

Written evidence from Dr Paul Anderson¹ (DCW10)

Public Administration and Constitutional Affairs Committee Devolution Capability in Whitehall inquiry

1. I am Senior Lecturer in Politics at Liverpool John Moores University. For several years, I have been working on issues of UK devolution and intergovernmental relations and am currently leading a research project looking at relations between mayoral combined authorities in England and central government. I am making this submission in a personal capacity.

The Dunlop Review

2. To date, there has been significant progress in implementing some of the recommendations of the Dunlop Review. This submission will largely focus on the recommendations on machinery of government and intergovernmental relations.
3. **Machinery of Government.** The Dunlop Review made several recommendations including:
 - a. Creation of ‘a senior cabinet position with specific responsibility for the constitutional integrity of the United Kingdom’ with the suggested title ‘Secretary of State of Intergovernmental and Constitutional Affairs’
 - b. Establishment of ‘a new cabinet sub-committee [to] oversee the delivery and implementation of a set of strategic priorities and departments’ plans to support the UK Government’s Union agenda’
 - c. ‘the establishment of a single Permanent Secretary Head of UKGG to lead the three offices of the Secretaries of State for Scotland, Wales and Northern Ireland as well as the relevant Cabinet Office teams, supporting the new senior minister and three Secretaries of State’
 - d. Formulation of a ‘shared policy function for all three offices should be created in the Cabinet Office as soon as possible’ⁱ
4. Partially fulfilling the Dunlop recommendation, the post of ‘Minister for Intergovernmental Relations’ was created in September 2021, though this was not, contrary to the Dunlop recommendation, given the status of a Great Office of State. Under the Boris Johnson government, Michael Gove was appointed as Minister for Intergovernmental Relations, a position he held alongside his appointment as Secretary of State for Levelling Up, Housing and Communities, with overall responsibility for managing relations with the devolved governments in Scotland, Wales and Northern Ireland and English devolution. In October 2022, after the appointment of Rishi Sunak as Prime Minister, Michael Gove was reappointed to both positions.

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5. The House of Lords Select Committee on the Constitution highlighted its concern that the wide scope of this role (that is, being both Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations) risked ‘undermining its focus on this important area’.ⁱⁱ I share this concern. The Dunlop Review noted that the creation of a cabinet position focused on the constitutional integrity of the UK was important to provide a more holistic view of politics across the UK, focused on matters relating to devolution and the Union. I believe, however, that in combining responsibility of both the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations, there is a danger that this role becomes overstretched and unable to sufficiently reverse the ‘devolve and forget’ approach that has characterised UK territorial politics for many years.
6. In my research on relations between mayoral combined authorities and central government, combined authority officials have highlighted that a challenge in maintaining good and frequent relations with the Department of Levelling Up, Housing and Communities (DLUHC) is DLUHC’s lack of resource to cover all of its brief. As one metro mayor explained, ‘The department’s bandwidth can often be taken up by big events, such as the Grenfell disaster or Brexit ... we have a problem within that ministry [DLUHC] with resource. Time and again we get from our points of contact at the civil service, “yes, sorry but we haven’t got the bandwidth or the people to do this because we’re working on something else”, so that is always a challenge’.ⁱⁱⁱ To ensure the necessary attention is paid to devolved matters, I would recommend, as does the Dunlop Review, a separate minister to have responsibility for the brief of intergovernmental relations.
7. The Boris Johnson government established a Union Strategy Committee chaired by the Prime Minister to focus on the Government’s Union agenda. Under the Liz Truss administration, this committee disappeared, with responsibility for the Union moved from DLUHC to the Cabinet Office. Further changes were implemented after Rishi Sunak’s appointment as Prime Minister, with the establishment of a Domestic and Economic Affairs (Union) cabinet committee ‘to consider matters relating to the Union’ and the transfer of responsibility for Union and devolution policy back to DLUHC. In line with the Dunlop Review’s proposal for a new cabinet subcommittee to focus and support the Government’s Union agenda, the membership of the Domestic and Economic Affairs (Union) committee comprises, the Prime Minister, Deputy Prime Minister, Secretary of State for Levelling Up, Housing and Communities/Minister for Intergovernmental Relations (who, alongside the Deputy Prime Minister, serves as Deputy Chair), the Chief Secretary to the Treasury and the Secretaries of State for Scotland, Wales and Northern Ireland. This is thus an aspect of the Dunlop Review that, at least as relates to structures, has been implemented.
8. Regarding a Permanent Secretary head, in May 2021, Sue Gray was appointed Second Permanent Secretary to the Cabinet Office and in line with the Dunlop

