

Ministers and Mandarins

How Civil Servants and Politicians Can Work Better Together

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Secretaries of state and permanent secretaries cannot exist without each other, but relationships have become increasingly strained. There is tension, mutual suspicion and mistrust, prompting some – mainly former ministers and civil servants – to question whether the system at the top of government is broken and needs reform.

David Cameron, and Francis Maude, the Cabinet Office minister responsible for the Civil Service, as well as Sir Jeremy Heywood, the Cabinet Secretary, and Sir Bob Kerslake, the Head of the Civil Service, argue that the longstanding framework for relationships between ministers and civil servants – dating from the Northcote-Trevelyan report of 1854 – should be retained, while the practices and procedures are reformed.

In Whitehall, departments remain very powerful in relation to the centre – that is Number 10, the Cabinet Office and the Treasury. But what matters is the relationship between secretaries of state and permanent secretaries in departments, rather than the accountability of either to the centre. However, many of the underlying arguments are not primarily between politicians and civil servants but between the centre and individual departments.

Mr Maude has proposed far-reaching changes to improve the effectiveness and efficiency of government, for example new high-level training for those involved in major projects, commissioning, procurement, greater transparency and more open data. But he also wants to address the relationship between, ministers and civil servants – specifically, the role of ministers in appointing permanent secretaries, the expansion of ministerial offices, the recruitment of outsiders into the Civil Service and the accountability of civil servants to Parliament.

The question is: when does reform amount to a fundamental change? Some past and present officials fear that their position, and impartiality, may be undermined.

An ambiguous relationship

At the heart of the problem is that the ministerial and civil service relationship rests on understandings, precedent and convention as much as law and can therefore be ambiguous. The Civil Service was only established in law in primary legislation in the Constitutional Reform and Governance Act of 2010. But as Josh Harris points out in a new Institute for Government briefing paper, [Legislating for a Civil Service](#), this Act largely put into statute what already existed as Orders-in-Council on the role of the Civil Service Commission over appointments and codes of conduct. It was silent on the respective responsibilities, and relations between secretaries of state and permanent secretaries.

The traditional constitutional view, as expressed by Lord Armstrong of Ilminster, Cabinet Secretary in the 1980s, is that ‘the Civil Service has no constitutional

personality separate and apart from the government of the day. The duty of the civil servant is first and foremost to the minister of the crown who is in charge of the department which he or she is serving'. In short, civil servants work for current ministers who are in turn accountable to Parliament.

Civil servants are also accountable

But it is not as simple as that. First, permanent secretaries are directly answerable to Parliament in their role as accounting officers. They are frequently questioned by the Public Accounts Committee about how money is spent. A permanent secretary can seek a written direction from the secretary of state to continue spending on a project if it does not meet the Treasury criteria of regularity, propriety, value for money and feasibility. However, no directions have been sought since the 2010 election despite doubts over some major programmes (earlier this year, the Major Projects Authority [signaled problems with the implementation of 31 out of 191 projects](#)). One reason is that permanent secretaries are reluctant publicly to expose differences with their secretaries of state which might damage their relationship, and potentially lead them to being forced out of their departments.

Second, senior civil servants frequently appear before select committees of both Houses of Parliament to give evidence. Under the 30-year-old [Osmotherly Rules](#), Whitehall guidance on relationships with committees has never been endorsed by Parliament. Civil servants only appear 'on behalf of their ministers and under their directions' to provide factual information rather than to explain why or how policy decisions were taken. These rules are now being revised.

The longstanding system rested on a series of implicit assumptions. Ministers would be accountable in public and in Parliament for policy errors and blunders but they would not blame individual civil servants, whose failings would be addressed internally and privately. At the same time, civil servants would offer impartial advice to ministers on decisions and unquestioningly implement these policies. There would be mutual restraint and respect for different roles, skills and responsibilities.

A governing marriage under strain

But what Lord Hennessy has called the 'governing marriage' has come under strain for several reasons.

1. Ministers have been increasingly critical of the capabilities, skills and performance of the Civil Service particularly in handling big infrastructure and technology projects. They also want a broader range of policy advice and officials who can implement their ideas effectively and understand how policy works in practice.
2. Ministers are reluctant to take the blame for actions, or inactions, taken by civil servants whom they do not appoint. A secretary of state is not expected to take personal responsibility for all administrative actions for which he or she

is accountable to Parliament. But, in political terms, ministers feel an imbalance between their accountability and their powers and some have complained that their decisions are deliberately blocked (in a few cases) or frustrated by civil servants resistant to what they want.

3. Civil servants feel increasingly insecure, as shown by the unusually large number of permanent secretaries who have left their posts early or suddenly since 2010. There is particular sensitivity about recent unattributed criticism of senior civil servants, often by name, by ministers and their special advisers to the media, to which officials cannot reply.
4. Parliament itself – along with the media and the public – has become more assertive in wanting to hold civil servants, as well as ministers, to account for their performance. The Public Accounts Committee has sought to make civil servants more personally accountable by summoning not just current permanent secretaries to give evidence as accounting officers but, if necessary, also their predecessors who were in post when projects were begun. This demand has been conceded, within tight limits, by the Government.

