that have been taking place?

John Manzoni: In general I agree with you, and we are trying to put in place long-term structures that adjust this. As the Chair knows well, we are reintroducing institutions in some senses that are intended to do that. We have a Civil Service Leadership Academy, which is a little bit nascent but is building in strength, which is intended to embody the corporate memory, the corporate leadership philosophy and the corporate knowledge. That is building quite well and we are getting increasingly coherent with the civil service leadership training and the various development processes as the civil servant progresses through the system. I think it is an important aspect.

We have appointed a head of that Civil Service Leadership Academy, who is now making the case to strengthen it, deepen it, and find a place for it so that it has a place as opposed to multiple places and that sort of thing. This is a building agenda.

Q451 Chair: Could I chip in there? What has happened to the Europe unit that possessed all the corporate knowledge about the negotiations? There seems to have been a dramatic reduction in the number of people—



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John Manzoni: It just looks like it. As Mark has said, we have created a single body of capability and parked it in DExEU and that does both implementation and negotiation. The capability still exists. The civil service is still supporting what used to be sitting in the Europe unit.

Q452 **Chair:** The report in *The Times* this morning that somehow this is evidence of the Government's lack of—

John Manzoni: No, it is not right, because—it is like all these things—it is a sort of partial truth. It is true that there are far fewer people in the Europe unit today. It is just that the support is coming from a different place.

Q453 **Chair:** There are just as many people supporting the Europe unit—

John Manzoni: In fact, there are probably more.

Chair: Probably more. Thank you.

Q454 **Kelvin Hopkins:** If I can pursue the corporate memory theme a little further, at the very simplest level, just recording meetings, proper notetaking, recording of decisions—and it is not just for today and making sure that Government works sufficiently but also for the historical record—is very important. People like me are very interested in the 30-year rule and what was said 30 years ago. If civil servants and politicians are conscious of the fact that they are going to be recorded and it will be on the historic record, that is very important and very much part of our Government tradition and very strong. Would you agree with that?

John Manzoni: In general. I think it is more difficult these days because in the digital age, as you know, the records are rather more difficult, and we are working very hard to try to make sure that we can accommodate that in the digital age. I agree with you.

Q455 **Kelvin Hopkins:** What are you doing to minimise the disruption to other work of the civil service as a result of staff moves and preparations for a no-deal Brexit?

John Manzoni: It is obviously having an impact. We are, though, taking quite a lot of effort to make sure that priorities are being sifted through, that we are continuously only doing the most important things. I have always said, first, too much is going on, and secondly, prioritisation never takes place unless it has to. We are in a situation now where it is having to take place because we are moving large numbers of people around.

There are close to 17,000 civil servants working on Brexit today. Of course, that means that other work is not taking place, but the priorities are taking place. This Government have outlined their priorities. Those activities are still taking place. Universal Credit is still rolling out. The transformation of the civil service is still taking place. There is undoubtedly a lot of other stuff that is not visible from the top or that is not taking place because there are 17,000 people working on Brexit



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today. I do not think that is a bad thing. I would thoroughly support more prioritisation.

Q456 **Kelvin Hopkins:** Is it possible that after Brexit the numbers involved will steadily decline because most of the work will have been done by then? Is that the case?

John Manzoni: We are beginning now to think about some of that. It is early stages, but I do think there is no question that there will be a bulge while we are dealing with the issue du jour, but then we have to get clear about what happens beyond.

Q457 **Dr Rupa Huq:** Are these thousands of civil servants across all Departments in Brexit planning?

John Manzoni: I hope so.

Q458 **Dr Rupa Huq:** I put down a load of written questions about DExEU in particular, about retention, churn, length of service, type of contract, that kind of thing. It came out on Friday that DExEU staff have had a bigger pay rise than anyone else in the civil service, 7.6%, and I think the cumulative award is more like 11%, which way exceeds the 2% annual guidance.

