



COMMONWEALTH SECRETARIAT

**HANDBOOK
FOR CABINET
SECRETARIES**

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FOREWORD

The Cabinet Office is central to the functioning of government and the role of the Cabinet Secretary is vital and has become very complex over the last few years. Even though their exact responsibilities vary from country to country, all Cabinet Secretaries find themselves at a ‘crucial nexus’. Cabinet Secretaries play a key role in managing the policy cycle, in coordinating the business of Government and in overseeing transitions in government administration. In many Commonwealth countries, the Cabinet Secretary also has other important responsibilities, most notably heading the Public Service.

The Cabinet Secretary must, moreover, play a pivotal role in tackling new and emerging issues – such as climate change, crime, energy, food security and the global financial crisis – that cut across traditional policy areas and call for coordinated and creative solutions.

In this specially commissioned handbook, Dr Carlton Davis explains the functioning of the Cabinet system and the role of the Cabinet Secretary within it, drawing not only on his own wealth of experience as a Cabinet Secretary but also the practices of a wide range of Commonwealth countries. He considers the many facets of a Cabinet Secretary’s work and explores some of the key challenges faced by those in the post.

For those engaged in the exciting and challenging work of a Cabinet Secretary, Dr Davis offers a clear, practical and structured overview of the role. His insights are particularly useful in the context of the unique governance challenges of the Commonwealth’s small developing states.

John Wilkins
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ACKNOWLEDGEMENTS

The Governance and Institutional Development Division (GIDD) of the Commonwealth Secretariat has made the documentation of this handbook for Cabinet Secretaries a reality, since GIDD became the forerunner in organising High Level Retreats for newly elected Governments across the Commonwealth, particularly in the regions of the Caribbean and Africa.

Though the roles and functions of the Cabinet Secretary or Secretary to Cabinet as it is called in some countries, differ from State to State and Region to Region, there are some common areas of interest, for example; the issues and challenges in managing the relationship between Ministers and Permanent Secretaries; building trust in order to deliver results (particularly during periods of transition), clarity of roles and accountabilities of the Minister, Permanent Secretaries, Cabinet and the Cabinet Office. At our last Retreat in Grenada in February 2010, it was felt that the issues discussed should be documented so as to guide new and top government officials.

We would therefore, like to thank Dr Carlton Davis, former Cabinet Secretary and Head of the Public Service of Jamaica, for writing this handbook. Dr Davis has a wealth of knowledge and experience, which is reflected in this handbook, as he was Cabinet Secretary and Head of the Public Service of Jamaica for over a period of fifteen years during which time he served under different Government administrations. As Cabinet Secretary and Head of the Public Service, he was able to transform the operations of the Cabinet Office, thus strengthening the centre of government.

This handbook reflects today's reality of the position of Cabinet Secretary and gives a minimalist and a maximalist view point of the Cabinet Office. It goes on further to highlight some of the practices in other Commonwealth countries.

A reference point has been created for new Cabinet Secretaries and other top officials of Government.

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INTRODUCTION

The purpose of this handbook is to provide a reference for Cabinet Secretaries,¹ (particularly those relatively new in service), in undertaking their work. It was written in the context of small developing states of the Commonwealth.

There have been principally five considerations taken into account in writing this handbook. First, the recognition that *the responsibility and authority of the office* varies from country to country across the Commonwealth, not least of all the developing Commonwealth countries; hence it is composed hopefully in a manner for Cabinet Secretaries operating at various points of the spectrum, from what one may term 'minimalist' functions to more 'expansive' ones. Second, the importance of the historical perspective in the evolution of the office and the lessons contemporary practitioners can learn from it. Third, *the need for knowledge of the Constitutional provisions* and, where these do not exist, conventions in respect of Cabinet and Cabinet Offices, and how a practitioner can better undertake his/her work within the letter and spirit of these Constitutional provisions or conventions. Fourth, given that 'job descriptions' whether in constitutional documents, or otherwise, are often, of necessity, very summary, it is necessary to elaborate on them based on the practices in Commonwealth countries. Fifth, and most important, is to keep the handbook as concise as possible so that practitioners do not consider it a burden to read. Adequate references are provided so that if there is need for details on the specific topic area, this can be sought by consulting the references.

SUMMARY POINTS

THE RESPONSIBILITY
AND AUTHORITY OF
THE OFFICE

NEED FOR
KNOWLEDGE OF THE
CONSTITUTIONAL
PROVISIONS

The structure of the handbook is as follows:

¹ In some jurisdictions, the post-holder is referred to as 'Secretary to the Cabinet'. For the sake of simplicity, the term 'Cabinet Secretary' is used throughout this manual.

Section 1 explores the origins of the institution of the Cabinet, the Cabinet Office and the post of Cabinet Secretary, based largely on the experience of the United Kingdom and to a lesser extent Canada.

Section 2 looks at the Constitutional and conventional provisions in regard to Cabinets in the Commonwealth.

Section 3 gives three broad generic features (not entirely unrelated) of Cabinets in Commonwealth countries, *viz*:

1. General Direction and Control of the Work of the Government;
2. Principal Instrument of Policy; and
3. Collective Responsibility.

Section 4 examines Constitutional and conventional provisions regarding Cabinet Offices and Cabinet Secretaries in Commonwealth countries.

Section 5 describes the business of Cabinet in terms of the roles and functions of the following:

- Cabinet and its Committees;
- The core functions of the Cabinet Secretary and the Cabinet Office;
- Cabinet Submissions or Memoranda which constitute the ‘heart’ of the business for Cabinet/Cabinet Committee meetings;
- Challenges a Cabinet Secretary may face in managing the business of Cabinet; and
- Managing changes of leadership within the same administration or of an entire new administration.

Section 6 addresses primarily the additional role of heading the Civil/Public Service. It considers the key aims of coherence and efficiency in the implementation of policy and the need for reform while retaining morale and core values.

1. THE CABINET SYSTEM OF GOVERNMENT AND THE CABINET OFFICE – HISTORICAL PERSPECTIVES

It is useful for Cabinet Secretaries to know or, if they do know, to remind themselves as to how the present system of Cabinet government, in Commonwealth countries, came into being.

So in dealing with this, albeit briefly, we will draw on the experiences of two of the oldest and most developed Commonwealth countries, the United Kingdom and Canada.

1.1 The Cabinet System of Government

The Cabinet system of government originated in the United Kingdom² and was developed from the Privy Council in the 17th and 18th centuries when the latter body had grown too large to debate affairs of State effectively. The literature indicates that:

- (a) King Charles II (1660-1685) and Queen Anne (1702-1714) began consulting leading members of the Privy Council in order to reach decisions before meeting with the less-manageable full Privy Council;
- (b) In the reign of Queen Anne, in particular, the weekly and sometimes daily meetings of the select Members of the Privy Council had become the accepted machinery of executive government, and this led to the decline of the power of the Privy Council;
- (c) The decline accelerated under King George I who, among other things, spoke little English and ceased to attend meetings with the Committee in 1717;
- (d) In consequence, decision-making power within that body or Cabinet became effectively run by the First or Prime Minister;

SUMMARY POINTS

THE CABINET SYSTEM OF GOVERNMENT ORIGINATED IN THE UNITED KINGDOM

.....
² See [www.britannica.com]

- (e) The pattern was enhanced during the long premiership of Sir Robert Walpole, and institutionalized by Sir William Pitt (the ‘Elder’) later in the century.

A major development in respect of the Cabinet system of government was the passage of the Reform Bill in 1832, which provided that:

- (i) A Cabinet should be composed of members drawn from the party or political faction that holds a majority in the House of Commons;
- (ii) Cabinet members are collectively responsible to the Commons for the conduct of the Government.

As we shall see later, both these principles have, by and large, been adopted in the Cabinet system of Commonwealth countries.

It is necessary though to say a word or two about the ***Privy Council*** from which the Cabinet system evolved. The literature indicates that:

SUMMARY POINTS

A MAJOR
DEVELOPMENT IN
RESPECT OF THE
CABINET SYSTEM OF
GOVERNMENT
PRIVY COUNCIL

- (a) The institution was initiated during the reign of Norman monarchs;
- (b) In that system, the Crown was advised by a Royal Court which consisted of magnates, ecclesiastics, and high officials;
- (c) Initially, the Privy Council concerned itself with advising the Sovereign on legislation, administration, and justice.

Subsequently, different bodies such as the Cabinet evolved from the Council, as detailed above. The Judicial Committee of the Privy Council deals with most of its judicial functions and to this day continues to hear appeals from some sovereign Commonwealth countries, British Overseas Territories and

Crown Dependencies.

The Cabinet of the United Kingdom is technically, in name, a Committee of the Privy Council but that is as far as it goes.

The Commonwealth Cabinet system differs to varying degrees from other systems elsewhere in the world. For example, the *Cabinet of the United States* is composed of heads of executive departments chosen by the President with the consent of the Senate. The Members do not hold seats in the Congress and their tenure, like that of the President, does not depend on votes or significant administrative measures in the legislature: the U.S. Constitution makes no mention of a Cabinet, and the existence of one is a matter of custom (begun by the first President George Washington) rather than law.³

1.2 The Cabinet Office/Cabinet Secretary

Unlike some of the other great offices of State in the United Kingdom such as the Treasury, the Home Office, the Foreign Office and the Department of Trade, the Cabinet Office is of fairly recent vintage (although in existence for some 93 years). The makings of such an office did not come into being until David Lloyd George became Prime Minister in December 1916.

SUMMARY POINTS

THE CABINET OF THE UNITED KINGDOM

THE CABINET OF THE UNITED STATES

In a remark cited by a writer on the Whitehall/Westminster system of government, Peter Hennessy, Lord Hunt of Tamworth noted that:

‘Before the First World War, Cabinet was a fairly leisurely process. The number of things that Government was involved in was fairly limited – they were mainly single great homogenous issues which could be looked at on their own. And Cabinets met rather infrequently, sometimes in great country houses, sometimes in

³ Ibid.

*London houses without a Secretariat, and discussed these issues and took a decision.*⁴

Hennessy also cites similar sentiments by another observer who said that the pre-1916 arrangement operated ‘*in a delightfully simple manner where issues were discussed “with little pre-digestion and no secretarial assistance”*’.⁵

The focus by Lloyd George was on the War Cabinet, which he inherited. Hennessy cites yet another observer of the situation on how Lloyd George went about transforming the way the War Cabinet conducted its business:

‘No less significant than the creation of the War Cabinet – indeed more significant in the longer run – was the attachment to it of the old War Committee’s professional staff under Maurice Hankey which became the War Cabinet Secretariat. The War Committee had worked on an agenda and a record was kept of the meetings. But at the same time the Cabinet continued to be run without a formal agenda, and without minutes.

*Under Lloyd George’s model of government the businesslike procedures of the War Committee were applied to the War Cabinet, and in due course the Cabinet Secretariat became in peacetime a permanent institution. No single change was more necessary to enable the executive to function efficiently, and it is one of Lloyd George’s outstanding contributions to the modernisation of the British State.’*⁶

While Lloyd George was a ‘prime mover’, it was the industry of the War Cabinet Secretary, Maurice Hankey, which contributed significantly to propelling the system forward.

4 Lord Hunt of Tamworth – Interview with Brook Production’s Channel 4 Television Programme, ‘All the Prime Minister’s Men’, 29 May 1986 cited in Peter Hennessy, *Whitehall*, (Free Press/Macmillan: 2001) p.63

5 Peter Hennessy, *Whitehall*, (Free Press/Macmillan: 2001), p.63

6 John Grigg, *From Peace to War 1912-1919* (Methuen: 1985), p.488, cited in Hennessy *op.cit.*, p.64

Hennessy cites another writer who stated:

*'Hankey swiftly consolidated the War Cabinet's (and his own) exalted place at the apex of the new system of government by circulating "Rules of Procedure for the War Cabinet" from one end of Whitehall to the other. Its fiat was to be all-powerful. Cabinet conclusions would become operative decisions to be carried out by responsible Departments as soon as they had been initialled by the Prime Minister.'*⁷

Hennessy concludes that the power and majesty of the **Cabinet minutes** was established that day and has survived undiminished to the present.⁸

Finally, he cites the observations (perhaps excessive but nevertheless valid) of a British Cabinet Minister of more contemporary times on the value and importance of Cabinet minutes:

SUMMARY POINTS

THE EVOLUTION OF
THE CABINET OFFICE
WAS SIMILAR IN
CANADA

*'Cabinet minutes are studied in Government Departments with the reverence reserved for sacred texts and can triumphantly be produced conclusively to settle arguments.'*⁹

The evolution of the Cabinet Office was similar in Canada. As in the case of the United Kingdom, it was the exigencies of managing a war effort, this time the Second, rather than the First, World War which led to the development of the modern Cabinet Office system. A former Cabinet Secretary (among other lofty positions), Gordon Robertson, writes:

7 Stephen Roskill, *Hankey: Man of Secrets* (Vol.1) pp.337-338 cited in Hennessy, op.cit. p.65

8 Hennessy op.cit.p.65

9 Gerald Kaufman, *How to be a Minister* (Sidgwick and Jackson: 1980), p.72 cited in Hennessy op.cit. p.65

*'The Privy Council Office had been merely a clerical office handling and recording the Orders-in-Council until the appointment of Arthur Heeney as the first Secretary of the Cabinet in 1940. His new position was combined with the then – existing one of Clerk of the Privy Council. To handle the problem of war, Heeney built up a small secretariat for the work of the Cabinet and the Cabinet Committees.'*¹⁰

Robertson describes the pre-1940 situation as follows:

'There was no agenda, no secretariat, no official present at meetings to record what went on, no minutes of decisions taken and no system to communicate the decisions to Departments responsible to implement them. Subjects to be discussed at each meeting were settled by the Prime Minister with no advance notice to Ministers. As Ministers had no notice what was going to come up, they were normally quite unprepared for the discussions or the decisions expected of them. It was obviously a system that could operate only where the pace of events was relatively slow and where the matters requiring decisions were not overly intricate or complex. Even so, it was a singularly inefficient and unfair way for a collective executive to reach decisions for which all would share responsibility.

