

# Civil Service Reform—Trust on Trial

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IT WILL probably come as little surprise that in the 2013 Mori 'Trust' poll politicians came bottom of the list, with just 18 per cent of people trusting them to tell the truth. Even journalists and bankers fared slightly better, both on 21 per cent. What may be more surprising is that civil servants emerged much higher up, with 53% of people trusting them to tell the truth. But perhaps most surprising is that while politicians and journalists have been bumping along at similar levels for the thirty years since this annual survey was first carried out, trust in civil servants has more than doubled—from 25 per cent in 1983, to 37 per cent in 1993, to the current 53 per cent.

As the Director of Mori's Social Research Institute said when the 2013 results were published, there is no completely convincing explanation for this very big upswing in trust.<sup>1</sup> We can all construct our own theories. But it does suggest two things: first, that there is more than a little irony in politicians wanting to reform the Civil Service—arguably, it would make more sense for civil servants to want to reform politicians; second, that we are entitled to look with some scepticism at this, or any, government's Civil Service reform plans and put the onus on them to demonstrate both why reform is necessary and why their specific proposals will make the Civil Service better. That is the background against which I think we should look at the government's Civil Service Reform Plan and, in particular, the 'One Year On' report on that plan which it published in July of last year.<sup>2</sup>

The first thing to say is that the government should be congratulated for having such a plan and publishing a detailed analysis of progress against it—including being prepared to be refreshingly honest in admitting where progress has been less than satisfactory. The second is to say that there is much in the plan that is wholly welcome. Moving more government services online and creating cross-government shared services centres for HR,

payroll and the like are just two examples, even if the present government contrives to give the impression (on these and other matters) that no such progress had occurred before they took office.

But the present government's plans for the Civil Service have to be judged not just against the words they write but against their actions since coming into office and their intentions for the future. And in both regards, in my view, the position is considerably more problematic than the government's 'One Year On' report would have us believe. This article focuses on two issues in particular where I believe that the present government, far from strengthening the Civil Service, is in danger of undermining it and, in so doing, putting at risk key aspects of good governance in the UK. They are, first, the nature of the contract between ministers and their civil servants and, second, the government's proposal to allow the introduction of so-called 'Extended Ministerial Offices' which, technical though the terminology may sound, risks in my view creating a fundamental shift from a non-political Civil Service willing to speak truth unto power to a more politicised bureaucracy—even if not necessarily a party politicised one—which would be much more likely in practice to tell ministers only what they want to hear.

## The contract between ministers and their civil servants

As many readers will know, there is in fact no contract which sets out the respective roles and responsibilities of ministers and their civil servants. Indeed, as the Institute for Government said in a recent report, '[a]ccountability relationships at the top of government are inevitably complex, often deeply ambiguous and frequently contested'.<sup>3</sup>

What is true, however, or at least was throughout my own time in government, is

that a series of unwritten rules have been almost invariably observed. They have included civil servants refusing to make known their private advice to ministers, and both ministers and their civil servants maintaining a united front in public whatever their private disagreements may be—crucially, with neither being publicly critical of the other. While that may be argued to be less than transparent, it has been a key part of the glue which has enabled government to function and relationships to be maintained. It has also had the merit of fairness. In a situation where ministers can speak publicly but their civil servants cannot, ministers have generally thought it right to refrain from public attacks on civil servants in general or on individual civil servants in particular.

For many ministers in the present government, that convention still holds. But not for all. More now than at any time in recent years, some ministers have been prepared to brief openly against civil servants, both in general and sometimes by name. Such ministers may claim justification in terms of what they perceive to be failures to deliver or lack of commitment on the part of some of their civil servants. But there is no doubt that this practice has led to considerable anger at senior levels in the Civil Service and, in some cases, to a near total breakdown in mutual trust and respect. For as long as this continues—and the Prime Minister allows it to continue—the government's Civil Service reforms will be seen by many senior civil servants as simply a cover for prosecuting a fundamentally hostile agenda towards them.

## Extended ministerial offices

A casual reader of the 'One Year On' report—if such exists—might be forgiven for not noticing, let alone focusing on, the government's proposal to allow the introduction of so-called 'Extended Ministerial Offices'. They receive no mention in the joint introduction to the report from the Minister for the Cabinet Office, Francis Maude, and the Head of the Civil Service, Sir Bob Kerslake. Indeed it is not until the report's very last section—headed, eye-catchingly, 'Further actions'—that they receive any mention at all. Even then they are presented as little more than a piece of bureaucracy:

The office [ie Extended Ministerial Office] could provide a number of functions including support for policy formulation, implementation, media handling, and responding to correspondence, as well as the traditional private office function.<sup>4</sup>

What is it then that led the Better Government Initiative, in a report entitled 'Civil Service reform—hidden dangers?', to say: 'We worry that such Extended Offices risk becoming institutionalised cocoons impervious to dissenting opinions or unwelcome facts'?<sup>5</sup> Or to a succession of speakers in a recent House of Lords debate on the Civil Service expressing fears such as those voiced by Lord Kerr, a former Permanent Secretary at the Foreign Office, that 'I am uneasy about surrounding the Minister with more people whose tenure is dependent on the king's smile. We do not need more courtiers'?<sup>6</sup>

The proposition, put simply, is this. Extended Ministerial Offices would comprise existing civil servants fulfilling the traditional private office role, special advisers and external appointees. Crucially, however, and in a clear break from the past, all members of the office, including the civil servants, would be personally appointed by ministers and directly accountable to them. 'One Year On' proposes no limits on the size of such offices, so that too would presumably be in the gift of the minister.