John Manzoni: There is a number of Departments that have distinct pay arrangements. DExEU is one of them, DWP is another, FCO is another. There are several Departments. The funding is still only 2%. It is actually 1%; the funding available is 1%. DWP did it because it was out of step with HMRC for its large workforce. Provided you can make a case through productivity that you can afford a higher pay deal, those have been approved by the Treasury. They need a business case, they need to be approved and they need all of that stuff. That has been what has happened over the course of a period of time. There are a number of those in existence, and DExEU was just the most recent.

Q459 **Dr Rupa Huq:** Is there any particular Brexit-related reason why that happened?

John Manzoni: I think the cases are made on their own merits. DWP, as I have said, was because it was out of step at an operational level with HMRC. For DExEU it will be that this is a high-stress, high-pressure environment, and it is attempting to reduce the churn and the turnover. Of course, people need to be rewarded for working long hours, weekends and all of that. I have not actually studied the DExEU business case but I was aware that it was happening.

Q460 **Dr Rupa Huq:** Is the 600 staff about average for a Department?

John Manzoni: In DExEU?

Dr Rupa Huq: Yes.

John Manzoni: No. The Departments vary wildly. DExEU is a small Department. There are tens of thousands in HMRC and DWP.



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Q461 **Dr Rupa Huq:** Do you know how much the Government spent on consultancy services and temporary agency type staff to help with Brexit preparations across the board?

John Manzoni: As I am sure you know, this is a slightly complex question. We in the Cabinet Office have put in place a particular framework for consultants and assistance on Brexit. Up to today, £55 million has been spent and about £75 million has been committed under that framework.

There are other measures of how much consulting has been used, and the NAO recently issued a report and said £1.5 billion in 2017-18 has been used on consultants. What that threw up is a complexity in how we record consultants. The NAO number included professional services, and it was on Bravo and it was on 220 Government and associated bodies.

What we are doing to resolve all this is to reissue some guidance from the Cabinet Office about what is consulting, what is professional services, what the controls should be on those. I can tell you that £54.8 million, I think, has been spent on consultants.

Q462 **Dr Rupa Huq:** I think DExEU was originally envisaged as a temporary Department. A lot of those people had contracts up to 29 March.

John Manzoni: They will have been extended. I do not know that they had contracts. I think they might have been loaned.

Q463 **Dr Rupa Huq:** Yes, they came from other Departments.

John Manzoni: Yes, of course. Most of them came from other Departments.

Q464 **Dr Rupa Huq:** Yes, as a temporary thing to get us through.

John Manzoni: There is no discussion that DExEU was going to be permanent. We have not changed that point of view.

Q465 **Dr Rupa Huq:** You do not have a lifespan envisaged for that Department?

John Manzoni: You tell me.

Q466 **Dr Rupa Huq:** This will never end. The NAO in June of this year did find a mismatch between Cabinet Office analysis of what the bill is and the individual Departments. Have you been able to reconcile?

John Manzoni: We have reconciled it, as I have just mentioned. The NAO report dealt with what they call professional services, of which consulting is some, and they took it off the Bravo system, which is the big Government-wide accounting system. It was at £1.5 billion. What it threw up was that there was a lack of clarity of definition between consulting and professional services. Some of the professional services, for instance, were some of the MoD's suppliers. We are getting underneath it. It is taking a little bit, but the Cabinet Office is due to



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issue some new guidance in the course of the next month, which will clarify this and get a better grip across Government on professional services and consultants, so we will have a better idea.

Q467 Dr Rupa Huq: Is that a higher spend in DExEU than the other Departments on unelected bureaucrats, which the whole thing was meant to get rid of?

John Manzoni: I am sorry. I have not understood that question.

Dr Rupa Huq: Does DExEU have more of these consultants, agency staff, hourly paid, daily paid, different rates, than your standard—

John Manzoni: I am not aware that it uniquely does. The numbers that I have just quoted are across Government as a whole. There have been about 1,000 people deployed and just under 160 engagements, and they are all across Government. They are not uniquely in DExEU.

Q468 Dr Rupa Huq: I might have an answer for that because I did put all these down, but I just do not know, if we have the plug pulled today, if I will ever see those.

How confident are you that you have the right data centrally to understand and improve efficiency of Government consultancy spending? As I say, one of the purposes of Brexit was to get rid of unelected bureaucrats.