*After a meeting few knew precisely what had been decided; there would be no confidence that all the relevant information had been available or considered; and the accurate transmission of decisions, if it occurred at all, was a happy accident.'*¹¹

Robertson points out that despite Prime Minister MacKenzie King's initial reluctance, Heeney (it should be noted, like Hankey in the United Kingdom before) managed to get the system applied to the War Cabinet and carried on in peacetime in the whole Cabinet. This, Robertson emphasizes,

¹⁰ Gordon Robertson, *Memoirs of a Very Civil Servant – MacKenzie King to Trudeau* (University of Toronto Press: 2000), p.76

¹¹ Gordon Robertson, op.cit. p.76, citing his lecture, 'The Changing Policy of the Privy Council Office', Annual Meeting of the Institute for Public Administration of Canada, 8 September 1971.

was no mean feat on the part of Heeney, given what he was up against.

From this modest and tentative start, the post of Cabinet Secretary (and Clerk of the Privy Council) grew from strength to strength. Robertson describes its contemporary role in the following terms:

*'The Secretary of the Cabinet was and is the most senior Deputy Minister [Permanent Secretary] in the Public Service, the Prime Minister's own Deputy Minister, an important link between the always-busy Prime Minister and his Ministers and a bridge between the political level of Government and the Public Service. He [is] also in a position to advise and assist the Prime Minister on any issue of policy or any problem of Government the Prime Minister [chooses] to discuss or that the Secretary of the Cabinet [thinks] should be brought to attention.'*¹²

As we shall see later in this handbook, this is a concise description of the role of the modern Cabinet Secretary in the most expansive rather than the minimalist mode.

.....
12 Gordon Robertson, op.cit. p.77

2. CONSTITUTIONAL PROVISIONS OR CONVENTIONS IN RESPECT OF THE CABINETS OF SOME COMMONWEALTH COUNTRIES

Commonwealth governments vary in that many have written Constitutions, and a few do not. Accordingly, the methods of *appointment, roles and functions of Cabinets derive from written Constitutions or by convention.*

In regard to those with written Constitutions, as it would not be practicable to cite all or a significant number of them, five will be chosen for purposes of illustration: the Constitutions of Singapore, Malta, Trinidad & Tobago, Barbados and Jamaica.

In regard to operation by convention, we will use New Zealand as an example.

SUMMARY POINTS

APPOINTMENT,
ROLES AND
FUNCTIONS OF
CABINETS DERIVE
FROM WRITTEN
CONSTITUTIONS OR
BY CONVENTION

2.1 Singapore

Art. 21(1) There shall be in and for Singapore, a Cabinet which shall consist of a Prime Minister and such other Ministers as may be appointed in accordance with Article 25.

Art. 21(2) Subject to the provisions of the Constitution, the Cabinet shall have the general direction and control of the Government and shall be collectively responsible to Parliament.

2.2 Malta

S.79(1) There shall be a Cabinet for Malta which shall consist of the Prime Minister and such number of other Ministers as may be appointed in accordance with Article 80 of this Constitution.

S.79(2). The Cabinet shall have the general direction and control of the Government of Malta and shall be collectively responsible therefor to Parliament.

2.3 Trinidad and Tobago (1976)

S.75(1) There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the Government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament.

2.4 Barbados (1966)

S.64(1) There shall be a Cabinet for Barbados which shall consist of the Prime Minister and not less than five other Ministers appointed in accordance with the provisions of section 65.

S.64(2) The Cabinet shall be the principal element of policy and shall be charged with the general direction and control for the Government of Barbados and shall be collectively responsible therefor to Parliament.

2.5 Jamaica (1962)

S.69(1) There shall be in and for Jamaica a Cabinet which shall consist of the Prime Minister and such number of other Ministers (not less than eleven) selected from among Ministers appointed in accordance with the provisions of section 70 of this Constitution as the Prime Minister may from time to time consider appropriate.

S.69(2) The Cabinet shall be the principal element of policy and shall be charged with the general direction and control of the Government of Jamaica and shall be collectively responsible therefor to Parliament.

2.6 New Zealand

A Government of New Zealand document states that:

Cabinet is central to our system of government, but in legal terms it is an informal body established by convention. The legal powers of the executive are exercised by those with statutory authority to act, including the Governor-General,

the Executive Council, and individual Ministers.¹³

The document states also that:¹⁴

- (a) Cabinet is the central decision-making body of executive government, responsible for, among other matters, significant policy issues;
- (b) Acceptance of Ministerial office means accepting collective responsibility.

It can be concluded that there are **three features, explicit or implicit, which are contained in these provisions**, of which Cabinet Secretaries should be constantly aware of in assisting Cabinet in the undertaking of its work, efficiently and in accordance with law, or convention, viz:

- General Direction and Control of the Government
- Principal Instrument of Policy
- Collective Responsibility to Parliament.

SUMMARY POINTS

THREE FEATURES,
EXPLICIT OR
IMPLICIT, WHICH
ARE CONTAINED IN
THESE PROVISION

These will be looked at in some detail in the next section.

13 See Cabinet Office (New Zealand) [<http://www.dpm.govt.nz/cabinet>]

14 See Principles of Cabinet Decision-making [<http://cabinetmanual.cabinetoffice.govt.nz>]

3. THREE GENERIC FEATURES OF THE CONSTITUTIONAL PROVISIONS OR CONVENTIONS REGARDING CABINETS IN THE COMMONWEALTH

The three (not necessarily discrete) provisions as mentioned in Section 2 and they are as follows:

- General Direction and Control
- Principal Instrument of Policy
- Collective Responsibility to Parliament

3.1 General Direction and Control

Among the functions of Cabinet in terms of giving general direction and control, as outlined by Plowden and Matheson, are:¹⁵

1. To give strategic direction to the government as a whole;
2. To ensure effective decision-making arrangements for the government as a whole;
3. To maintain the effectiveness and integrity of government systems.

SUMMARY POINTS

MINISTERS NEED TO DEVELOP RELATIONSHIPS

In regard to the first point, giving strategic direction, the authors emphasize that:

- (a) **Ministers need to develop relationships** and understandings around the whole-of-government interest and to give sufficient time and attention to considering national strategic issues;

15 William Plowden and Alex Matheson, 'Strengthening Cabinet Decision-making in Commonwealth Countries Governance for the XXIst Century', *Occasional Paper No. 2* (Commonwealth Secretariat: April 1999)

- (b) Once a strategy has been agreed it must be reflected in budget decisions.

In respect of the second point, ensuring effective decision-making arrangements for the government as a whole, the authors point to the need for:

- (i) (Cabinet to be willing to over-ride individual ministerial interests in favour of the whole;
- (ii) Cabinet ensuring that the right issues are put before it, and that for this to be done it must be satisfied that the arrangements are in place for sorting, filtering and processing issues before they are brought to it;
- (iii) Arrangements to be in place to ensure that decisions, once made, are actually acted upon.

In regard to the third point, maintaining the effectiveness and integrity of government systems, they point to the need for ***Cabinet to ensure that the systems and structures of government***, through which it receives advice and which implement the policies which it has approved, are up to the tasks. The authors point to a number of challenges towards achieving effective general direction and control, but these will be considered in Section 5.5.

SUMMARY POINTS

CABINET TO ENSURE THAT THE SYSTEMS AND STRUCTURES OF GOVERNMENT

CABINET OFFICE, MUST ENSURE THAT THE POLICY PROCESS IS WELL UNDERSTOOD

DESCRIPTION OF THE POLICY CYCLE

3.2 Cabinet as Principal Instrument of Policy

As the ‘principal instrument of policy’, the body considering ‘significant policy issues’ or, in any case, in order to enhance its effectiveness in giving ‘general direction and control’, the Cabinet, and its main central supporting apparatus, the ***Cabinet Office, must ensure that the policy process is well understood*** and effectively managed. As Plowden and Matheson point out:

‘Beyond its specific functions, the Cabinet as the top decision-making body for the executive, sets the standard for policy-making at subordinate levels of the system. A Cabinet will have little credibility

*in promoting good decision-making further down in the hierarchy if it does not reject policy proposals which are inadequately costed or consulted; which lack sound analysis or factual basis, or which do not promote the primacy of public over partisan interests.*¹⁶

In this context, it is worth undertaking a brief review of the policy process and its critical elements.

A useful and succinct **description of the policy cycle** was presented in a report to the Jamaican Cabinet Office by Canadian consultant Martin Abrams.¹⁷ His policy cycle comprised the following elements:

1. **Policy Definition and Development** – Defining accurately and concisely the particular problem being faced or anticipated.
2. **Policy Analysis** – Analysing the problem, generating options, solutions and recommendations for action.
3. **Policy Process** – The process from the recommended course of actions to decisions by management, the Minister or the Cabinet.
4. **Implementation** – The description of which instrument of government will be most effective.
5. **Communications** – Describing methods of informing the public and citizens in implementing the decision.
6. **Monitoring and Evaluation** – Reviewing policy, evaluating results and suggesting areas for improvement.

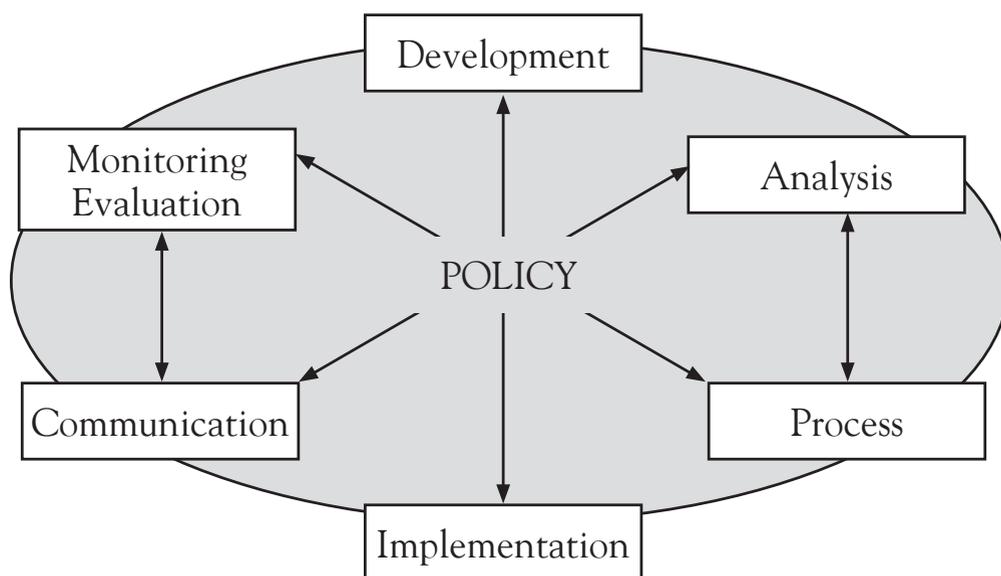
SUMMARY POINTS

DESCRIPTION OF THE
POLICY CYCLE

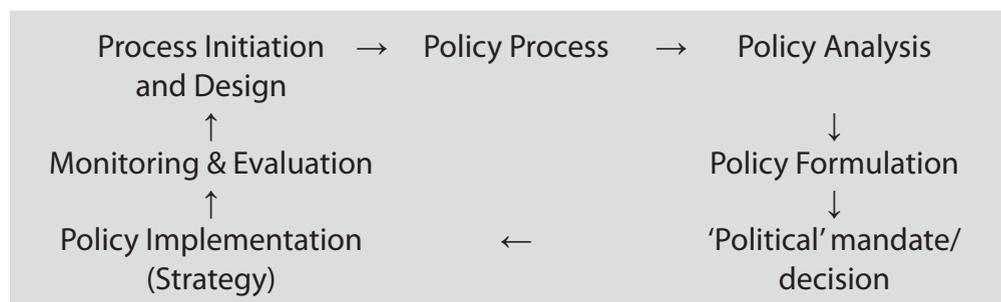
Put graphically this cycle looks as follows:

.....
16 Ibid.p.1

17 Martin Abrams, 'A Manual for Policy Analysis GOJ-CIDA Capacity Building Project', Cabinet Office Jamaica (April 2002), pp.5-6



Another writer on the policy process, Mohan Kaul, lists the elements of the policy a little differently, with the sequence as follows:¹⁸



His views on three key elements of the cycle will be cited here: policy analysis, policy implementation and policy monitoring and evaluation.