Reform – one year on

In its July report [Civil Service Reform Plan: One Year On](#), the Government made a number of reform proposals. These were informed by research – commissioned by Francis Maude from the IPPR – into international models. Specifically, the proposals announced fixed-tenure appointments of five years for permanent secretaries for new appointments; for extended ministerial offices staffed by civil servants, external appointees and special advisers; further integration of corporate functions and stronger corporate functional leadership in HR, IT, procurement and commercial services; and further improvement in the delivery of major projects.

The One Year On report was, however, criticised for failing to provide a comprehensive assessment of the problems and challenges facing the Civil Service by the Public Administration Committee. In its September report [Truth to Power: How civil service reform can succeed](#) the MPs concluded:

‘We have found that both ministers and senior civil servants are still somewhat in denial about their respective accountabilities. The present atmosphere promotes the filtering of honest and complete assessment to ministers and is the antithesis of “truth to power”. It is a denial of responsibility and accountability. There is a failure to learn from mistakes and instead a tendency to look for individuals to blame’.

The Prime Minister has, however, rejected the committee’s call for a Parliamentary Commission of inquiry into the Civil Service on the grounds that it would distract from, and undermine, current reform efforts.

The Institute for Government believes that such long-term questions about the future role of the Civil Service and the shape of Whitehall departments need to be debated

publicly in the 18 months before the general election, since further radical change is inevitable in the next parliament given continuing public spending constraints. Any such debate about proposals for the post-2015 period must not distract from current reform efforts.

The Institute has made a number of proposals to make political and civil service leadership more effective in our various papers on [accountability](#) and in [our response to the One Year On report](#) from the Government.

Shared accountability is the reality – the IfG view

The starting point is that secretaries of state and permanent secretaries have shared accountabilities and responsibilities. Neither one nor the other is generally to blame for projects that go wrong. Trying to separate them is an illusion since, having decided on a policy ministers are rightly concerned about implementation since the two are inextricably linked.

Permanent secretaries' objectives need to be made specific and clarified – certainly made sharper and shorter than those published in December 2012. Their performance management needs to be tighter. But the relationship with secretaries of state is bound to remain personal and impossible to express in contractual terms. This is underlined by the reluctance to seek ministerial directions, except before general elections.

Consequently, the Institute is sceptical about proposals for further legislation and formalisation, not least because there is no consensus on where powers and responsibilities should lie. And even, as in New Zealand, where there is legislation, the practice is more flexible and fluid.

Co-operative relationships are vital

Similarly, Akash Paun and Pepita Barlow argued in their paper on [Civil Service Accountability to Parliament](#) that effective accountability rests not only on formal powers and doctrines but on building up co-operative relationships between departments and committees, as already exists in many, though not all, cases. There is bound to be tension as part of the democratic process but aggressive questioning and grandstanding or lack of preparation by committee members is not conducive to either good government or effective scrutiny.

Greater ministerial say in appointments is needed but so too is clarity

The Institute has recommended greater ministerial involvement in the appointment of permanent secretaries, to reflect the reality of what happens in practice where a ministerial veto is tantamount to the final say. We have stressed that appointments should be from a shortlist of qualified candidates. The Civil Service Commission has disagreed fearing that the personalisation of appointments would undermine a permanent secretary's independence, particularly when secretaries of state change so often. Mr Maude is keeping this issue under review.

In our paper last April, [*Supporting Ministers to Lead: Rethinking the Private Office*](#), Akash Paun recognised the desire of secretaries of state to strengthen their private offices – while opposing the wholesale adoption of the continental ‘cabinet’ model which would imply a significant increase in the number of direct political appointees and risk a separation between ministers/private offices and departments. We are concerned that the Government’s proposals in July lack clarity about the number of appointees, and the roles and accountability between the political and civil service sides of departments. We are looking forward to the promised guidelines on how extended ministerial offices will work in practice.

Resolving the battle over the federal structure of Whitehall

The key to relations between ministers and mandarins is mutual understanding and respect. They must recognise each other’s roles, and not seek to blame, leak or undermine. Ministers are right that further radical reform is vital but virtually all senior civil servants completely agree and are trying to make it work.

The Institute has stressed the Prime Minister himself must take a more visible role in promoting reform since Mr Maude and his team cannot do it on their own in face of departmental interests. The corporate leadership (or leadership from the centre) of the Civil Service needs to be strengthened. But ministers will remain frustrated with the Civil Service as long as there are policy failures. So skills gaps need to be addressed urgently as both Mr Maude and the civil service leadership agree.

Many of the problems are therefore caused less by ministers versus mandarins than by tensions between the centre and departments. The centre is seeking a more unified, corporate structure; departments are keen to preserve their traditional operational independence in, for example, managing their staff, training, IT, and procurement.

The real battle is over the longstanding federal structure of Whitehall – but its resolution is undermined by skirmishes between ministers, their advisers and civil servants. They will only succeed by working together.

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