The IPPR report that advocated such offices argued that direct support for ministers in the UK is severely underpowered by comparison with other similar Westminster-based systems.<sup>7</sup> It also argued—as the IPPR's Guy Lodge does in this volume—that by virtue of these new offices including some career civil servants, they would avoid becoming purely political on the French 'Cabinet' model. But, with respect, that seems naïve. What creates politicisation is not the wording on the employment contract—civil servant or special adviser—but the environment in which people work. In practice such offices, and those who work within them, would be bound to become extensions of the minister's personality and beliefs. The real risk is that counter-arguments, difficult facts and embarrassing truths would be much less likely to reach the table, as would officials willing to tell it as it is.

The IPPR report also recognised, but dismissed, the risk that such offices could

become cut off from the rest of the Department, and cited the model of how the Treasury was run under Gordon Brown as showing how such a model can work effectively. By contrast, many would say that it is precisely that model, under which most senior Treasury officials had no direct access to the Chancellor whatsoever, that illustrates the very real risks of such a gulf growing up. Would the 10p tax rate, for example, ever have been introduced if there had been a wider range of views and facts round the table before the decision was taken?

In my own time as permanent secretary at the Department for Work and Pensions, and previously at permanent secretary level in the Home Office, I participated over some eight years in many hundreds of Ministerial meetings. A lot were good; a few were awful. But overwhelmingly I heard debates in which civil servants—at all levels—were willing, and crucially able, because they were present, to speak truth unto power. Most of the ministers with whom I worked welcomed that. Sometimes the discussions changed a minister's mind. Sometimes they did not. But overwhelmingly such discussions led to better government, not worse. I am fearful of the consequences of moving to a model which makes such discussions much less likely to take place.

## A way forward?

There is more than one way to run a government, just as there is a railway. And it is absolutely true that there are arguments for moving closer to a more politicised 'West Wing' style model, just as there are arguments against. But if we are going to move in such a direction—and the establishment of Extended Ministerial Offices would be a major step towards it—we surely need to do so as a clear and conscious choice and not on the basis of a few superficially written paragraphs at the end of a report that almost no one has read, let alone seriously considered.

That is why, while I did not agree with everything in the Public Administration Select Committee's 'Truth to Power' report last September, I do strongly agree with its

sole recommendation: namely, that Parliament should establish a Joint Committee of both Houses to sit as a commission on the future of the Civil Service.<sup>8</sup> As the committee's Chair, Bernard Jenkin, says in his contribution to this volume, if we are going to move towards an Australian or American system, and away from the Northcote Trevelyan settlement which has served us for 160 years, we surely require a Royal or Parliamentary Commission first.

One of the essential things learnt by a newly appointed civil servant under that settlement is that the Civil Service exists to serve the government of the day. But the Civil Service does not belong to the government of the day. It belongs to us all. If we are going to change its nature fundamentally we need to do so as a result of a conscious and wide-ranging debate, not as a result of proposals put forward by a single administration, particularly one some of whose behaviours have hardly created confidence in its stewardship of the Civil Service. Otherwise I fear we may see the gulf in the public's trust between politicians and civil servants grow wider still.

## Notes

- 1 'Why has trust in civil servants gone up?', Bobby Duffy, Institute for Government blog, 4 March 2013. <http://www.instituteforgovernment.org.uk/blog/5504/why-has-trust-in-civil-servants-gone-up/>
- 2 *The Civil Service Reform Plan*, Cabinet Office, June 2012; *Civil Service Reform Plan—One Year On Report*, Cabinet Office, July 2013.
- 3 *Accountability at the Top—Supporting Effective Leadership in Whitehall*, A. Paun and J. Harris, London: Institute for Government, 9 December 2013.
- 4 *One Year On Report*.
- 5 *Civil Service Reform—Hidden Dangers?*, Better Government Initiative, July 2013.
- 6 House of Lords *Hansard*, 16 January 2014, col. 377.
- 7 *Accountability and Responsiveness in the Senior Civil Service: Lessons from Overseas*, IPP, report for Cabinet Office, G. Lodge, S. Kalitowski, N. Pearce and R. Muir, June 2013.
- 8 *Truth To Power: How Civil Service Reform Can Succeed*, Public Administration Select Committee, London House of Commons, September 2013.