Policy Analysis. He suggested that a framework for policy analysis comprises five elements:

- (a) defining the problem;
- (b) identifying options;

18 Mohan Kaul, 'Better Policy Support: Improving Policy Management in the Public Service', *Managing the Public Service – Strategies for Improvement Series: No. 4*, (Commonwealth Secretariat: 1997), pp.7-9, and 15-18.

- (c) determining the consequences of each of the options;
- (d) predicting the outcomes of these options;
- (e) making value judgments from the options and the likely outcomes.

He considered these five elements as not necessarily steps but rather as an interactive process.

He viewed **policy analysis** as the ‘backbone’ of **policy management**,

‘as the generation and development of viable policy options and sets of policy guidelines as sound alternatives are the very reason for managing the policy-making process at all; [and] as such this phase and its elements provide important guidance for other phases of the policy-making process.’

He made two other important points on this phase of the policy cycle.

One, policy analysis was not a one-dimensional activity; and two, that while determining **policy was a political prerogative**, the policy process was fundamentally constrained by the availability of the public service to conceive and implement policy options.

SUMMARY POINTS

POLICY WAS
A POLITICAL
PREROGATIVE

Policy Implementation: Kaul saw this, along with policy analysis and evaluation, as one of the critical phases. He listed the following conditions for successful policy implementation:

1. The policy and its statute(s) contain clear and consistent objectives, or some criteria for resolving goal conflicts.
2. The policy accurately identifies the principal factors and linkages leading to, and influencing, policy outcomes, including specification of target groups and incentives.
3. Policy implementation is structured to maximise the

probability of compliance from implementing agents and target groups.

4. Leaders and top managers possess substantial strategic management and political skills and are committed to the policy objectives.
5. The policy receives ongoing support from key stakeholders.
6. Socio-economic and political conditions remain sufficiently supportive and stable for the policy not to be undermined by changes in priorities, conflicts and/or radical shifts in revenue availability for implementation.

Kaul makes the comment also that '*policy implementation is an ongoing non-linear process that must be managed [...]*'

Policy Monitoring and Evaluation:

Kaul observes, correctly, that *evaluation is one of the most important, and often neglected, phases* of the policy-making process. This phase consists of the examination of policy whilst it is in operation or after it has come to an end. Yet this examination can take different

forms, and Kaul points to the important distinction between evaluation and monitoring; with the latter being the routine checking of progress against a plan, while the former involves 'a detached look at the objectives and how are they being met'.

The role of the Cabinet Secretary in the policy process will depend on where his/her responsibilities stand in the 'spectrum'. However, even if these responsibilities are 'minimalist', the Cabinet Secretary should have an interest in seeing that policy proposals which are put on the agenda of Cabinet meet certain minimal standards of assessment.

SUMMARY POINTS

EVALUATION IS ONE OF THE MOST IMPORTANT, AND OFTEN NEGLECTED, PHASES

THE CABINET SECRETARY SHOULD BE INVOLVED IN THE POLICY PROCESS

Those with more expansive roles have to take a much greater interest and become much more involved in the policy process; more so if the Cabinet Secretary carries the responsibility of being Head of the Civil/Public Service.

One way of providing leadership in this respect is sponsoring the promotion of a Policy Analysts Network as was done in Jamaica more than a decade or so ago. The network brought people involved in the policy process to share experiences, do case studies and so on.

3.3 Collective Responsibility

It was noted in Section 1 that one of the provisions of the U.K. Reform Act of 1832 was that Cabinet members were collectively responsible to the Commons for the conduct of the government. We have seen that it is also a common feature of the Constitutions or conventions of Commonwealth countries.

SUMMARY POINTS

ONE WAY OF PROVIDING LEADERSHIP IS PROMOTING A POLICING AND ANALYSTS NETWORK

While *the matter of collective responsibility* is primarily one for the Prime Minister and members of his Cabinet, a Cabinet Secretary must:

- (a) be familiar with the doctrine;
- (b) ensure that in undertaking his/her work everything is done to facilitate rather than making it difficult for Ministers to conform to the doctrine.

In a House of Commons research paper, a writer was cited as identifying three strands of the convention:¹⁹

¹⁹ Geoffrey Marshall, *Ministerial Responsibility* (Oxford University Press: 1989), pp. 2-4, cited in 'The Collective Responsibility of Ministers – an outline of the issues', House of Commons Research Paper 04/82, (15th November 2004), pp. 9-11 [accessible at]

1. **The Confidence Principle:** *A government can only remain in office* for so long as it retains the confidence of the House of Commons [or Parliament as the case may be], a confidence which can be assumed unless and until proven otherwise by a confidence vote.
2. **The Unanimity Principle:** Perhaps the most important practical aspect is that *all members of the government speak and vote together in Parliament*, save in situations where the Prime Minister and Cabinet make an exception, such as a free vote or agreement to differ [capital punishment and same – sex marriage may be cases in point].
3. **The Confidentiality Principle:** This recognizes that unanimity, as a universally-applicable situation, is a ‘constitutional fiction’, but one which must be maintained, and is said to allow *frank ministerial discussions within Cabinet and government*.

The Report pointed to a number of practical applications of the doctrine, albeit ‘*with varying degrees of constitutional certainty*’:

- (a) *A Minister must not vote against government policy*, which is perhaps the most fundamental point of the doctrine as, by doing so, the government could fall.
- (b) *A Minister must not speak against government policy*, which is similar to (2) above, although a speech may not be as destructive (to the survival of the government) as the vote.

SUMMARY POINTS

HOW LONG CAN A GOVERNMENT REMAIN IN OFFICE?

ALL MEMBERS OF THE GOVERNMENT SPEAK AND VOTE TOGETHER IN PARLIAMENT

FRANK MINISTERIAL DISCUSSIONS WITHIN CABINET AND GOVERNMENT

A MINISTER MUST NOT VOTE AGAINST GOVERNMENT POLICY

A MINISTER MUST NOT SPEAK AGAINST GOVERNMENT POLICY

- (c) **All decisions are decisions of the whole government**, which does not mean that the identity of the relevant Minister might not be known or disclosed. What it means is that a Minister should not, without authorisation, attribute policies, proposals, arguments or votes to particular Ministers or group of Ministers.
- (d) **A former Minister should not reveal Cabinet secrets**, which is more and more being honoured in the breach through the publication of diaries and the like.

In addressing the doctrine of collective responsibility, a former Saskatchewan Premier, Allan Blakeney, had this to say:

'I felt that the major decisions [of Cabinet] were collegial decisions and that it was therefore desirable, and sometimes necessary, for all Ministers not only to acquiesce in decisions but also to understand them and why they were made. I wanted all the Ministers to be able to explain Cabinet Decisions and defend them with caucus and the public. This often involved identifying all the reasonable options and reviewing each before choosing one. Some Ministers found this tedious – and I sometimes did too – but I felt that it was necessary. The Ministers I knew well would kid me privately about running a seminar, but I think they understood my desire not to have Cabinet too obviously divided into an inner group that knew why we were making certain decisions and an outer group that did not fully understand.'

SUMMARY POINTS

ALL DECISIONS ARE DECISIONS OF THE WHOLE GOVERNMENT

A FORMER MINISTER SHOULD NOT REVEAL CABINET SECRETS

TO ADVANCE ADHERENCE TO THIS DOCTRINE OF COLLECTIVE RESPONSIBILITY

*If Cabinet is to be a cohesive group it is sometimes better to discuss and not decide than to decide and not discuss.'*²⁰

To advance adherence to this doctrine of collective responsibility, Cabinet Secretaries, working with the respective

²⁰ Allan Blakeney and Sandford Borins, *Political Management in Canada* (University of Toronto Press: 1998), p.5

Prime Ministers, should strive to ensure, among other things, that:

- (1) Ministers have adequate time to read and digest matters placed before Cabinet.
- (2) Everything that can be done should be done to ensure appropriate prior consultations prior to matters being placed on the agenda.
- (3) Despite *the confidentiality of minutes* over a prescribed period of time, they should be carefully written so as not to reveal views of particular Ministers, unless otherwise instructed to do so.

4. CONSTITUTIONAL PROVISIONS OR CONVENTIONS IN RESPECT OF CABINET OFFICES/CABINET SECRETARIES IN SOME COMMONWEALTH COUNTRIES

As in Section 2 in respect of the Constitutional provisions or Conventions regarding Cabinets, only a few examples will be cited for the purpose of illustration.

4.1 Singapore

Art. 36 (1). The President, acting in accordance with the advice of the Prime Minister, may appoint a Public Officer to be Secretary of the Cabinet.

Art. 36 (2). The Secretary to the Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for and keeping the minutes of meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority; and shall have such other functions as the Prime Minister may from time to time direct.

4.2 Malta

S.94 (1) There shall be a Secretary to the Cabinet who shall be a Public Officer designated in that behalf by the Prime Minister.

S.94 (2) The Secretary to the Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the Prime Minister may from time to time direct.

4.3 Jamaica

S.92 (1) There shall be a Secretary to the Cabinet who shall be appointed by the Governor-General, acting on the

recommendation of the Prime Minister, from a list of Public Officers submitted by the Public Service Commissioner.

S.92 (2) The Secretary to the Cabinet shall have charge of the Cabinet Office and shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for and keeping the minutes of the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the Prime Minister may from time to time direct.

These are all very similar *provisions which allow the Prime Minister some flexibility* in the extent of the responsibility which he/she wishes the Secretary of the Cabinet to have. In the case of Jamaica, using the provisions ‘and shall have such other functions as the Prime Minister may from time to time direct’, allowed, since July 1993, the Cabinet Secretary to have wide authority in respect of the business of Cabinet, leadership of the Civil Service, and lead responsibility for the Public Sector Reform Programme.

SUMMARY POINTS
PROVISIONS WHICH
ALLOW THE PRIME
MINISTER SOME
FLEXIBILITY

It is noted that in the case of Malta, additional duties of the Cabinet Secretary included administration of Malta’s honours and awards system, and chairmanship of the Internal Audit and Investigation Board.²¹

In the case of Canada, the responsibility of the Secretary of the Cabinet as Head of the Public Service is spelt out explicitly:²²

S.126 The Clerk of the Privy Council and Secretary to the Cabinet is head of the Public Service.

21 Secretary to the Cabinet (Malta) [<https://opm.gov.mt/>]

22 Public Service Employment Act of Canada (November 7, 2003), [accessible at <http://laws.justice.gc.ca/en/P-33.01/index.html>]

S. 127 The Head of the Public Service shall submit a report on the state of the Public Service in each fiscal year to the Prime Minister and shall cause a copy of the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Prime Minister receives it.

4.4 New Zealand

In New Zealand's radically reformed system the Cabinet Secretary/Clerk to the Executive Council is appointed by the Chief Executive of the Department of Prime Minister and Cabinet after processing by an Appointment Panel convened by the Chief Executive of the Department of Prime Minister and Cabinet, the State Services Commissioner and the Solicitor General, and consultation with the Prime Minister and the Governor-General.²³ The Secretary of the Cabinet is responsible for ensuring that the functions of the Cabinet are carried out effectively.²⁴

In Section 5 we will look at the Business of Cabinet and consider in more detail the roles of the Cabinet, its Committees and the Cabinet Secretary.

.....
23 Secretary of the Cabinet and the Cabinet Office (New Zealand), [<http://cabinetmanual.cabinetoffice.govt.nz>] (S.5:81)

24 Ibid. S.5:80

5. THE BUSINESS OF CABINET

This Section will consider the more operational aspects of the Business of Cabinet in the following areas:

5.1 Cabinet and Cabinet Committees

5.2 Cabinet Secretary/Cabinet Office – Core Functions

5.3 Cabinet Submissions or Memoranda

5.4 Challenges in Managing the Business of Cabinet

5.5 Managing Changes of Prime Minister in the same Political Administration or Changes in Political Administration.

5.1 Cabinet and Cabinet Committees

It was noted in Section 3 that, by and large, there were *three basic features of Cabinet government* practised in Commonwealth countries, viz:

- General Direction and Control
- Principal Instrument of Policy
- Collective Responsibility

SUMMARY POINTS

THREE BASIC
FEATURES
OF CABINET
GOVERNMENT

In fulfilling this mandate, a Prime Minister, with the support of one or more senior Ministers as he/she thinks fit and the Cabinet Secretary, has to ensure an appropriate ‘division of labour’ between Cabinet, its Committees and the departments.

