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Government Response to the Lord's Constitution Committee report - Revision of the Cabinet Manual (Sixth Report of Session 2021-22)

I would like to thank the Committee for its considered review of the Cabinet Manual and its thoughtful identification of the key issues that ought to be considered by the Government in terms of any update.

The Government agrees with the Committee that if the Cabinet Manual is to continue to play a useful role as a guide to the operations and procedures of government, it will need to be updated periodically to reflect new developments. There is a strong argument for revisiting the Cabinet Manual, and there has been work to identify the main areas that would require updating.

The Government is grateful for the work the Committee has undertaken to consider an update of the Cabinet Manual. We have reflected on the Committee's recommendations, and I can confirm that the Government intends to publish an updated version of this document before the end of this Parliament. We will keep the Committee updated as this work progresses. I would also like to reiterate my apologies to the Committee for the delay in responding to their report.

I am copying this letter to the Chairman of the Public Administration and Constitutional Affairs Committee, William Wragg MP.

Yours sincerely,

LORD TRUE

1. Given the Cabinet Manual's role in recording — rather than prescribing — constitutional rules from a number of different sources, it has a different status from documents such as the Ministerial Code and the Civil Service Code, which include their own enforcement mechanisms. As a matter of constitutional principle, ensuring adherence to the content of the Manual, in general terms, will ultimately be a matter for the Prime Minister. (Paragraph 19)

2. We recommend that the Prime Minister makes clear, in the foreword to the next edition, the duty on all ministers to adhere to the constitutional principles in the Cabinet Manual. (Paragraph 20)

As the Committee notes, the Cabinet Manual is a record of the rules and practices of our constitutional arrangements, and is not in itself a source of those rules and practices. The Government therefore agrees with the Committee that it is of a different status to the Ministerial Code and Civil Service Code, which set out the principles underpinning the standards of conduct expected of Ministers and civil servants. As a document which records constitutional conventions and rules, the Cabinet Manual will not prevent a government from reflecting evolving practice (except where those rules are laid down by law).

As noted, the Cabinet Manual is not intended to be the source of any rule. As the (then) Government said when the first edition of the Cabinet Manual was published in 2011: "The Cabinet Manual is not binding and others are entitled to take a different view on the operation or extent of a particular convention." But it is nevertheless a comprehensive guide for Ministers and officials, albeit one which needs to be updated in order to remain authoritative.

3. Much has happened since the first edition of the Cabinet Manual was published in 2011. For the Cabinet Manual to remain useful it needs to be regularly updated. An out-of-date Manual will lack authority, cause confusion about what arrangements apply and risk becoming moribund. Updating the Cabinet Manual is now well overdue. (Paragraph 34)

4. We recommend that a draft update of the Cabinet Manual should be produced as soon as possible, and not later than 12 months from the date of this report. (Paragraph 35)

The Government agrees with the Committee that if the Cabinet Manual is to continue to play a useful role as a guide to the operations and procedures of government, it will need to be

updated periodically to reflect new developments. As the current edition of the Cabinet Manual makes clear, this was a first edition with the intention always being that the Cabinet Manual would be updated to reflect evolving constitutional practice.

The Government is grateful for the work the Committee has undertaken to consider an update of the Cabinet Manual. We have reflected on the Committee's recommendations, and we will now progress work to seek to publish a revised draft of the Cabinet Manual within this Parliament.

5. We recommend that thereafter any updates to the Cabinet Manual should as a matter of routine be considered at the beginning of each Parliament and endorsed by the Cabinet. As with the first edition, this process should include consulting parliamentary committees, academics and the public on a draft version. (Paragraph 36)

6. We recommend that in between regular updates to the Cabinet Manual any important revisions should be reflected immediately in the online version, as we recommended in our 2011 report. (Paragraph 37)

7. We recommend that the next edition of the Cabinet Manual should set out clearly the process for producing subsequent versions. (Paragraph 38)

8. We note the open and constructive engagement which took place between the then Government and parliamentary committees on the first draft of the Cabinet Manual in 2010–11, which resulted in changes to the first edition. (Paragraph 44)

9. We recommend that future drafts, including draft individual chapters, should be shared with our Committee and the relevant committee in the House of Commons for comment. This can help to achieve consensus on the text. (Paragraph 45)

10. We recommend that the Government formally consults the relevant committees in the devolved legislatures on any revisions to the Cabinet Manual. (Paragraph 46)

The Cabinet Manual covers a broad range of material, much of it specific to the UK Government and on reserved matters. It is a UK Government document signed off by UK Ministers, accountable to the UK Parliament. The Government agrees with the Committee that the Cabinet Manual will need to be updated periodically to reflect new developments in our constitutional arrangements. We further consider there is a case for considering updates to the Cabinet Manual as a matter of routine, either at the start of each Parliament or each new administration, and as we progress the updating of the current Manual we will give further consideration to how best to do this, including seeking views from others recognising this is an update of the existing manual rather than starting from scratch as was the case with the first draft in 2010-11. Any decision to update the Cabinet Manual, and the content within it, must ultimately be for the Prime Minister of the day.

11. Understanding of the United Kingdom constitution should not be the sole preserve of those working in the field. Public awareness and acceptance of constitutional arrangements, including as described in the Cabinet Manual, is critical to their legitimacy. (Paragraph 51)

12. We recommend that the Cabinet Manual should continue to be drafted in an accessible and clear style which does not presume detailed knowledge of the United Kingdom constitution and the operation of government. (Paragraph 52)

The Government agrees that understanding the United Kingdom's constitutional arrangements and how they work should not be the sole preserve of those working in this field. Drafting of the Cabinet Manual in an accessible and clear style has an important role in broadening this knowledge.

13. Documents such as the Cabinet Manual, Ministerial Code and Civil Service Code are an important part of the United Kingdom's constitutional framework. Together with the Nolan Principles, respect for the Manual and Codes is essential for upholding principles of good governance, including adherence to constitutional conventions and the proper conduct of public and political life. They are crucial to the wider national wellbeing as well as to the public's trust in government. They must never be treated as optional extras to be swept aside or ignored to suit the convenience of the executive. (Paragraph 58)

The Government agrees with the Committee that the Cabinet Manual, Ministerial Code and Civil Service, together with the Seven Principles of Public Life, are important in setting out the norms by which Governments operate, and the standards expected of Ministers and civil servants. Also important, as set out by the Cabinet Secretary in his evidence to the Committee, is ensuring there is a culture within government which upholds the fundamental principles set out in these documents, which the Government is committed to doing.