John Manzoni: I am confident that we are getting better, and, as I have said, we are going to reissue some guidance that will get underneath this definition of professional services consulting, and it was thrown up by the NAO report, to be fair. There was a mismatch and we just need to get better, and the guidance will be coming out in the next few weeks.

Chair: Thank you very much. Finally, a non-Brexit question.

Q469 Mr David Jones: I am sure that you saw the report in *The Times* last month about Action Fraud, which I think by any standards was extremely disturbing. Action Fraud is of course the telephone line that deals with reports of fraud, and I believe it handled about 500,000 cases last year.

The Times's report indicated that poorly trained call handlers were dealing with reports from the public and that they dealt with these complaints in a highly unprofessional manner. People were made fun of. They were called such things as "morons", "screwballs", "psychos". Call handlers did not actually identify to callers that they were not police officers. Many people, including a constituent of mine who is a professor of investigative psychology, thought he was dealing with police officers when he rang Action Fraud and they never revealed that they are not police officers. They do not reveal to callers that very probably their complaints will not be investigated.

Action Fraud is overseen by the City of London Police, but it is managed on a day-to-day basis by Concentrix, an American company with a previous unfortunate record in handling Government contracts. The



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Government must surely be extremely concerned about this report. What are they doing to ensure that people who are often frequently distressed, quite naturally, are getting a proper level of service from what they believe is a police telephone line?

John Manzoni: As you say, this is a City of London Police contract, which is devolved from Government. It is not to say that the Home Office does not have an interest and has taken an interest. As I understand it, the Secretary of State for the Home Office has written to the City of London Police asking for an urgent review. The City of London Police has undertaken its own review, which has already resulted, as I understand it, in some personnel actions in that contract. That is to some degree arm's length. That does not mean to say that we are not immediately interested in that.

Of course we are aware of the Concentrix issues. There are no Concentrix contracts in Government today. There were two. One was a DfT arm's length body and the second one was in HMRC. As you rightly mention, the HMRC one was terminated early in 2016 because of a concern that they were handling claimants and things inappropriately, so that has been terminated.

The issue of how you handle fraud or how you go and collect debt and such things is quite live in Government. We deal with it a lot. We have a panel that is to do with fairness and equity as to how we handle those things in anything that we control, and we do control these things through various ways. HMRC does its own activity in this regard now. We also have other entities in Government and they are all under the auspices of the fairness panel, which oversees this and makes sure that we do this in a proper way.

The issue—and it is a very disturbing report—is that we cannot look at every supplier to every part of the public sector. We do, though, and increasingly do, look at the big suppliers to Government to make sure that they are behaving properly and well. We have in central government a list of about 30 of those, and in the MoD an increasing list. This is a programme that is building across Government so that we can increasingly get at the big suppliers to make sure that such misbehaviour or bad contracting does not happen.

We are rolling out now something called “The Outsourcing Playbook”, which, as a result of failures in the past, has taken about 12 or 14 months to develop in concert with industry, with the big suppliers of Government. It is a collaborative piece of work. There are 10 or 11 policy areas where, between Government and industry, we are now progressing work to increase the transparency, to increase the visibility, to increase the felt accountability and responsibility and the better management of all of these contracts. All of that is taking place.

There was a single incident on Concentrix with the City of London Police, as I say, and it has been jumped on. I am not exactly sure what the



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exact timing is for the City of London Police's investigation, but I know the Home Office is waiting for some answers.

Q470 **Mr David Jones:** Does Concentrix remain an approved Government contractor?

John Manzoni: It is quite complicated because strictly, under European procurement laws, it is very hard to take account of one performance over here in a contract over here. We have found ways of doing it, and I think the answer to your question is that if it was to pop up again we would find a way to make sure, unless it could persuade us that it had got better—for our big suppliers, we are in a lot of conversations about self-cleansing, as you know. We have had some of that going on so that we can be sure that when we get suppliers into Government they are doing the job that the public would expect them to do on behalf of their money.