In respect of the Cabinet, a U.K. Government document summarises the functions as:²⁵

- The coordination of particularly complex government business such as the legislative programme and

²⁵ Cabinet Office (UK), ‘A Guide to Cabinet and Cabinet Committee Business: Guidance to Departments from the Cabinet Office Secretariat ’ (November 2008) [accessible at [http://www.cabinetoffice.gov.uk/media/98307/guide to cabinet.pdf](http://www.cabinetoffice.gov.uk/media/98307/guide%20to%20cabinet.pdf)]

Constitutional issues;

- Dealing with questions which significantly engage the collective responsibility of the government because they raise major policy issues or are of critical importance to the public;
- Dealing with unresolved differences of opinion between departments.

A Government of New Zealand document spells out more or less the same objectives more elaborately.²⁶ As a preamble, the document states that, as a general rule:

- (a) Ministers should put before their colleagues the sorts of issues on which they themselves would wish to be consulted;
- (b) Ministers should keep their colleagues informed about matters of public interest, importance or controversy;
- (c) where there is uncertainty about the level and type of considerations needed, Ministers should seek advice from the Prime Minister or the Secretary of the Cabinet.

SUMMARY POINTS
MATTERS WHICH
SHOULD BE
BROUGHT TO
CABINET

The document lists the kind of *matters which should be brought to Cabinet* (after first clearing the relevant Committee(s)). The list includes:

- Significant policy issues
- Controversial matters
- Proposals that affect constitutional arrangements
- Matters concerning the machinery of government

²⁶ Cabinet Office (New Zealand), 'Cabinet Manual 2008', Chapter 5 'Cabinet Decision Making', pp. 63-64 [accessible at <http://www.cabinetmanual.cabinetoffice.govt.nz/>]

- Proposals involving new legislation or regulations
- Matters concerning the portfolio interests of a number of Ministers particularly where agreement cannot be reached
- Significant statutory decisions
- International Treaties and Agreements.

The document also listed the matters which, as a general rule, need not be brought to Cabinet. These are:

- Matters concerning day-to-day management of a portfolio that have been delegated to the department;
- Operational (non-policy) statutory functions;
- The exercise of statutory decision-making powers (within existing policy) concerning individuals.

However, there is a caveat in regard to this list of ***items which need not be brought to Cabinet*** – i.e. it should be done ‘*if it is significant or likely to be controversial*’. Not all of the categories are, of course, clear-cut and so some will involve a ‘judgment call’ requiring, to use a sporting analogy, a ‘third umpire’ in the form of the Prime Minister or the Cabinet Secretary (who would very likely consult with the Prime Minister on a matter referred to him/her which is viewed as a ‘close call’).

Some ***issues which should be considered by Cabinet as a whole*** should be ‘self-evident’. One such example is the matter of global warming which, while it may be under the portfolio of (say) Environment, would involve *a number of other departments and agencies such as Foreign Affairs, Economics, Energy, Agriculture, Industry...*

An example of an issue which may appear clearly within a

SUMMARY POINTS

ITEMS WHICH NEED NOT BE BROUGHT TO CABINET

ISSUES WHICH SHOULD BE CONSIDERED BY CABINET AS A WHOLE

Minister's authority, without reference to Cabinet, is 'the granting of work permits'. But as some of these permits can earn the ire of local trade unionists, for example, who may feel 'foreigners' are being favoured unfairly over 'locals', it would be prudent to refer some of these applications to Cabinet.

Cabinets have to ensure that their agendas are not unnecessarily crowded.

One way of doing this is the use of Cabinet Committees, which we will consider next.

5.1.1 Cabinet Committees

Cabinet Committees have become part and parcel of the Cabinet system of government in many Commonwealth countries for very good reasons. Mohan Kaul listed some main ones as:²⁷

- They serve to reduce the workload of Cabinet;
- They serve to enhance the quality of decisions through 'specialisation';
- They serve to enhance the principle of collective responsibility.

SUMMARY POINTS

CABINET COMMITTEES

TO RELIEVE THE BURDEN ON THE CABINET

TO SUPPORT THE PRINCIPLE OF COLLECTIVE RESPONSIBILITY

The United Kingdom Cabinet Office elaborates on two of these in the following terms:²⁸

1. ***To relieve the burden on the Cabinet*** by dealing with business that does not need to be discussed at full Cabinet. Appeals to the Cabinet should be infrequent and Ministers chairing Cabinet Committees should exercise discretion in advising the Prime Minister whether to allow them.
2. ***To support the principle of collective responsibility*** by

27 Mohan Kaul, 'Better Policy Support: Improving Policy Management in the Public Service', *Managing the Public Service – Strategies for Improvement Series: No. 4*, (Commonwealth Secretariat: 1997), p.41

28 Cabinet Office UK (November 2008) op.cit.

ensuring that even though a question may never reach Cabinet itself, it will be fully considered. In this way, the final judgment is sufficiently authoritative that government as a whole can be expected to accept responsibility for it. In this sense, Cabinet Committee decisions have the same authority as Cabinet decisions.

The document goes on to say that:

‘[M]ore broadly, Cabinet Committees provide a framework for collective consideration of, and decisions on, major policy issues and questions of significant public interest; [t]hey ensure that issues that are of interest to more than one department are properly discussed and that the views of all relevant Ministers are considered.’

The third benefit pointed to by Kaul, that Cabinet Committees serve to enhance the quality of decisions through specialisation, is an important one. The Jamaican experience is that ***the Committee system provides more and more opportunities*** not only for the involvement of non-Cabinet members of the government, but also administrative and technical personnel in the Public Sector and in certain circumstances non-public sector stakeholders such as trade unions, the private and NGO sectors. For example, in considering a party manifesto proposal for a National Health Insurance Scheme, which itself had passed through the Ministry of Health, much benefit was derived from the participation of several stakeholders, including medical doctors in private service, at the Human Resources Committee of Cabinet which was opened up to allow for as broad a participation as possible given the importance of the issue for many stakeholders. In the event, a National Health Fund, to provide support for treatment of prevalent chronic diseases, among other benefits, was agreed on as a more viable alternative in the circumstances than a more sweeping National Health Insurance Scheme.

SUMMARY POINTS

THE COMMITTEE SYSTEM PROVIDES MORE AND MORE OPPORTUNITIES

Kaul makes the valid point that *Cabinet Committees in the Commonwealth vary in status, composition and purpose*.²⁹

In the United Kingdom, for example, a Cabinet Office document (referred to earlier) advises, *inter alia*, that for Ministers:³⁰

- (a) attendance at Cabinet Committee meetings should take precedence over all their Ministerial business apart from the Privy Council ‘although’ it is understood that Ministers may occasionally have to be absent for reasons of Parliamentary business;
- (b) even if Ministers do not have a direct departmental interest in an issue they are expected to attend to ensure that any decision reached reflects the collective view of the government.

In New Zealand, almost all proposals (proposals for and reports on overseas travel by Ministers are exceptions to the rule) have to be considered by appropriate Committees before they are placed on the agenda of the whole Cabinet.³¹

SUMMARY POINTS

CABINET COMMITTEES IN THE COMMONWEALTH VARY IN STATUS, COMPOSITION AND PURPOSE

THERE ARE OTHERS IN THE COMMONWEALTH WHERE THE COMMITTEE SYSTEM HARDLY OPERATES

In contrast to these countries, *there are others in the Commonwealth where the Committee system hardly operates*.

There are a number of reasons for this:

1. Some Prime Ministers and Cabinet like to ‘micro-manage’ even at the expense of not being able to concentrate on more strategic issues.
2. Some Ministers do not view lack of attendance at, and

.....
29 Mohan Kaul, op.cit. pp.36 et seq.

30 Cabinet Office (UK), op. cit.

31 Cabinet Office (New Zealand) 2008, op.cit. p.62

participating seriously in, Cabinet Committee meetings as posing any serious risks to them being able to keep their jobs.

3. Some Prime Ministers are compliant in allowing Ministers to bring issues to Cabinet which should have been considered at an appropriate Committee (or which were in fact considered by a Committee from which the Minister was absent).

The evidence indicates that the Committee system streamlines the operations of government; and, as such where it is absent, or not functioning as effectively as it should, the Cabinet Secretary should secure the support of the Prime Minister in establishing, supporting and sustaining such a system.

5.2 Cabinet Office/Cabinet Secretaries – Core Functions

The Cabinet Office, headed by a *Cabinet Secretary, is the critical nexus* around a number of key players in the business of Cabinet:

- The Prime Minister, as Chairman of Cabinet
- Chairmen of Committees
- Cabinet Ministers
- Permanent Secretaries
- (As the situation dictates) Heads of certain important Government Entities.

Among the *responsibilities of the Cabinet Secretary* (and by implication the Cabinet Office) in the more expansive mode in respect of the business of Cabinet are:³²

SUMMARY POINTS

CABINET SECRETARY,
IS THE CRITICAL
NEXUS

RESPONSIBILITIES
OF THE CABINET
SECRETARY

32 Mark Schacter with Phillip Haid, 'Cabinet Decision-making in Canada: Lessons and Practices' Policy Brief Note, Institute on Governance, Ottawa, Canada (April 1999) [accessible at <http://www.iog.ca/publications/cabinet2.pdf>] and Cabinet Office (New Zealand) 2008 op.cit. p.73

1. Developing Cabinet's Forward Agenda;
2. Initiating and participating in key meetings leading up to the formulation of policy;
3. Ensuring an adequate degree of Inter-Departmental Consultations on proposals for Cabinet Decision;
4. Providing an independent perspective on departmental proposals;
5. Controlling the quality and context of information reaching Cabinet and Cabinet Committees;
6. Briefing the Prime Minister on his/her role as Chairman of Cabinet and Cabinet Committee Chairmen on handling issues on the respective agendas;
7. Recording appropriate summaries of Cabinet discussions or decisions only as determined by convention, and disseminating same to appropriate persons or authority;
8. To the extent possible, monitoring and evaluating the role of important decisions taken by Cabinet;
9. Managing transitions between administrations and supporting continuity of government.

SUMMARY POINTS

'MINIMALIST'
FUNCTIONS

A BRIEFING
MEMORANDUM

Some Cabinet Secretaries may not be empowered to undertake all these responsibilities, and may be confined, to the '*minimalist*' functions, more or less to (1) and (7). However, unless there are specific objections by the Prime Minister, a Cabinet Secretary should undertake at least some, but preferably all, of the other functions as well.

A *Briefing Memorandum* can prove very helpful to most Prime Ministers who: (a) might not have the time to read each submission thoroughly; (b) may read them thoroughly but may be unaware of some essential considerations the Cabinet Secretary may know about and which could make a difference

as to how Cabinet decides on the matter. It can be argued of course, that such a situation should have been pre-empted by not having the matter placed on the agenda in the first place. But this is not always easy to do, so the next best thing is to alert the Prime Minister and ‘put the ball in his/her court’.

Controlling the quality of information reaching Cabinet and Cabinet Committees (and the time frame in which information is prepared and distributed) is one of the most important functions of the Cabinet Secretary and the Cabinet Office.

We will deal with how this is done in Section 5.3.

5.3 Cabinet Submissions or Agenda

Memoranda

Basically, there are *two types of matters which go before Cabinet*. One is Information Memoranda³³ or Notes³⁴ which contain matters that do not require a decision by Cabinet but about which they should be informed as, among other things, they may have information on important actions taken by Ministers. The other is Agenda Memoranda³⁵ or Cabinet Submissions,³⁶ containing matters which require discussion and decision by Cabinet.