Recommendation, led on matters related to the Union and Constitution. To my knowledge, this post has not been replaced following Sue Gray's resignation in March 2023. If this is the case, I would encourage the committee to seek more information on when a replacement will be in place.

9. As relates to the final Dunlop recommendation on machinery of government, I do not think any progress has been made on creating a shared policy function for the Northern Ireland, Scotland and Wales offices. I imagine this is in part because of the tendency of government departments to work in silos as well as the asymmetry of the devolved settlements. As such, devising a shared policy function is likely to be a difficult task.
10. **Intergovernmental Relations (IGR).** The Dunlop Review made several proposals for the reform of IGR and following the completion of the Review of Intergovernmental Relations in January 2022, IGR structures in the UK have been substantially reformed. These new arrangements present an opportunity to forge closer, more stable and effective intergovernmental interaction between the different governments of the UK. That said, it is important to note that while reforming intergovernmental infrastructure was necessary, there needs to be willingness from all governments to want them to work.
11. The Dunlop review called for a recalibration of IGR and the replacement of the Joint Ministerial Committee with a UK Intergovernmental Council (to be held twice a year), and various subcommittees. Following the publication of the Review of Intergovernmental Relations, a three-tier system of intergovernmental structures was established. At the apex of this system is the 'Prime Minister and Heads of Devolved Government Council' (the Council), chaired by the Prime Minister and held annually. The middle tier consists of an Interministerial Standing Committee to oversee the work of the lower-tier interministerial groups and consider cross-sectoral issues and wider strategic international matters, and a Finance: Interministerial Committee to discuss funding issues. Despite difference in name, the new structures align with the Dunlop recommendation to overhaul intergovernmental machinery. That said, the Dunlop Review recommended the intergovernmental council meet twice a year, but only one meeting of the Council is expected each year. The first meeting was held in November 2022.
12. The Dunlop Review also called for UK Government departments to establish interministerial groups (IMGs) to facilitate regular engagement between different governmental departments across the UK, supporting and feeding into discussions - where appropriate - of top and middle tier intergovernmental meetings. Interministerial groups now form the lower-tier of the new arrangements, and are designed to work on policy-specific issues in areas of both devolved and reserved matters in a mutually cooperative spirit.
13. To date, most of the envisaged IMGs have been established and have adopted terms of reference, making the new structures more institutionalised than previous

arrangements. Some groups have met regularly, such as the IMG for Environment, Food and Rural Affairs (a leading example noted in the Dunlop Review that existed prior to the IGR Review) which has met 10 times since January 2022, while others have held only one meeting (e.g. IMG for Transport Matters). Other IMGs suggested by the Review (e.g. for the Department of Health and Social Care) have yet to be established.