Q471 **Mr David Jones:** While, as you rightly say, it is an arm's length arrangement, would you be surprised if the City of London Police were not investigating whether or not Concentrix should continue to be a contractor for this very important service that it is providing to people who are very vulnerable and who quite clearly are distraught when they call their telephone?

John Manzoni: My understanding is they are investigating. I would be surprised if they were not. I would be surprised if they were not, yes.

Q472 **Chair:** Is there some means of enabling meaningful due diligence when a public authority is considering letting a contract to a private contractor? Surely there is a central source of information in the Cabinet Office about a great many contractors. Is that not available to other public authorities?

John Manzoni: For what we call the big strategic suppliers, the answer to that is, yes, it is available, but we do not cover all of the suppliers. As you well know, we have only begun this in the last two years, so it is building a capability.

Q473 **Chair:** I am concerned about what you say, that if there is a bad experience in one Department it cannot be shared somewhere else.

John Manzoni: It is quite hard to do under European procurement laws, but we have found a way of beginning to do that. This is fairly recent. We have been unable to do it under the law.

Q474 **Chair:** How do you do it, given the restrictions?

John Manzoni: As I was saying, I cannot quite remember what the detail is because it is a fairly convoluted process to get so that we can look at track record over here and deployed over here.

Q475 **Chair:** What a daft system. Presumably it is designed to stop illegal blacklisting. Are we in danger of overinterpreting the rules or is it a rule—



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John Manzoni: No. We have tested it. We have been testing it for quite a long time and we have finally come up with this process. It is part of the law, unfortunately.

Chair: I shall not make the obvious point.

Q476 **Kelvin Hopkins:** Given the appalling performance of Concentrix, doesn't it suggest that such contracts should never have been outsourced in the first place? They should be undertaken by in-house public servants who are publicly accountable, motivated by the public service ethos, like your good self and others in the civil service.

John Manzoni: I am in big favour of a mixed economy. Whether one particular service should be outsourced or not depends on a lot of things, including, by the way, the quality of the management of that service and the oversight of any contract. I am not going to make a comment about whether this particular service should be outsourced or not. HMRC has certainly taken a decision to bring it back in-house. That will give you some clue. That does not mean to say that there are not lots of things that should be outsourced. The answer to your question is it depends on the circumstance.

Q477 **Ronnie Cowan:** Concentrix is in my constituency, and I am concerned. You talked about "The Outsourcing Playbook". Is that what you called it?

John Manzoni: Yes.

Ronnie Cowan: I would be interested to know if in this book or these guidelines that have been produced there is something to check on the management within a company. I fully agree with what Mr Jones said about the way that people using this helpline have been treated appallingly, but there is something within a company where people on helplines are behaving that way in the first place. I would want to know if there has been pressure put upon the people who are handling the helplines to maintain their jobs in an area of high deprivation and high unemployment. Will that be in the guidelines?

John Manzoni: In the end, the guidance is for the deployment against the big contractors. We cannot deal with all of the suppliers in Government. I do think this particular service happens to be a really important service. What we are having a conversation about now is that we can look at the big suppliers. There might be one or two highly critical services that are done—this Committee has also been pushing, and others, on let's use SMEs. This is always a balance, but there may be one or two specific services. This may indeed be one that is sufficiently concerning, that we say we need to think about that in the same way as we do for the big suppliers.

Q478 **Ronnie Cowan:** Is there anything to say that a Government contract can't be handled by a company that is not paying the living wage or offering zero-hours contracts? Are you in control of that?



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John Manzoni: Government have mandated the minimum wage. The living wage is a different issue. We have not at this point. What contractors pay their employees is up to them, as long as it is above the minimum wage, for the moment.

Q479 **Ronnie Cowan:** It is not beyond the possibility that the people who are handling these calls are working for the minimum wage and are under severe constraints to keep their jobs, and that could add to their behaviour in the first place.

John Manzoni: I do not know the answer to that. I do not know what they are paid.

Chair: Thank you very much indeed. If there is anything more you want to add in writing to what you can't answer about that, please feel free to do so. We will write to you if we need more information. Thank you very much indeed for all your answers this morning. My best wishes to all the members of your Department. Good luck in the weeks and months ahead.