SUMMARY POINTS

CONTROLLING
THE QUALITY OF
INFORMATION
REACHING CABINET

TWO TYPES OF
MATTERS WHICH GO
BEFORE CABINET

‘GUIDING
PRINCIPLES’ ON
HOW AGENDA
MEMORANDA OR
SUBMISSIONS
SHOULD BE
DRAFTED

While there is some flexibility in how the former is formatted, it has been found necessary to provide ***‘guiding principles’ on how agenda memoranda or submissions should be drafted***. As explained by Kaul, submissions should be designed to:³⁷

33 Mohan Kaul, op.cit. p.65

34 The term used in the Jamaican Cabinet system

35 Term used in the United Kingdom, for example

36 Term used in Australia and Jamaica

37 Mohan Kaul, op.cit. p.65

Explain the Issues



Identify what must be decided



Present the arguments and options



Make a recommendation

Attached at Appendix I are guidelines used by Jamaica's Cabinet Office. These guidelines were themselves constructed from the country's own experience, as well as incorporating approaches used elsewhere in the Commonwealth. Among other guidelines to which the reader may wish to refer are those produced by New Zealand and the United Kingdom.^{38 39}

Guidelines should be periodically reviewed to ensure that they reflect current priorities. For example, matters related to climate change are of much greater significance and urgency now than they were previously. So too, one may say, are matters related to potential natural disasters like earthquakes, hurricanes and tsunamis whose devastation can be made worse if insufficient attention is paid to issues like building codes, where settlements are permitted, and the institutional infrastructure to pre-empt and manage disaster events.

SUMMARY POINTS

GUIDELINES SHOULD BE PERIODICALLY REVIEWED TO ENSURE THAT THEY REFLECT CURRENT PRIORITIES

AN IMPORTANT MATTER IN RESPECT OF SUBMISSIONS

An important matter in respect of submissions is the period of time between receipt by the Cabinet Office and the date on which they can be expected to be on the agenda. In Jamaica's case the time frame is eleven (11) days.⁴⁰

.....
38 Format of Standard Cabinet Papers [accessible at <http://cabguide.cabinetoffice.govt.nz/>]

39 Cabinet Office (UK) 2008 op.cit.

40 Guidelines for Cabinet Submissions, Section 5.4

The U.K. Cabinet Office requires that Ministers should give seven (7) days' notice to the Cabinet Secretary's office of any business likely to require substantive policy discussion (including business to be discussed orally).⁴¹

It is important for it to be recognised that, save and except for extraordinary circumstances, there is manifest justification for a reasonable period of time (not less than seven days) before receipt of a submission by the Cabinet Office and its placing on the agenda. This contributes to *all the relevant parties having adequate time to read and analyse the submissions*, and, importantly, to enhancing the principle of collective responsibility.

5.4 Managing Changes of Leadership Within or Of Political Administrations

One of the roles of a Cabinet Secretary is to assist in managing changes of political leadership within or of political administrations. This applies whether the Cabinet Secretary's responsibilities are confined essentially to the business of Cabinet or whether they are more expansive involving leadership of the Civil Service or the wider Public Service.

It is usually much more straightforward, of course, to manage changes within, since, most likely, the new leader would have served some time in Cabinet and therefore have experience of government from the centre. However, from time to time, succeeding leaders within the same political administration may wish to make fairly radical changes from what obtained before.

SUMMARY POINTS

ALL THE RELEVANT PARTIES HAVING ADEQUATE TIME TO READ AND ANALYSE THE SUBMISSIONS

IT IS USUALLY MUCH MORE STRAIGHTFORWARD, OF COURSE, TO MANAGE CHANGES WITHIN

41 Cabinet Office (UK) 2008 op.cit., 'Cabinet Agenda Items', p.19

The former Cabinet Secretary/Clerk of the Privy Council of Canada Gordon Robertson made reference to such a situation when Pierre Trudeau succeeded Lester Pearson as Leader of the Liberal Party and Prime Minister of Canada in 1968.⁴² He said that, among other measures, Trudeau insisted on the Agenda Memoranda (Cabinet Submissions) being an integral part of the business of Cabinet; in addition the Cabinet Committee system was given greater emphasis, including enabling Committees to take decisions for the Cabinet that would be final unless a Minister, not on the Committee, gave notice in advance of a wish that the full Cabinet reopen the issue involved.

These and many other such examples make it incumbent, that Cabinet Secretaries do not take leadership changes within the same political administration for granted; as such he/she should *meet with the incoming Prime Minister* to determine what (if any) changes that person wishes to make in respect of the business of Cabinet, and, if the Cabinet Secretary's remit includes leadership of the Civil/Public Service, what changes are proposed for the Civil/Public Service as a whole.

SUMMARY POINTS

MEET WITH THE
INCOMING PRIME
MINISTER

MANAGING CHANGES
OF POLITICAL
ADMINISTRATIONS

Managing changes of political administrations are, of course, likely to prove more challenging. For instance, some incoming administrations may have been out of office for long periods. For example, in the United Kingdom, the Labour Party was out of office for eighteen years (currently it has been in office for close to thirteen years); the present administration in Jamaica was out of office for eighteen years; and in Grenada the previous administration to the current one was in office for eleven years.

⁴² Gordon Robertson, *Memoirs of a Very Civil Servant: MacKenzie King to Pierre Trudeau*, (University of Toronto Press: 2000) pp. 254-256.

However, even if not out of office for particularly long periods, many parties in opposition might not, for one reason or the other, have adequate resources to follow matters closely and to be fully familiar with what really went on while they were out of office.

As is well known, profound changes have been effected in many Public Services across the Commonwealth over the last thirty years or so. Among other things, ***New Public Management principles*** have been introduced, notably in the Public Services of the United Kingdom and New Zealand. For example, the creation of Executive Agencies in the United Kingdom in the 1980s was a radical departure from the way its Public Service had operated for many years.

In Jamaica, a series of reforms beginning in the mid 1990s were initiated which saw the radical conversion of the hitherto ‘minimalist’ Cabinet Office to, in effect, an executive office with the Cabinet Secretary as Head of the Civil Service. The reforms also saw the conversion of a number of state entities from their more traditional structures to Executive Agencies, following the approach introduced by the United Kingdom.

SUMMARY POINTS

NEW PUBLIC
MANAGEMENT
PRINCIPLES

THE INTRODUCTION
OF THESE CHANGES
IN JAMAICA

The introduction of these changes in Jamaica, among others, made it imperative and prudent to acquaint the incoming administration in 2007 as quickly and fully as possible on the situation which existed and with which it might not have been fully familiar. The Cabinet Office took the lead role on this by producing a comprehensive handbook for the Prime Minister and a less comprehensive one for his Ministers.⁴³

43 Cabinet Office (Jamaica), ‘Briefing Handbook: Conduct of Government Business’, (September 2007).

There is little doubt that the handbooks contributed to persuade the new administration to preserve many of the changes which were made, including in regard to Cabinet Office, which, as mentioned before, had undergone a significant restructuring since the incoming administration was last in office. The handbook which he received undoubtedly contributed also to guiding the Prime Minister in dealing with the terms of engagement of a Minister who was being recruited from a private firm, which might have wished to continue remunerating him. Although this was not done in Jamaica at the time of the change of administration in 2007, it is recommended, if the new Prime Minister is agreeable, to hold orientation sessions for the Prime Minister and his Cabinet.

How soon one provides the briefing (and/or orientation sessions) is a matter many Cabinet Secretaries might face. In countries where coalitions have to be worked out, a bit of time might pass between an election and when the coalition government takes office. It may be necessary for protocols to be established by the government and Opposition on the modus operandi in such circumstances.

SUMMARY POINTS

HOW SOON ONE PROVIDES THE BRIEFING

In sum, briefing an incoming administration is an important function for Cabinet Secretaries and other senior Public Officials.

The New Zealand Cabinet Manual sets out a useful guide on what these briefings should be about more or less in these terms:⁴⁴

- A description of the organisation (e.g. The Cabinet Office) and the responsibilities;
- The terms of reference, membership and terms of office for all boards, commissions, tribunals and so on, for which the Minister has responsibility;

⁴⁴ Cabinet Office (New Zealand) 2008, op. cit., 'Ministers and the Public Service', S.3.10

- An account of major outstanding policy issues and the implementation of current programmes;
- Details of pending decisions or action that will be required of the Minister, including recommendations for draft legislation.

Another management transition issue, specifically the responsibility of the Cabinet Secretary, concerns the treatment of Cabinet records of outgoing Ministers.

It is anticipated that all Commonwealths have protocols in respect of this matter (including when they can be made available to the public).

The treatment of records in the case of the United Kingdom is cited in the Ministerial Code.⁴⁵ For example:

Section 6.19 Ministers relinquishing office without a change of Government should hand over to their successors those Cabinet documents required for the current administration, and should ensure that all others have been destroyed.

SUMMARY POINTS

ANOTHER
MANAGEMENT
TRANSITION ISSUE

Former Ministers may at any time and subject, undertaking to observe the convention governing Ministerial memoirs, have access in the Cabinet Office to copies of Cabinet or Ministerial Committee papers issued to them while in office.

Section 6.20 On a change of Government, the outgoing Prime Minister issues special instructions about the disposal of the Cabinet Papers of the outgoing Administration.

The protocols for New Zealand are documented in that country's Cabinet Manual.⁴⁶

.....
45 Cabinet Office (UK), 'Ministerial Code: A Code of Ethics and Procedural Guidance for Ministers' (July 2005) [accessible at http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/ministerial_code.pdf]

46 Cabinet Office (New Zealand) 2008, op.cit., S.8.89, 8.90 and 8.91

S. 8.89 By convention, Ministers are permitted to retain personal copies of Cabinet records on leaving office. The documents, however, are not their personal property. The licence to retain Cabinet records continues only for a Minister's lifetime, after which the records should be returned to Archives, New Zealand.

S. 8.90 Ministers' rights of access to Cabinet records continue after leaving office. Consequently, Ministers do not need to, and may not wish to, retain personal copies of Cabinet records.

S. 8.91 Former Ministers have ongoing access to Cabinet records to which they had access.

Jamaica's requirements are more stringent, perhaps inherited from colonial times, when, to paraphrase Hennessy, secrecy was 'the calcium of the bones' of the Public Service. Ministers are to destroy their Cabinet documents or have them destroyed (by fire!) by their secretaries, and certify same to the Cabinet Secretary on leaving office.

SUMMARY POINTS

JAMAICA'S
REQUIREMENTS ARE
MORE STRINGENT,
PERHAPS INHERITED
FROM COLONIAL
TIMES

Quite a furore was created in 2007 when there were 'mass burnings' following the change of government. Reports were made to the incoming Prime Minister suggesting that this was being done for nefarious reasons. He was assured by the Cabinet Office that:

- (a) this was the policy including during his term in office as a Minister in the 1980s;
- (b) the Cabinet Office or the National Archives had a permanent record of all Cabinet records, so nothing, in terms of content, was lost.

From this important responsibility of managing changes of administration we turn to some major challenges faced by Cabinet Secretaries.

5.5 Some Challenges Cabinet Secretaries May Face in Managing the Business of Cabinet

This section focuses on the business of Cabinet rather than the whole Civil/Public Service (for which the Cabinet Secretary might have leadership responsibilities).

The Commonwealth Secretariat paper by Plowden and Matheson discusses several of these challenges, some of which we repeat below:⁴⁷

1. There may be no or little adherence to the guidelines for Cabinet submissions by portfolio Ministers or their Ministries. They may in fact follow them in a 'pro forma' way but not substantively.
2. Generally, *inadequate support from the Prime Minister* to require that submissions are prepared in accordance with these guidelines thereby leaving Cabinet Secretaries 'out on a limb'.
3. *Over-burdened Cabinet agendas* because of the tendency for a Prime Minister and his Cabinet to want to micro-manage the operations of government.
4. Partially in relation to (3) above, the non-existence of, or non-adherence to the Cabinet Committee system.
5. Little adherence (sometimes with the compliance of the Prime Minister) to the rules on the necessary delay between when submissions are received by the Cabinet

SUMMARY POINTS

INADEQUATE
SUPPORT FROM THE
PRIME MINISTER

OVER-BURDENED
CABINET AGENDAS

.....
⁴⁷ William Plowden and Alex Matheson, 'Strengthening Cabinet Decision-making in Commonwealth Countries Governance for the XXIst Century', *Occasional Paper No. 2* (Commonwealth Secretariat: April 1999), pp.2-5

Office and when they are placed on the agenda.

6. The growth in some countries of powerful state entities (statutory corporations and companies) sometimes results in the ***Permanent Secretary being bypassed*** in respect of submissions sent to Cabinet, affecting, among other things, cohesion in policy ('the right hand not knowing what the left hand is doing').
7. In periods of economic austerity (such as currently), the normally all-powerful ***Finance Ministry becomes even more powerful***, with the result that nothing moves unless it approves, and as such can be a 'bottleneck' because it does not have the capacity to respond speedily to many things referred to it.
8. ***Cabinet Secretaries are sometimes not vested with sufficient authority***, and the staff structure to support their work.
9. The poor implementation record of departments can be a major issue and is partially exacerbated by the fact that many Cabinets do not have 'retrospective agendas' which look at decisions taken, and what has transpired since they were taken as a means of putting departments under pressure to perform.
10. In some countries, especially many smaller Commonwealth states, the ***roles and functions of the Cabinet Office are not as institutionalised*** as they are in several older Commonwealth countries, so the Office may be operating at a high level in one administration and then find itself 'marginalized' in another.