14. There is, therefore, evidence of more formalised intergovernmental interaction between the different governments across the UK, but there is room for improvement. Following the example of the IMG for Environment, Food and Rural Affairs, there should be more regular interaction between governments in other IMG structures, providing an arena to discuss legislative priorities, share experiences and learn from each other. Further, as a colleague and I have argued elsewhere, ‘Commitment by the UK government to use IGR to involve the devolved governments in early stages of policy development when legislative matters concern devolved competences would also be a welcome step towards more cooperative and constructive interactions.’^{iv}
15. Further recommendations from the Dunlop Review included the establishment of an independent secretariat and the creation of a clearer dispute resolution mechanism. These recommendations have all been fulfilled.
16. One recommendation that remains lacking is the proposal to ‘use the new cabinet sub-committee (recommended earlier) to agree UK Government positions in advance of meetings of the UKIC and its subcommittees’.^v As noted above, the Sunak government has established the Domestic and Economic Affairs (Union) Cabinet Committee but to my knowledge there is little evidence that this is used to provide a role for the Secretaries of State for Northern Ireland, Scotland and Wales to influence UK Government positions prior to intergovernmental meetings.
17. In addition, Lord Dunlop, while somewhat cautious in making recommendations regarding English governance, encouraged consideration to be given to ‘an English Regions Forum’, to give voice to subnational leaders in England (such as the metro mayors) ahead of intergovernmental meetings.^{vi} While advances have been made in reforming intergovernmental structures, no consideration has been given to enhancing the voice of metro mayors; in IGR structures the UK Government plays a dual role as the government of the UK and the government of England. As I argued in previous evidence to the House of Lords Constitution Committee, ‘There should be specific English representation in wider [intergovernmental relations] structures involving the devolved governments as well as a separate England specific forum to bring together relevant ministers and the leaders and mayors of combined authorities’.^{vii} Given a significant portion of the English population are governed by metro mayors (and ongoing conversations about the creation of new mayoral combined authorities), I believe there is a strong case to create formal

intergovernmental structures to bring together the metro mayors and relevant ministers from central government.^{viii}

18. Overall, there have been notable advances in reforming IGR in the UK. Interaction is envisaged to be more regular and forums in the middle and lower tiers benefit from rotating chairs and locations. This is a welcome development (as recommended by Lord Dunlop) which seeks to foster engagement in a non-hierarchical manner and cement a sense of joint ownership in the arrangements. The standing secretariat provides much-needed support in the organisation of meetings, as well as facilitating dispute resolution.

Devolution and Whitehall

19. The civil service plays an integral role in the development and practical workings of devolution in the UK, oft-considered as both the oil and glue to making it function. It is well-documented that Whitehall has been slow to catch-up with the realities of devolution since the establishment of the devolved parliaments and assemblies in 1999,^{ix} characterised by a lack of sufficient knowledge among civil servants regarding the devolved institutions and matters on the one hand and a reticence and scepticism towards the process of devolution on the other hand.
20. A consequence of the lack of understanding of devolution in Whitehall is the prevalence of a unitary mindset in how civil servants conduct government business. Despite over two decades of legislative and executive devolution in the UK, very little has changed at the centre resulting in a unitary, top-down vision of politics that often translates into an approach that fails to understand the decentralising logic of devolution.
21. The devolved institutions are not effectively or consistently involved in policy development at UK Government level. Consequently, the implications of UK Government policy for the devolved nations are often not sufficiently thought through, creating and exacerbating tensions between the different governments across the state. A sensible proposal, therefore, would be to ensure more involvement of the devolved governments at early stages of policy development, as well as encourage and incentivise more civil servants to spend time working in the devolved institutions outside London. The latter would enable civil servants to gain deeper knowledge on the operation of devolution and thus build more devolution capability across Whitehall.
22. In line with recommendations in the Dunlop Review, the UK Government is committed to moving a significant number of civil servant jobs out of London. Relocation is certainly a welcome development, but it should not come at the expense of more regular and in-depth training for civil servants on the operation of devolution across the UK with the objective of increasing their knowledge about the different devolved settlements in Scotland, Wales and Northern Ireland as well as the (mayoral) combined authorities in England. A deeper understanding of

asymmetrical governance and the workings of the different settlements is key to equipping civil servants with the necessary knowledge to ensure devolution is not a peripheral concern in the day-to-day of UK Government business.

