



House of Commons
Public Administration Select
Committee

**Politics and
Administration:
Ministers and Civil
Servants:
Government
Response to the
Committee's Third
Report of Session
2006–07**

**Tenth Special Report of Session
2007–08**

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The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration, of the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith, and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service.

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Committee staff

The current staff of the Committee are Steven Mark (Clerk), Laura Dance (Second Clerk), Pauline Ngan (Committee Specialist), Louise Glen (Committee Assistant), Anne Woolhouse (Secretary) and Miguel Boo (Senior Office Clerk).

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Tenth Special Report

1. The Public Administration Select Committee reported to the House on *Politics and Administration: Ministers and Civil Servants* in its Third Report of Session 2006–07, published 26 March 2007 as HC 122. The Government Response was received on 22 September 2008 and is published below as an Appendix to this Report.

2. In its guidance to Departments, the Cabinet Office states that they should “aim to provide the considered Government response to ... Select Committee Reports within two months of their publication”.¹ It has taken the Government eighteen months to reply to our Report. We see no reason, given the substance of the Government’s response, why such an extended delay was necessary in this case.

Appendix

Since publication of the Committee’s report, the Government has increased Parliamentary scrutiny of key public appointments through the introduction of pre-appointment hearings and announced its intention to bring forward legislation to enshrine the core principles and values of the Civil Service in law. The Governance of Britain—Constitutional Renewal White Paper (Cm7342) published in March 2008, makes clear that the Government believes that it is now time to put the role, governance and values of the Civil Service on a statutory basis.

The Government welcomes the Committee’s views on its proposals for Civil Service legislation set out in the Committee’s report Constitutional Renewal: Draft Bill and White Paper (HC499) published in June 2008. The Committee’s recommendations and conclusions are being considered alongside the report of the Joint Committee on the Draft Constitutional Renewal Bill published in July 2008 (HL166, HC551).

In developing its proposals on both public appointments and legislation for the Civil Service, the Government has taken account of the recommendations of this Report and the Committee’s other relevant Reports.

The Government’s response to the conclusions and recommendations of the Committee’s report is set out below.

1. “Politicisation” is a term which covers a wide range of meanings. In this report, we use it to mean political involvement in administration, in particular in relation to the appointment or promotion of public servants. We do not use it in its usual pejorative (and negative) sense, but as a way of exploring aspects of the governing relationship between ministers and civil servants. (Paragraph 17)

The Government agrees with the Committee that “politicisation” is a term which covers a wide range of meanings. It notes that for the purposes of this report, the Committee uses it to mean political involvement in administration as a way of exploring aspects of the governing relationship between Ministers and civil servants and not in its usual pejorative (and negative) sense. The Government believes that accusations of

¹ *Departmental Evidence and Response to Select Committees (‘The Osmotherley Rules’)*, para 108. Available online at www.cabinetoffice.gov.uk

'politicisation' contrast with the reality of a constructive relationship between Ministers, permanent civil servants and special advisers which enables the policies of the government of the day to be implemented.

2. We agree that under our current constitutional arrangements there will never be precise clarity about the boundaries of ministerial accountability. That in itself suggests that we should be wary of constitutional changes which reduce ministerial responsibility without clearly transferring responsibility and accountability elsewhere. (Paragraph 29)

3. It is clear that there is no consensus, either among politicians or officials, about the way in which ministerial and civil service responsibilities are divided. This means there can be no consensus about where accountability should lie. (Paragraph 39)

The Government agrees with the Committee that we should be cautious about constitutional change which could reduce Ministerial responsibility and accountability. It believes that the 1997 resolution on Ministerial accountability, agreed by the House², sets out the lines of Ministerial accountability, the terms of which are incorporated into the Ministerial Code. In addition, the Civil Service Code sets out civil servants' lines of accountability, which are that civil servants are accountable to Ministers, who in turn are accountable to Parliament.

4. The civil service is responsible to ministers, but, as the role of Accounting Officer shows, that responsibility is complex, and not limited simply to implementing government policies. (Paragraph 34)

The Government agrees with the Committee that the role of the Civil Service is not limited simply to implementing Government policies. As the Civil Service Code makes clear, the Civil Service supports the Government of the day in developing and implementing its policies, and in delivering public services. In addition, Accounting Officers have a personal responsibility for the propriety and regularity of the public finances for which he or she is responsible. The various roles and responsibilities are set out in the respective Codes of Conduct for civil servants and ministers.

5. We consider that the relationship between government and civil service, and civil service and Parliament, should be structured to ensure the ultimate accountability of the government to the electorate. The corollary of this is that elected ministers should have freedom to perform their functions as they see fit, within any framework set by Parliament. (Paragraph 41)

The Government shares the Committee's view that elected politicians are accountable to the electorate. There is a clear democratic line of accountability which runs from the electorate through MPs to the Government of the day. The Government—whatever its political complexion—is supported by the Civil Service in developing and implementing its policies. Civil servants are accountable to Ministers, who in turn are accountable to Parliament. It is this line of accountability which makes clear that ultimately Ministers are accountable to the electorate. This line of accountability is set out in both the Ministerial Code and the Civil Service Code.

² 19 March 1997 (*Official Report*, columns 1046-47)

6. Comparisons with other countries are far from straightforward. Much depends on history and political culture. Nonetheless, in relation to ministerial accountability and politicisation of bureaucracy, it is useful to be reminded that the British system is extreme in the division it makes between the administrative and the political world, and that this division is, in some respects, increasing. This at least provides a context for a discussion which tends to be very parochial. (Paragraph 44)

The Government agrees with the Committee that we are fortunate to have a Civil Service that is held in high regard, both at home and internationally. It also agrees with the Committee that we are fortunate to have a robust system of political accountability. Discussions about the relationship between Ministers and civil servants do not always acknowledge the positive relationship that exists between Ministers and civil servants. Ministers, civil servants and special advisers do not operate in silos, but work together in a constructive and effective manner to carry out the business of Government, respecting the requirements of their relevant Codes of Conduct.

7. The purpose of civil service reform should be to ensure that the civil service is effective in carrying out its functions, and is responsive to the government of the day. A system in which the civil service was itself beyond political accountability would not be effective. (Paragraph 51)

The Government shares the Committee's view that the purpose of Civil Service reform should be to ensure that the Civil Service is effective in carrying out its functions and that a system in which the Civil Service was itself beyond political accountability would not be effective.

In October 2005, the Cabinet Secretary announced to the Committee that one of his key priorities as Head of the Home Civil Service was to improve the capability of the Civil Service to meet today's delivery objectives and to be ready for the challenges of tomorrow. Since then, the major government departments have been subject to a programme of capability reviews that assess how well equipped departments are to meet these delivery challenges and provide targeted support to make any improvements required.

All reviews are published to ensure the process is open to scrutiny and comment. Following publication of the reviews, progress is driven forward by the Cabinet Secretary through a regular series of stock-takes with departmental boards which are augmented by regular one-to-one sessions with departmental Permanent Secretaries.

By assessing the capabilities required for future delivery of Government priorities, the review points to the areas where the Civil Service needs to improve. The next stage of the programme is to revisit each department 18–24 months after their original capability review. The three departments which have so far completed these reassessments (Home Office; Department for Children, Schools and Families; and, Department for Work and Pensions) have all shown improvements across the capability model.

8. We consider that increasing the expectation that civil servants will account honestly to Parliament does not undermine the principle of ministerial responsibility, but strengthens accountability as a whole. (Paragraph 57)

The new Civil Service Code published in June 2006, makes clear that civil servants are accountable to Ministers, who in turn are accountable to Parliament. It also makes clear