SUMMARY POINTS

PERMANENT
SECRETARY BEING
BYPASSED

FINANCE MINISTRY
BECOMES EVEN
MORE POWERFUL

CABINET
SECRETARIES
ARE SOMETIMES
NOT VESTED
WITH SUFFICIENT
AUTHORITY

ROLES AND
FUNCTIONS OF
THE CABINET
OFFICE ARE NOT AS
INSTITUTIONALISED

11. Inadequately trained staff in the important area of policy.

The list of challenges is, of course, not exhaustive; nor are all of them faced by all Cabinet Secretaries.

Any such challenge faced by a Cabinet Secretary should be brought to the attention of the Prime Minister, with the expectation that he/she would use his/her authority to make the necessary changes for the better.

Cabinet Secretaries could also seek the assistance of the Commonwealth Secretariat (given its fund of information on the theory and practice of government in Commonwealth states) to hold seminars for Cabinet Ministers so that they can get a better appreciation of the importance of an effective Cabinet Office.

We turn in Section 6 to some other duties which a Cabinet Secretary may be required to perform.

6. ADDITIONAL FUNCTIONS OF SOME CABINET SECRETARIES

Outside of the business of Cabinet and activities closely related to it, Cabinet Secretaries may be required to *undertake additional responsibilities*. For example, as cited earlier, the Cabinet Secretary in Malta is responsible for that country's system of Honours and Awards and for chairing the Internal Audit and Investigations Board which oversees the work of the Internal Audit and Investigations Directorate.⁴⁸ Like Malta, the Cabinet Secretary in New Zealand has responsibility for the country's Royal Honours System.⁴⁹ Though, of course, important, this Section will not focus on these sorts of additional responsibilities. Rather, it will focus on the Cabinet Secretary as Head of the Civil/Public Service.

The authority to head the Civil/Public Service may be derived from statute. For example, as also cited earlier, in Canada, the Public Service Employment Act provides that the Cabinet Secretary is Head of the Public Service.

SUMMARY POINTS

UNDERTAKE
ADDITIONAL
RESPONSIBILITIES

THE AUTHORITY TO
HEAD THE CIVIL/
PUBLIC SERVICE

On the other hand, the person may be designated Head of the Civil Service by the Prime Minister. For example, in the United Kingdom, the Cabinet Secretary, has been designated Head of the Home Civil Service since 1981, succeeding the Permanent Secretary of the Treasury, who had that designation for many years. As was noted earlier, in Jamaica, the Cabinet Secretary has been designated Head of the Civil Service since July 1993 (succeeding the Permanent Secretary of the Public Service and before that, the Permanent Secretary in the Ministry of

48 See [<https://opm.gov.mt>]

49 See [<http://www.dpmc.govt.nz/cabinet/roles/index.html>]

Finance – the Financial Secretary).

Whatever the means by which the authority derives, *the Head of the Civil/Public Service has two broad important areas of responsibility:*⁵⁰

- (a) ensuring that there is coherence and quality in the deliverance of policy and operation across departments;
- (b) ensuring that the Civil/Public Service is organised effectively and has the capability in terms of skills, values and leadership to deliver government policies and meet societal needs.

Each of these will be looked at in some more detail.

6.1 Ensuring Coherence and Quality in the Delivery of Policy

As can be appreciated, ensuring coherence and *quality across a maze of departments and agencies* is not an easy matter. The situation is more challenging where a significant number of statutory corporations and state-owned companies exist. Although organised in respective departments, some are more powerful than the departments of which they are a constituent part, in terms of, among other things, the financial resources available to them and the influence of their chairmen who may have huge political clout.

The Head of the Civil/Public Service must be aware of any *serious difficulties which may arise between Chairmen and Chief Executive Officers* of these entities and the Central Departments, and work through the Prime Minister and/or the portfolio Minister to assist the Permanent Secretary to ensure,

SUMMARY POINTS

THE HEAD OF THE CIVIL/PUBLIC SERVICE HAS TWO BROAD IMPORTANT AREAS OF RESPONSIBILITY

QUALITY ACROSS A MAZE OF DEPARTMENTS AND AGENCIES

SERIOUS DIFFICULTIES WHICH MAY ARISE BETWEEN CHAIRMEN AND CHIEF EXECUTIVE OFFICERS

50 See UK Cabinet Office homepage [<http://www.cabinetoffice.gov.uk>]

to the extent possible, that these entities are operating within the framework of the government's policies and priorities.

More generally, coordination to ensure coherence and quality should be done through the Permanent Secretaries, via:

- (i) individual interactions;
- (ii) an *ad hoc* basis with departments where 'cross-cutting' issues arise;
- (iii) all the Permanent Secretaries as a body in a structured and formal setting.

Individual interactions enable the Head of the Civil/Public Service to deal with department-specific issues such as the *relations between the Permanent Secretary and the Minister*; human resource and financial resource issues which may be inhibiting the delivery of certain policies and programmes that are considered priority ones; and relations with statutory corporations and state-owned companies within the department.

SUMMARY POINTS

RELATIONS BETWEEN THE PERMANENT SECRETARY AND THE MINISTER

THE COMMITTEE OF SECRETARIES IN INDIA

PERMANENT SECRETARIES' BOARD IN JAMAICA

An example of the second category of interactions, is *the Committee of Secretaries in India*.⁵¹ These Committees are constituted for discussing specific matters affecting a number of (but not necessarily all) departments and are chaired by the Cabinet Secretaries.

An example of the third category is the *Permanent Secretaries' Board in Jamaica*, chaired by the Cabinet Secretary. This Board considers a wide range of issues, including, importantly, many considered by or listed to be considered by Cabinet

51 See [<http://cabsec.nic.in/origin.htm>]

or one of its Committees.⁵² This Board started out meeting monthly, but has since increased the frequency of its meetings to fortnightly in order to keep on top of the many issues which confront the government.

A strategic review of the Jamaican Cabinet Office in 2006 acknowledged the usefulness of this Board, but recommended that it be supported by a permanent secretariat as in the case of the Cabinet.⁵³

An important 'Next Step' from what has been said above, is to ensure that what has been agreed is actually acted upon. While individual departments must set up their own monitoring and evaluation units, it is important that *the Head of the Public Service is supported by his/her own monitoring and evaluation unit* to monitor the work of the individual Ministries in terms of priority policies and programmes and to ensure that all are operating consistent with the overall strategic focus of the government. In the strategic review of Jamaica's Cabinet Office which was referred to earlier, another recommendation was the establishment of a Performance Management and Evaluation Unit to strengthen the capacity of the Cabinet Office for 'driving and managing performance across government.'

SUMMARY POINTS

THE HEAD OF THE PUBLIC SERVICE IS SUPPORTED BY HIS/HER OWN MONITORING AND EVALUATION UNIT

FUNCTIONS FOR THE PERFORMANCE MANAGEMENT AND EVALUATION UNIT

It proposed the following *functions for the Performance Management and Evaluation Unit*.⁵⁴

- coordination of the development of a corporate plan for

52 Index of Permanent Secretaries' Board Minutes (1993-2008), Cabinet Office Library, Jamaica

53 'Strategic Review of the Cabinet Office, Jamaica', Atos Consulting (September 30, 2006), S.6.28

54 Ibid.S.6.2.1 and S.6.2.5

government as a whole that will interpret the priorities and support the monitoring of performance across government;

- supporting the interpretation of national sustainable development goals into a single corporate plan for the government as a whole, and into the corporate and operational plans of departments and agencies;
- capacity-building to develop corporate and operational planning processes and systems in departments and agencies;
- monitoring the performance of government at both the level of individual departments and agencies and on a cross-sectoral basis.

In respect of monitoring and reporting on performance, specifically, the recommendations included:

- establishing guidelines for the development of performance indicators and subsequently reviewing the relevance and robustness of performance indicators proposed by departments and agencies;
- undertaking regular follow-up of all departments and agencies to ensure that performance information is being gathered by their internal systems on an ongoing basis;
- gathering performance data on a quarterly basis from departments and agencies against plans and performance indicators;
- collating and analysing performance data received from all government departments and agencies and producing appropriate summary and synthesis reports for key stakeholders.

The work of a Permanent Secretaries' Board strengthened by a Performance Monitoring and Evaluation Unit, which

also serves as a secretariat to the Board, can go a long way in enhancing coherence and quality in the delivery of government policies

6.2 Ensuring that the Civil/Public Service is organised effectively and has the capability in terms of skills, values and leadership to deliver Government policies and meet societal needs

In dealing with this *responsibility a Head of the Civil/Public Service* has to be very familiar with the context in which a government has to operate and to determine the best means to achieve the objectives of an efficient Civil/Public Service.

In regard to context, among the matters which should inform how a Public Sector Head goes about their work are:

- (a) Globalisation
- (b) Information and Communications Technology
- (c) Fiscal Austerity
- (d) Balancing of the ‘Generic Roles’ of the State

SUMMARY POINTS

RESPONSIBILITIES
OF THE HEAD OF
THE CIVIL/PUBLIC
SERVICE

In regard to globalisation, Larson and Coe put the situation as follows:

‘[A]s the world economy becomes more globalised, nation states find their national sovereignty increasingly circumscribed. International rule-making organisations such as the WTO, IMF and the World Bank, regional lending blocs and transnational partnerships are closely limiting the range of independent options for every country. Taxes, investment rules, economic policies must be more responsive to globalised economies.’⁵⁵

55 Amanda Coe and Peter Larson, *Managing Change: The Evolving Role of Top Public Servants*, Managing the Public Service Strategies for Improvement Series, No.7 (Commonwealth Secretariat: 1999)

Information and Communications Technology is a tool to assist the State in driving efficiency (which in many service departments is a means of reducing corruption); for Cabinet Secretaries, it is a great aid in enabling better storage and retrieval of Cabinet records. However, appropriate choices have to be made bearing in mind costs and relevance given the job at hand.

Information and Communications Technology now makes it possible for news to get around the planet rather fast, so ***the machinery of the State must be equipped to deal with this reality effectively***. For example, whereas in the past an unfortunate incident in a country where tourism is a significant industry would take some time to be propagated internationally, if it got out at all, now people overseas are sometimes in a position to be aware of such an incident even before the local populace.

Even before the recent financial and economic crisis, many countries were undergoing fiscal austerity; and, as such, have had to try to do more with less (often easier said than done!) or even had to drop certain activities, even necessary ones which only the State as an institution is prepared to undertake. This, alongside other factors, leads to the question: ***How does the State balance its three basic dimensions, viz:***⁵⁶

SUMMARY POINTS

THE MACHINERY OF THE STATE MUST BE EQUIPPED TO DEAL WITH THIS REALITY EFFECTIVELY

HOW DOES THE STATE BALANCE ITS THREE BASIC DIMENSIONS

- Servicing
- Enabling
- Regulating

The recent financial and economic crisis has refocused

56 Work of Group of Experts on the United Nations Programme in Public Administration and Finance at its Fifteenth Meeting (January 1999). Report of the Secretary General, United Nations Economic and Social Council E2000/6.

attention once again on the regulatory dimension, because of the recognition of how costly inadequate regulation can be.

The four considerations above are, of course, not exhaustive but they represent some of the principal ones with which a Head of the Civil/Public Service has to deal.

In terms of means of providing a more efficient and effective Public Service, quite a number of countries, notably New Zealand, have opted (as indicated earlier) for the so-called New Public Management principles.⁵⁷ These involve, *inter alia*:

- Shift in emphasis from command and control at the centre to delegation of authority;
- Shift in emphasis from process to results in control and accountability mechanisms;
- A much greater focus on performance management;
- The disaggregation of public bureaucracies into managerially-autonomous bodies;
- A greater focus on quality service;
- A 'division of labour' in the policy process with the central departments focusing more on advisory, monitoring and evaluation functions, and the agencies on implementation functions.

How far one goes in respect of these principles is a decision each country has to take.

Whatever the choice, an important matter that has to be borne in mind is that because of the continued dynamics in the international and domestic environments, reforms of the State to adjust to these dynamics have to be on a continual

57 Denis Saint-Martin, 'Two or Three Models of the Public Service', Ottawa Conference on Changing Governance and Public Sector Reform, Ottawa, Canada (May 1, 2001)

basis. As a former Permanent Secretary in the U.K.'s Cabinet Office, borrowing from a famous expression, put it, '*the State has to undergo permanent reformation*'. 'Permanent reform'—but managed carefully so as to minimize 'reform fatigue' and bearing in mind financial and human resource constraints—must be a constant preoccupation of a Head of a Civil/Public Service.

Appropriate relevant training, through State-owned Staff Colleges, or outsourced, is a necessary ingredient in the 'permanent reformation', and Heads of Civil/Public Services should ensure that appropriate arrangements are in place.

