Finance and Public Administration Committee

Inquiry into effective Scottish Government decision-making

Summary note of discussions with former Ministers – 14 March 2023

On 14 March Committee members met with three former Ministers who, between them, had experience of working in the Scottish Government in various sessions since 1999. Following introductory remarks from the Convener, the following summarises the discussions between Committee members and the former Ministers.

Ministerial approaches

There was a discussion about the role of Ministers and civil servants in decision-making. It was highlighted that:

- decision making worked better when Ministers were clear (and 'firm') about what they wanted to be delivered whilst those attending also noted that good relationships are built through joint working;
- the previous coalition agreement had also helped provide a clear basis for decision-making;
- really good civil servants recognised and valued clear direction from Ministers;
- Ministers need to be confident in their decisions in order to be able to speak to Parliamentary Groups and Committees about those decisions;
- Those attending were not very supportive of 'training' for Ministers considering that previous (working) experiences and personal style had an important role in a Minister's effectiveness.
- Reflecting upon what specifically constituted effective decision-making was more challenging.
- It was recognised that Private office staff got to know the Minister's mindset and how they worked which then in turn supported them to know what type of decisions needed to be taken at Ministerial level. This was different for each Minister depending upon their style and portfolio as was the level of detail needed to inform that decision. Based on the experience of those present, Ministerial Preference Sheets, where officials learn how best to support their Minister, were not commonly used;
- It was suggested that the skills and behaviour of civil servants in supporting Ministers' decision-making was influenced by the style of the Minister and the relationship they built;
- The impact of Ministerial 'churn' on decision-making was also recognised whereby Ministers were likely to move portfolios before policies (which they had developed) had became operational. Any expertise they built up may then be lost and the incoming Minister, who inherited these decisions, may

have different views on how (if at all) the policy was then delivered. It was regarded as unrealistic, given Ministerial churn, for Ministers to act as project managers. Attendees also questioned the appropriateness of such a role for Ministers. It was suggested Ministers were there to take decisions and exercise political judgement given they had to defend that in Parliament – a point which, in the experience of some of those attending, was not always fully recognised by some senior civil servants.

- Special advisers were also recognised as having an important role.

Transparency

Whether complete transparency over decision-making was essential was debated. Some argued that:

- the ability to provide frank advice and exchange views candidly on all the possible risks and options (including any counterfactuals) necessary to fully inform a decision was essential in order to make a good decision. It also mitigated against 'group think' otherwise less palatable options may not explored (even if then discounted) for fear of being made public. It was important to protect that private space;
- The value of providing time for face to face discussions between Ministers and civil servants to discuss issues and exchange views was stressed;
- It was important for effective decision-making that civil servants could bring forward options without constraints (such as during times of austerity) which could then be explored – even if those constraints then later ruled those options out;
- it was highlighted that to provide transparency the Government should make public what actions would be taken, when and by whom to support effective scrutiny.

Civil servant rotation

Civil Servants generally move posts on a regular basis and the impact of this on decision-making was explored.

- Those attending considered that, overall, there was too much 'churn' in civil servants and a better balance needed to be struck;
- Key concerns included the loss of expertise and relationships with stakeholders and Ministers losing effective support at important times (one example was given of a key civil servant changing immediately before the Minister gave evidence session to a Committee);
- It was highlighted that it can negatively impact on a challenge culture whereby civil servants who have worked hard on a policy then move and there is then no-one prepared to 'argue' for that policy when a new incoming Minister considers changing focus - a full treasury function in the Scottish Government was proposed as a way to build in that challenge function;
- creating a challenge culture where officials debate options with the Minister rather than retreat when they face questioning or resistance was considered important.

- those attending recognised that there were some parts of the civil service where specialists were needed (such as procurement or legal affairs) rather than generalists but they considered that specialist roles were needed in a much wider array of policy area than the civil service may currently recognise. In that regard they considered there needed to be greater recognition of these specialist roles with a clearer path for such civil servants to be promoted and remain within their area of expertise;
- It was highlighted that it was not common for Private Office staff to move with Ministers when they moved portfolio. Whilst the approach of private office staff remaining in situ meant incoming Ministers could use their knowledge as they 'got up to speed' with the new portfolio, it also meant building good relationships and learning working styles all over again. Whilst there was no support for a system where all Private Office staff moved with the Minister, it was considered that a better balance could be achieved;
- the hierarchical structure of the civil service was highlighted as potentially reducing creativity;
- The previous approach of senior civil servants spending a period of time in sectors outwith Government was considered to have been a really valuable way of providing wider insights and exposure to different ways of working. It was suggested that with its long history of working a particular way, it would take time for the civil service to move to any new ways of working.

Policy delivery

How effectively policy development becomes implemented was explored:

- partnership working with external stakeholders was considered necessary (given intransigence by partners could undermine effective delivery) and there was also discussion of instances where inertia in the civil service in delivering policies had arisen 'if civil servants want to stall you, they do';
- It was also considered that targets, whilst not always helpful, were necessary to protect the 'project journey' and in that regard the extent to which the civil service 'tracked' delivery of big policies wasn't clear;
- the adequacy of some of the tools or models that were used to assess whether policies would, in future, be successful and represent value for money was questioned (with some previous transport projects highlighted as examples). It was discussed whether greater acknowledgment that some decisions were simply 'political' would be helpful;
- the imbalance between the influence on decision-making of well resourced private sector firms (including though staff secondment to the Scottish Government) and other types of stakeholders was highlighted as having a potentially negative impact on decision-making;
- those attending highlighted the particular challenge of civil servants being seconded to Bill teams where they built up valuable knowledge and relationships but, once in a Bill team, had to remain until the Bill passed (one example was that this period could be 18 months during which time those civil servants couldn't apply for promotion). Once passed the Bill team was disbanded which then impacted on the delivery of that Act and on the potential expertise available to support subsequent secondary legislation. It

was considered that a better approach to staffing Bill teams was needed whereby civil servants could be promoted and some could remain to support implementation (one approach suggested was to have phased staff changes);

- A particular concern was also highlighted about private offices and whether their important role in decision-making was being constrained by the trend of reducing private office staffing levels;

At the end of the discussion those attending were asked what future improvement they would wish to see and the following were highlighted:

- civil servant leadership should spend time in organisations outwith government to experience other ways of working;
- revisit the role of private office and the impact of reducing their staff levels;
- better use of evidence in policy development ('evidence-led')
- revisit the previous approach of providing MSPs with experience of work in other sectors;
- reconsider the incentives (such as promotion pathways) which may deter civil servants from becoming specialists;
- revisit the approach to civil servants 'churn'.