23. On the points so far, it is worth noting that while there is a need to continue to build knowledge on devolution considerations across Whitehall, there is acknowledgement that some government departments are much better in understanding devolved matters. In my research on relations between mayoral combined authorities and central government, interview participants in the combined authorities often acknowledge that the Department for Transport, 'gets devolution' while others, such as Education and Work and Pensions, not only lack knowledge but are sceptical and reticent to give up power.
24. As noted above, an important advance in building knowledge of devolution across Whitehall would be to incentivise civil servants to work outside Whitehall in the devolved governments in Scotland, Wales and Northern Ireland and combined authorities across England. Secondments are a feature of civil service working and are an excellent vehicle through which civil servants are able to experience devolution in action and thus gain a broader and more in-depth understanding of devolved governance. Further, seconded civil servants are able to bring back learning from the devolved governments to Whitehall, facilitating opportunities for sharing best practice as well as capacity building. I believe more opportunities and incentives to encourage civil servants to spend time in the devolved institutions on medium to long term secondments would prove incredibly advantageous in building knowledge of devolution matters across the civil service.

The Devolved Institutions and Devolution Capability in Whitehall

25. Drawing on my research on Scottish devolution and mayoral combined authorities in England, the view from the devolved institutions vis-à-vis devolution capability in Whitehall is somewhat pessimistic. This is a result of the London-centric and 'Whitehall bubble' mentality of many civil servants that have not spent any or much time in the devolved institutions and therefore are unable to understand or appreciate the nature of devolved governance across the UK. In addition, this may also be partly due to what sometimes seems to be excessive staff turnover in the civil service whereby some civil servants appear to stay in post for only brief periods of time, hence relations with the devolved institutions and understanding of devolved matters have to be continuously re-built.
26. As noted above, there is a positive impression when it comes to secondments as these provide opportunities for both sides to learn from each other and appreciate the idiosyncrasies of the different governance systems.
27. Particularly in the combined authorities across England, there is a general sense that there is often a lack of willingness on the part of civil servants in Whitehall to accord legitimacy on the combined authorities and their devolved policy areas.

Consequently, there is a perceived hierarchical relationship between Whitehall and the combined authorities. Addressing this and ensuring more regular and worthwhile relations take place is key to making English devolution work.

28. I note that the current inquiry is focused on the devolved institutions in Scotland, Wales and Northern Ireland, but would encourage the committee to also seek evidence from officials in the combined authorities across England. The design of the mayoral combined authorities necessitates close interaction between the authorities and various government departments (even more so than the devolved governments in Scotland, Wales and Northern Ireland) and therefore these officials will be able to shed light on their experiences and insights on devolution capability across Whitehall and its future development.

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ⁱ Lord Dunlop. 2021. *Review of UK Government Union Capability*, p16-20

ⁱⁱ House of Lords Select Committee on the Constitution. 2022. *Respect and Co-operation: Building a Stronger Union for the 21st century*, p83.

ⁱⁱⁱ I am currently completing a series of interviews for this project.

^{iv} Paul Anderson and Johanna Schnabel. 2023. 'The UK's intergovernmental relations remain a work in progress', British Politics and Policy at the LSE Blog. <https://blogs.lse.ac.uk/politicsandpolicy/the-uks-intergovernmental-relations-remain-a-work-in-progress/>

^v Dunlop. *Review of UK Government Union Capability*, p36.

^{vi} Dunlop. *Review of UK Government Union Capability*, p37.

^{vii} House of Lords. *Respect and Co-operation: Building a Stronger Union for the 21st century*, p77.

^{viii} As noted earlier, I am currently conducting a series of interviews with relevant personnel on this project. Having interviewed some metro mayors and other combined authority officials, there is an emerging consensus that formal intergovernmental infrastructure is necessary to create more direct interaction between central government and the metro mayors.

^{ix} House of Lords. *Respect and Co-operation: Building a Stronger Union for the 21st century*, Chapter 8.