It is important that in modernising their Civil/Public Services, sight is not lost of the need to maintain desirable values. We turn now to this matter.

6.3 Values

A Head of Public Service should take a keen interest in doing whatever is possible to ***ensure high ethical conduct*** across the Public Service.

SUMMARY POINTS

APPROPRIATE
RELEVANT TRAINING,
THROUGH STATE-
OWNED STAFF
COLLEGES

ENSURE HIGH
ETHICAL CONDUCT

This can be achieved through various means, such as the enactment of appropriate laws, codes of conduct and some sort of an institutional infrastructure.

The U.K. Civil Service, for example, has produced a Civil Service Code.⁵⁸

This Code incorporates four values, *viz*:

Integrity – putting the obligations of Public Service above your own personal interests;

58 See Civil Service Values (UK) [<http://www.civilservice.gov.uk/about/values/index.aspx>]

Honesty – being truthful and open;

Objectivity – basing your advice and decisions on rigorous analysis of the evidence;

and

Impartiality – acting solely according to the merits of the case and serving equally well governments of different political persuasions.

Cabinet Secretaries, if they have not done so already, may wish to consider having a similar code for their respective Civil/Public Services.

In *Jamaica, codes of behaviour* are incorporated in the Staff Orders for the Public Service.⁵⁹ These were last revised in 2004 with critical inputs by the Cabinet Office particularly as they relate to ethical behaviour (engagement in private work, conflicts of interest, gifts and exchanges, political activity etc.). Further to that, in a publication by the Cabinet Office, a section was dedicated to inculcating a high ethical standard in the Public Service.⁶⁰

SUMMARY POINTS

JAMAICA, CODES OF BEHAVIOUR

This was followed by the following actions:

1. The training and appointment of Ethics Officers across the Public Service;
2. The empanelling of an Ethics Committee of the Permanent Secretaries' Board in October 2006 to, inter alia:
 - (a) investigate ethics complaints (especially in regard to senior officers like Permanent Secretaries) and provide

59 Staff Orders for the Public Service, Government of Jamaica (2004), Sections 4.1.1, 4.2.3, 4.2.4, 4.2.6, 4.2.8 and 4.2.9 in particular

60 'Government at Your Service: Public Sector Modernisation Vision and Strategy 2002-2012', The Cabinet Office Jamaica (2002). (Also laid in Parliament as Ministry Paper No. 56, 2002)

advice on ethical matters;

- (b) recommend administrative and legal actions to establish or enforce standards of official conduct.⁶¹

To sum up, some Cabinet Secretaries may have rather substantial roles which extend beyond the business of Cabinet and closely – related activities. An important additional role which some may have is that of *leadership of the Civil/Public Service*.

This role involves, ensuring coherence and efficiency in the delivery of government’s policies, leadership of reform initiatives, and setting and enforcing standards of ethical conduct to which Public Officers are expected to adhere.

61 See Jamaica Information Service (Latonya Linton) Release, ‘Government to Accelerate Initiatives Under Ethics Programme’ (Kingston, Jamaica: February 20, 2009)

7. SUMMARY AND CONCLUSIONS

The preceding Introduction and six Sections have attempted to look at some aspects of governance relevant to the work of Cabinet Secretaries from the minimalist to the more expansive mode in terms of the responsibilities. There were several countries cited for comparative purposes including the United Kingdom where this concept of governance originated and Canada one of the older Commonwealth countries which followed suit some 25 years later.

Three generic features of Cabinets which Cabinet Secretaries and Cabinet Offices ought to be aware of were discussed as well as Constitutional and Conventional provisions. The business of Cabinet and Cabinet committees, including the core functions of the Cabinet Secretary and the Cabinet Office were given great emphasis. While the additional role of the Head of the Civil/Public Service with the responsibility to strive to achieve coherence and efficiency in the implementation of policy; constant reform (yet avoiding 'reform fatigue' among Public Officers) was also dealt with in this handbook.

It is hoped that both the text and the references presented in this handbook will constitute an information base which will assist the Secretary to Cabinet/Cabinet Secretary and Head of Public Service in managing his/her job.

The challenges presented in this handbook are in no way exhaustive but points to the broadened role of the Head of the Civil/Public Service which includes keeping abreast with the issues in the national, regional and global environments some of which can define the success or failure of governments.

APPENDIX I:

Cabinet Submission Guidelines, Jamaica

1. Criteria for Submissions

A Cabinet Submission is a secret document prepared by public officials within Ministries and signed by the Minister (or the Minister of State or Permanent Secretary only with the Minister's express authority) that seeks Cabinet approval for (policy) directions the Minister wishes to pursue.

The Cabinet Submission provides a comprehensive treatment of the subject matter to facilitate a thorough understanding by the reader.

A Cabinet Submission is required where:

- 1.1 There is a change or modification in policy, in particular major and/or politically-sensitive ones;
- 1.2 There is a request for new or amending legislation, including subordinate legislation;
- 1.3 A decision is required to enter into fresh obligations in respect of new or existing international memberships or treaties;
- 1.4 There are matters which have a significant impact on public or private sector employment, fiscal, monetary, inflation and foreign exchange targets, welfare, public safety, industrial or agricultural activities; new programmes or projects, or substantial modifications to existing programmes or projects.
- 1.5 There are issues likely to have a significant impact on various groups such as the labour movement, employers, major NGOs, persons of a particular sex, the disabled, youth, the aged and other vulnerable groups;
- 1.6 Budgetary provisions are being sought for the main and

supplementary Estimates of Expenditure;

- 1.7 Responses are to be made to Parliamentary Committees, and/or to Questions by Members of Parliament or Ministerial Statements of a policy nature;
- 1.8 Appointments are being made to Boards of Statutory Corporations and Government Companies and to executive positions in these public bodies;
- 1.9 Public property (over and above certain thresholds as approved by Cabinet from time to time) is being acquired or disposed of;
- 1.10 Public contracts (over and above certain thresholds as approved by Cabinet from time to time) are being awarded; and
- 1.11 There are any other issues of public importance or concern in accordance with the principles of collective responsibility, or matters of public interest as the Prime Minister may direct.

2. Presentation of Submission

In order to enhance the efficiency and effectiveness of Cabinet meetings, it is essential that Submissions:

- 2.1 be presented in a format that facilitates proper consideration and enables Ministers to focus on the relevant points;
- 2.2 put forward an agreed basis of facts upon which discussion can proceed;
- 2.3 show evidence that consultation was held with all relevant Ministries and Agencies;
- 2.4 succinctly and clearly identify the essential issues for consideration;
- 2.5 indicate realistic policy options and their implications;

- 2.6 are checked meticulously for accuracy in all details of fact, in particular, citation of legislation and previous Cabinet Decisions, and in respect of typing and spelling;
- 2.7 make clear and specific recommendations setting out the decisions being sought;
- 2.8 are clearly stamped 'Confidential' on each and every page including all related attachments; and
- 2.9 seek drafting instructions where necessary.

3. Length of Submissions

- 3.1 The body of the Submission ideally should be limited to no more than five pages with 1 ½ line spacing for paragraphs.
- 3.2 The body of the Submission should be self-contained and concise and shall cover all major issues about which decisions are to be made.
- 3.3 Where essential, background material and detailed supporting information may be presented as attachments to the Submission. Attachments should be summarised and referred to in the Submission and should not be used as a substitute for the presentation of material which is essential for Cabinet's consideration.

4. Format for Submissions

The body of a Submission should comprise the following headings, as appropriate:

- 4.1 Purpose/Objective
- 4.2 Background
- 4.3 Issues
- 4.4 Analysis

- Human Resource Considerations
- Infrastructure Considerations
- Financial Considerations
- Implications: International, Regional, National or Local Community, Environmental, Disadvantaged/Vulnerable Groups and Gender

4.5 Options

4.6 Consultations and Supporting Information

4.7 Recommendations

4.1 Purpose/Objective

A brief statement about the main purposes of the Submission and may include the decision sought.

4.2 Background

The following information shall be provided:

- 4.2.1 A brief outline of the events leading up to the Submission with appropriate references to any previous consideration of the subject or decisions made by Cabinet, Cabinet Committees, Parliamentary Committees or other relevant authority;
- 4.2.2 A synopsis of relevant previous Cabinet Decision(s) citing the Decision number(s) and date(s). An indication should be given of conformity with or departure from previous Cabinet Decisions.
- 4.2.3 Reference to relevant policy commitments given by Government (including date and reference).
- 4.2.4 In instances where detailed procedures exist for approvals for certain matters which require Cabinet's consideration such as contract awards, acquisition

and divestment of public property, and legislation; a summary of the actions taken with appropriate documentary evidence should be included in the Submission.

4.3 Issues

This part of the Submission should identify, examine and analyse issues for consideration and determination. The presentation should be logical, concise and contain sufficient information to enable Ministers to focus immediately upon the issues they are to consider.

4.4 Analysis

A discussion of the current situation, which would include the various factors impacting on the success or failure of the policy initiative. It is in this section that comparative experiences in dealing with similar subjects may be cited. Considerations should include as applicable:

- Human Resource
- Infrastructure
- Environmental
- Financial
- International, Regional, National or Local Community Implications
- Gender
- Targeted vulnerable groups such as youth, aged, disabled

4.4.1 Human Resource Considerations

Given that there are often human resource limitations, the Submission should state whether:

1. there are available personnel of the appropriate qualifications to do the job; and

2. whether their availability is at the expense of some other activity in Government, in particular, priority areas.

In the broader context, the Submission should indicate whether there are employment implications – additional jobs or redundancies.

4.4.2 Infrastructure Considerations

As projects are very often adversely affected by the absence of important infrastructure such as water, electricity, or roads, there should be a statement on the availability of, or impact on relevant infrastructure, as appropriate.

4.4.3 Environmental Considerations

Any significant impact on the environment should be clearly stated, in addition to any impact that the environment may have on the proposal.

4.4.4 Financial Considerations

All financial implications, be they expressed or implied, direct or indirect, must be stated, including whether the proposed expenditure:

4.4.4.1 can be funded from existing appropriation;

4.4.4.2 will be derived from offsetting savings or revenues;

4.4.4.3 will require additional funding; or

4.4.4.4 will require funding in future financial years.

Where funding is to be met from the Estimates of Expenditure or through debt financing, the Ministry of Finance & Planning must be consulted and their comments summarised in the Submission.

A copy of the actual comments from the Ministry of Finance and Planning must also be appended to the Submission.

4.4.5 International, Regional, National, Local or Community implications

Where proposals have implications, for international, national or local government, or community relations, the implications shall be clearly stated. (e.g. A proposal to amend tariff regulations to assist some industry. Any international obligations which are in conflict with these proposals must be stated.)

4.4.6 Considerations of Gender Implications and that of other Disadvantaged Groups

When gender issues are explicitly considered, the full effects of the proposal are revealed and understood so that previously hidden impacts can be fully weighed in the decision-making process. This also applies when similar consideration is given to how the proposal will affect other groups of persons regarded as vulnerable or disadvantaged, such as the elderly, disabled and the youth.

4.5 Options

The principal options for Government should be stated briefly and the preferred course of action stated precisely. Ideally, at least three viable options shall be presented for consideration.

4.6 Consultations

4.6.1 Consultations are an important part of the development of Submissions. Consultations enable Ministries, Departments, Parliamentarians and other relevant bodies to express their views on the matters and save Cabinet's time in making a final determination.

- 4.6.2 Where two or more Ministers share substantial responsibility for a particular matter it is appropriate for a joint Submission to be presented to Cabinet and signed by all the Ministers concerned. Any unresolved differences shall be clearly indicated.
- 4.6.3 The Attorney General's Department should be consulted where there are legal consequences and or implications. The Department should be given adequate time to review the Submission and present a response.
- 4.6.4 The results and feedback from the consultation process, both the pros and cons, shall be summarised in the Submission. Documentary evidence shall also be appended.
- 4.6.5 The National Contracts Commission (NCC) must approve all contracts over J\$4M but below \$15M. Contract awards above J\$15M must be submitted to NCC for endorsement and then to Cabinet for approval with the NCC endorsement letter appended to the Submission.
- 4.6.6 For contract awards, the names of the principals/directors of the company and the track record/performance of that entity being recommended for award of contract(s) must be stated.
- 4.6.7 For Annual Reports, the total emoluments and remuneration received by all the senior executives of the public body must be stated in the Cabinet Note.

4.7 Recommendations

The recommendation should flow naturally from the options presented and should reflect the best balance among the various competing or conflicting factors.

