

Summary of evidence presented to the 30-Year Rule Review Committee, 5 February 2008 at Church House, Westminster

Committee members present:

Paul Dacre (chair)
Professor David Cannadine
Sir Joseph Pilling

Evidence from Lord Hunt

The Chair asked whether Lord Hunt, felt that Fol had made the 30-year rule redundant. Lord Hunt said “yes”, it had. He said one argument that the Committee would be likely to hear was that changes would have a retrospective effect and that would lead to documents being released “which was put together at a time when people did not think it would be disclosed for 30 years.” This was why he favoured the solution proposed by Sir Douglas Wass in the 1980s – that a new rule should be introduced 10 years from now.

“My argument in favour of 10 years from now runs this way: my proviso is that I think you can be retrospective to some extent, but to bring in now a 10-year rule, would probably be unacceptable to a number of very important interests, and therefore I would look forward not back. I would say from now on there will be a 10-year rule.”

He thought that this could be phased in and that it would have a “positive effect on behaviour”, with ministers making decisions with officials providing “the best background brief towards reaching that decision”. He felt that some of these basic principles “had been suborned slightly by the role of special advisers”.

The Chair then asked if a civil servant “has to face the full glare of publicity 10 years later would that damage his relationship with the then minister?” Lord Hunt said that he would not have minded if papers on the Community Charge and the Council Tax had been released. He did not think that his civil servants would have minded either.

Professor Cannadine asked if people had considered the length of time after which something would become public and whether it had affected the decision. Lord Hunt said he did not think so, adding that Ministers often wrote memoirs or even leaked information themselves. “I don’t think that Ministers should ever worry, and the advantage of 10 years rather than any longer period is that they almost certainly will be alive to defend their actions.” He felt that the influence of special advisers had “distorted the situation...I am not sure that officials would be happy to see some of the documentation that came into existence in 1997 being now made public”.

Lord Hunt commented that in reading the memoirs of ministerial colleagues he was “amazed at the fictional element...knowing I was at a particular

meeting but not recognising anything that is written about that meeting...I don't think we have anything to fear from the truth, particularly if officials know that it will be revealed after 10 years."

There was then a discussion about record-keeping. Lord Hunt said: "Generally now there is a concern about the way in which decisions are made today, the lack of documentation." A return to a "proper process" with a paper trail would result in a sudden improvement in behaviour. "I think there have been a number of instances where it is clear no paper trail exists and that is a worry...I don't think there is ever any excuse for the officials doing anything other than laying down the law that this must be recorded." The minutes of meetings were "enormously helpful because they put the record straight." He felt we should adopt a system like in the US where documents are made available at the end of the Presidency.

The Chair then asked Lord Hunt if he would have benefited from seeing documents from previous administrations. He said that he felt he would have done "on the non-party political side", for instance local government reform in Wales.

The discussion then turned to the issue of trust. The Chair asked Lord Hunt if he agreed that there had been a breakdown of trust between the public and government. Lord Hunt said that he was concerned that revelations about MPs would lead to a "massive super bureaucracy." He said the key is accountability and that the "more transparency there is, the more confidence the public has...I think the arguments I am using are not primarily to enable trust to be restored in politicians. I am arguing for good governance, but a side-effect might well be that politicians are more trusted." He also said the Civil Service Code should be put on a statutory footing.

Sir Joseph Pilling asked why Lord Hunt was persuaded by 10 years – why not a lower amount? Lord Hunt said that he had been persuaded by the arguments used by Sir Douglas Wass, and "I am unashamedly of the view that Prime Ministers should not do more than 10 (years) and probably two terms." Documents should not be made available while people could still sue: "that is why I think a period longer than six years is quite important from the point of view of potential claims and judicial review."

In conclusion, Lord Hunt said: "I am so proud of our impartial independent civil service, of the highest integrity, and I don't think they have anything to fear, certainly judging by the submissions I used to receive. They were always of the highest quality – absolutely brilliant." He singled out a brief he had been provided with for a Parliamentary debate. "A lot of people would have their whole confidence renewed in the system if they were able to see that [the brief], but they are not going to be able to see it until 2014."