5. Cabinet Process

- 5.1 Cabinet Submissions and Notes are to be prepared by Government Ministries. Agencies and other public entities shall submit proposals and/or substantive content to their relevant portfolio Ministry which shall form the basis of a Submission concerning the public entity. The portfolio Ministry shall then prepare and finalise the Cabinet Submission and/or Note.
- 5.2 Cabinet Submissions should be signed by the Minister (or Minister of State or Permanent Secretary only with the express authority of the Minister). In the case of joint Submissions, the relevant Ministers shall sign.
- 5.3 All Cabinet Submissions shall be subject to review by the relevant portfolio Permanent Secretary prior to lodgement with the Cabinet Office.
- 5.4 All Cabinet Submissions, except those specifically authorised by the Prime Minister, should be forwarded to the Cabinet Office by 12.00 noon on Thursday, eleven days prior to the Cabinet meeting at which it is proposed for consideration.
- 5.5 Submissions shall be lodged with the Director in charge of the Recording Secretariat in the Cabinet Office.
- 5.6 An Agenda and all Cabinet documents, including Minutes of previous meetings are prepared and circulated to members of Cabinet on the Thursday preceding the meeting of Cabinet.
- 5.7 Official Decisions of Cabinet will be communicated to the relevant Ministries or in special circumstances at the directive of the Prime Minister or the Cabinet Secretary to the relevant Department or Agency, by the Cabinet Office, as quickly as possible, after they have been taken. In the event of changes made to the Cabinet Decisions, as originally recorded in the Minutes, prior to their confirmation in a subsequent meeting,

these changes will be immediately transmitted to the affected Ministry, Department or Agency.

- 5.8 Ministers are themselves responsible to follow up on Cabinet requirements for further consideration and reporting.

6. Implementation of Cabinet Decisions

- 6.1 The implementation of Cabinet Decisions, on a timely, efficient and effective basis is paramount if good governance is to be achieved.
- 6.2 Ministers and their Permanent Secretaries have the primary responsibility to ensure implementation of Cabinet Decisions in their respective Ministries.
- 6.3 The Cabinet Office will monitor the implementation of Cabinet Decisions across Ministries on behalf of the Prime Minister/Cabinet.

7. SUMMARY AND CONCLUSIONS

The preceding Introduction and six Sections have attempted to look at some aspects of governance relevant to the work of Cabinet Secretaries from the minimalist to the more expansive mode in terms of the responsibilities. There were several countries cited for comparative purposes including the United Kingdom where this concept of governance originated and Canada one of the older Commonwealth countries which followed suit some 25 years later.

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APPENDIX I: Cabinet Submission Guidelines Jamaica

1. Criteria for Submissions

A Cabinet Submission is a secret document prepared by public officials within Ministries and signed by the Minister (or the Minister of State or Permanent Secretary only with the Minister's express authority) that seeks Cabinet approval for (policy) directions the Minister wishes to pursue.

The Cabinet Submission provides a comprehensive treatment of the subject matter to facilitate a thorough understanding by the reader.

A Cabinet Submission is required where:

- 1.1 There is a change or modification in policy, in particular major and/or politically-sensitive ones;
- 1.2 There is a request for new or amending legislation, including subordinate legislation;
- 1.3 A decision is required to enter into fresh obligations in respect of new or existing international memberships or treaties;
- 1.4 There are matters which have a significant impact on public or private sector employment, fiscal, monetary, inflation and foreign exchange targets, welfare, public safety, industrial or agricultural activities; new programmes or projects, or substantial modifications to existing programmes or projects.
- 1.5 There are issues likely to have a significant impact on various groups such as the labour movement, employers, major NGOs, persons of a particular sex, the disabled, youth, the aged and other vulnerable groups;
- 1.6 Budgetary provisions are being sought for the main and supplementary Estimates of Expenditure;
- 1.7 Responses are to be made to Parliamentary Committees, and/

or to Questions by Members of Parliament or Ministerial Statements of a policy nature;

- 1.8 Appointments are being made to Boards of Statutory Corporations and Government Companies and to executive positions in these public bodies;
- 1.9 Public property (over and above certain thresholds as approved by Cabinet from time to time) is being acquired or disposed of;
- 1.10 Public contracts (over and above certain thresholds as approved by Cabinet from time to time) are being awarded; and
- 1.11 There are any other issues of public importance or concern in accordance with the principles of collective responsibility, or matters of public interest as the Prime Minister may direct.

2. Presentation of Submission

In order to enhance the efficiency and effectiveness of Cabinet meetings, it is essential that Submissions:

- 2.1 be presented in a format that facilitates proper consideration and enables Ministers to focus on the relevant points;
- 2.2 put forward an agreed basis of facts upon which discussion can proceed;
- 2.3 show evidence that consultation was held with all relevant Ministries and Agencies;
- 2.4 succinctly and clearly identify the essential issues for consideration;
- 2.5 indicate realistic policy options and their implications;
- 2.6 are checked meticulously for accuracy in all details of fact, in particular, citation of legislation and previous Cabinet

Decisions, and in respect of typing and spelling;

- 2.7 make clear and specific recommendations setting out the decisions being sought;
- 2.8 are clearly stamped 'Confidential' on each and every page including all related attachments; and
- 2.9 seek drafting instructions where necessary.

3. Length of Submissions

- 3.1 The body of the Submission ideally should be limited to no more than five pages with 1 ½ line spacing for paragraphs.
- 3.2 The body of the Submission should be self-contained and concise and shall cover all major issues about which decisions are to be made.
- 3.3 Where essential, background material and detailed supporting information may be presented as attachments to the Submission. Attachments should be summarised and referred to in the Submission and should not be used as a substitute for the presentation of material which is essential for Cabinet's consideration.

4. Format for Submissions

The body of a Submission should comprise the following headings, as appropriate:

- 4.1 Purpose/Objective
- 4.2 Background
- 4.3 Issues
- 4.4 Analysis
 - Human Resource Considerations

- Infrastructure Considerations
- Financial Considerations
- Implications: International, Regional, National or Local Community, Environmental, Disadvantaged/Vulnerable Groups and Gender

4.5 Options

4.6 Consultations and Supporting Information

4.7 Recommendations

4.1 Purpose/Objective

A brief statement about the main purposes of the Submission and may include the decision sought.

4.2 Background

The following information shall be provided:

- 4.2.1 A brief outline of the events leading up to the Submission with appropriate references to any previous consideration of the subject or decisions made by Cabinet, Cabinet Committees, Parliamentary Committees or other relevant authority;
- 4.2.2 A synopsis of relevant previous Cabinet Decision(s) citing the Decision number(s) and date(s). An indication should be given of conformity with or departure from previous Cabinet Decisions.
- 4.2.3 Reference to relevant policy commitments given by Government (including date and reference).
- 4.2.4 In instances where detailed procedures exist for approvals for certain matters which require Cabinet's consideration such as contract awards, acquisition and divestment of public property, and legislation; a summary of the actions taken with appropriate

documentary evidence should be included in the Submission.

4.3 Issues

This part of the Submission should identify, examine and analyse issues for consideration and determination. The presentation should be logical, concise and contain sufficient information to enable Ministers to focus immediately upon the issues they are to consider.

4.4 Analysis

A discussion of the current situation, which would include the various factors impacting on the success or failure of the policy initiative. It is in this section that comparative experiences in dealing with similar subjects may be cited. Considerations should include as applicable:

- Human Resource
- Infrastructure
- Environmental
- Financial
- International, Regional, National or Local Community Implications
- Gender
- Targeted vulnerable groups such as youth, aged, disabled

4.4.1 Human Resource Considerations

Given that there are often human resource limitations, the Submission should state whether:

1. there are available personnel of the appropriate qualifications to do the job; and
2. whether their availability is at the expense of some other activity in Government, in particular, priority areas.

In the broader context, the Submission should indicate whether there are employment implications – additional jobs or redundancies.

4.4.2 Infrastructure Considerations

As projects are very often adversely affected by the absence of important infrastructure such as water, electricity, or roads, there should be a statement on the availability of, or impact on relevant infrastructure, as appropriate.

4.4.3 Environmental Considerations

Any significant impact on the environment should be clearly stated, in addition to any impact that the environment may have on the proposal.

4.4.4 Financial Considerations

All financial implications, be they expressed or implied, direct or indirect, must be stated, including whether the proposed expenditure:

4.4.4.1 can be funded from existing appropriation;

4.4.4.2 will be derived from offsetting savings or revenues;

4.4.4.3 will require additional funding; or

4.4.4.4 will require funding in future financial years.

Where funding is to be met from the Estimates of Expenditure or through debt financing, the Ministry of Finance & Planning must be consulted and their comments summarised in the Submission.

A copy of the actual comments from the Ministry of Finance and Planning must also be appended to the Submission.

4.4.5 International, Regional, National, Local or Community implications

Where proposals have implications, for international, national or local government, or community relations, the implications shall be clearly stated. (e.g. A proposal to amend tariff regulations to assist some industry. Any international obligations which are in conflict with these proposals must be stated.)

4.4.6 Considerations of Gender Implications and that of other Disadvantaged Groups

When gender issues are explicitly considered, the full effects of the proposal are revealed and understood so that previously hidden impacts can be fully weighed in the decision-making process. This also applies when similar consideration is given to how the proposal will affect other groups of persons regarded as vulnerable or disadvantaged, such as the elderly, disabled and the youth.

4.5 Options

The principal options for Government should be stated briefly and the preferred course of action stated precisely. Ideally, at least three viable options shall be presented for consideration.

4.6 Consultations

4.6.1 Consultations are an important part of the development of Submissions. Consultations enable Ministries, Departments, Parliamentarians and other relevant bodies to express their views on the matters and save Cabinet's time in making a final determination.

4.6.2 Where two or more Ministers share substantial responsibility for a particular matter it is appropriate for a joint Submission to be presented to Cabinet and

signed by all the Ministers concerned. Any unresolved differences shall be clearly indicated.

- 4.6.3 The Attorney General's Department should be consulted where there are legal consequences and or implications. The Department should be given adequate time to review the Submission and present a response.
- 4.6.4 The results and feedback from the consultation process, both the pros and cons, shall be summarised in the Submission. Documentary evidence shall also be appended.
- 4.6.5 The National Contracts Commission (NCC) must approve all contracts over J\$4M but below \$15M. Contract awards above J\$15M must be submitted to NCC for endorsement and then to Cabinet for approval with the NCC endorsement letter appended to the Submission.
- 4.6.6 For contract awards, the names of the principals/directors of the company and the track record/performance of that entity being recommended for award of contract(s) must be stated.
- 4.6.7 For Annual Reports, the total emoluments and remuneration received by all the senior executives of the public body must be stated in the Cabinet Note.

4.7 Recommendations

The recommendation should flow naturally from the options presented and should reflect the best balance among the various competing or conflicting factors.

5. Cabinet Process

- 5.1 Cabinet Submissions and Notes are to be prepared by Government Ministries. Agencies and other public entities shall submit proposals and/or substantive content to their

relevant portfolio Ministry which shall form the basis of a Submission concerning the public entity. The portfolio Ministry shall then prepare and finalise the Cabinet Submission and/or Note.

- 5.2 Cabinet Submissions should be signed by the Minister (or Minister of State or Permanent Secretary only with the express authority of the Minister). In the case of joint Submissions, the relevant Ministers shall sign.
- 5.3 All Cabinet Submissions shall be subject to review by the relevant portfolio Permanent Secretary prior to lodgement with the Cabinet Office.
- 5.4 All Cabinet Submissions, except those specifically authorised by the Prime Minister, should be forwarded to the Cabinet Office by 12.00 noon on Thursday, eleven days prior to the Cabinet meeting at which it is proposed for consideration.
- 5.5 Submissions shall be lodged with the Director in charge of the Recording Secretariat in the Cabinet Office.
- 5.6 An Agenda and all Cabinet documents, including Minutes of previous meetings are prepared and circulated to members of Cabinet on the Thursday preceding the meeting of Cabinet.
- 5.7 Official Decisions of Cabinet will be communicated to the relevant Ministries or in special circumstances at the directive of the Prime Minister or the Cabinet Secretary to the relevant Department or Agency, by the Cabinet Office, as quickly as possible, after they have been taken. In the event of changes made to the Cabinet Decisions, as originally recorded in the Minutes, prior to their confirmation in a subsequent meeting, these changes will be immediately transmitted to the affected Ministry, Department or Agency.
- 5.8 Ministers are themselves responsible to follow up on Cabinet requirements for further consideration and reporting.

6. Implementation of Cabinet Decisions

- 6.1 The implementation of Cabinet Decisions, on a timely, efficient and effective basis is paramount if good governance is to be achieved.
- 6.2 Ministers and their Permanent Secretaries have the primary responsibility to ensure implementation of Cabinet Decisions in their respective Ministries.
- 6.3 The Cabinet Office will monitor the implementation of Cabinet Decisions across Ministries on behalf of the Prime Minister/Cabinet.

