



House of Commons
Public Administration Select
Committee

**Smaller Government:
What do Ministers do?**

Seventh Report of Session 2010–11

Volume II

Additional written evidence

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The Committee Name

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and 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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Kevin Brennan MP (*Labour, Cardiff West*)

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The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/pasc.

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Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Clive Porro (Clerk), Ben Williams (Second Clerk), Alexandra Crampton (Committee Specialist), Paul Simpkin (Senior Committee Assistant) and Su Panchanathan (Committee Assistant).

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Written evidence

Written evidence from the Regulatory Policy Institute's Better Government Programme

The Better Government Programme, a free-standing entity within the Regulatory Policy Institute, focuses on the machinery of government and regulation and on improvements to policy and regulatory processes. In 2009, a commission established by the Programme produced a series of recommendations on improving trust in institutions and processes. As part of its work, it considered the role and functions of Ministers and this submission draws on that analysis.

The submission, which focuses on the Committee's questions one to four, does not necessarily represent the corporate view of the RPI.

Summary

- There are few constitutional arguments against the appointment of Ministers from outside Parliament. Prime Ministers should be free to select Ministers from the widest possible pool of talent.
- There is no reason why unelected decision makers should not be as accountable as elected Ministers to Parliament and the public.
- A significant move to appointment of non-political Ministers might limit the less attractive aspects of politicised debate over policy and public administration and would introduce greater separation between Executive and Legislature.
- Public and media accessibility demands make it difficult to reduce the number of formal decision makers, but better policy making and governance model may only require an elected Secretary of State and one other political chaperone for non-political appointees in each Department.
- Concern that unelected decision makers may be technocratic and out of touch with the public mood can be addressed through departmental policy governance boards combining elected and non-political members.

1. *What do Ministers do and is their work best done by Ministers who are drawn from Parliament?*

1.1 Ministers currently have four roles:

- To act as the political managers of their departments, progressing and taking responsibility for the Government's policies.
- To act as the ultimate decision makers on any issue within their Departments.
- To act as the link between their Departments and the legislature, accounting to Parliament for their decisions and providing the highest level of accountability for their Departments' work.
- To act as the ultimate departmental representatives of the Government in public fora.

1.2 Is that work best done by Ministers drawn from Parliament? Before answering, we should consider whether it is constitutionally a requirement, or at least desirable, that Ministers should be members of either House. Not necessarily, we would submit, for the following reasons:

- Citizens do not vote for Ministers. While electors can collectively dismiss a constituency MP because of poor performance as a Minister, they are formally asked to vote only for a representative for that constituency. They have no say in the appointment or removal of Ministers (whether drawn from the Commons or Lords) once a government is formed.
- Some maintain that decisions in the system of government can only be considered legitimate if they are taken by those electorally mandated to make them. But that implies that decisions taken by the unelected—bodies such as the Competition Commission, Monetary Policy Committee and sector regulators—under delegated powers lack legitimacy. Legally and constitutionally, that is clearly incorrect.
- Some also suggest that only those drawn from Parliament can be truly accountable to the public; but that concept should only prevail if accountability as we currently experience it is effective and if it would not be possible for those outside Parliament to be at least as accountable to it as Ministers are now. The current experience is that this is insupportable. Traditional accountability mechanisms, such as questions in the House or the ability to vote out a government every few years, have encouraged a culture of obfuscation, point scoring rather than calling to account, and Lines to Take rather than true explanation. And there is no reason why unelected decision makers, who regularly appear before Select Committees now, should not also answer Oral Questions or handle Standing Committee stages.¹ In short, there is no need to pair “unelected” with “unaccountable”.

¹ And Ministers are arguably at their most accountable on the Today or Question Time programmes, which are not restricted to MPs or Peers.

1.3 Aside from points of principle, there is the question of credibility and competence. Elected Ministers are often seen as amateurs whose decisions are made without the benefit of personal expertise. They are less the best people for the job than the best people (or just the rewardees) that Prime Ministers have chosen from the small pool—one likely, under proposals to reduce the number of constituencies, to get even smaller—of their own party’s (largely) elected members. And election does not confer on an individual a special skill of competent decision making that is lacking in others. In the United States and France for example, there are no concerns over the ability of presidents to select the most capable individuals to Cabinet-level positions without confining themselves to the legislature. Why should a Prime Minister not be given the same freedom provided, we reiterate, that unelected Ministers are placed—and perceived to be—in a position of genuine accountability? There is certainly no constitutional barrier to it.

1.4 Both Government and Opposition have recognised that the public trusts non-political “experts” (however defined) above politicians to make certain types of decisions² or to manage processes. We have mentioned the MPC and Competition Commission, but we have also seen the establishment of bodies such as the Office of Budgetary Responsibility and the UK Statistics Authority as a result of suspicion of political intervention. Where Ministers have relinquished powers (for example in setting interest rates or in most merger cases) confidence in the objectivity of processes has improved (even if they are no more transparent or certain) because their replacements are perceived as focused only on their job and not on demagogy or playing Party games. On the other hand, “expert” in this context is often associated with a technocratic approach to government under which evidentially “correct” decisions do not take account of the public mood, to which Ministers drawn from constituency MPs are more exposed; but that does not mean that unelected decision makers are by definition out of touch or incapable of equity.

1.5 The record of Ministers appointed from outside Parliament has been mixed, but they have rarely been placed in major decision making positions and in recent years have been used mainly as *consigliere* between the Government and their former sector. Many have found it hard to cope with the aggressive nature of party political culture (it is difficult to imagine Beveridge getting his welfare proposals through today), which suggests that even though a widespread move to non-political Ministers might introduce a civilising element into policy debate, even the most capable of such appointees may need to sit alongside “political” Ministers (or at least mentors such as Special Advisers) in order to deliver policy effectively. But that may be considered more as an indictment of party political gaming than of the ability of non-political appointees to make and deliver sound decisions. It is however important to avoid appointments on the basis of personal profile and political acceptability without consideration of their ability to understand and work effectively within the Whitehall machine.

1.6 There is a second element to the Committee’s question—what should Ministers do? Do we need to adhere to the convention (or fiction, given the scale of delegated power) that Ministers should be regarded as involved in and responsible for all policy decisions? There may be arguments in favour of reviewing this principle:

- It encourages them to involve themselves in management of a system the size of which is impossible for the great majority of transient Ministers to control. It also encourages an environment in which Ministers are criticised both for taking credit for policy and for evasiveness when blamed for problems that in most cases were not their fault.
- It encourages the personalisation of power, with Ministers claiming responsibility for popular decisions and running away from poor ones; and with Opposition parties opportunistically seeking to blame Ministers for every failure of government, regardless of involvement.
- In the absence of stronger constraints, it permits Ministers to impose on what they have said should be an evidence-driven process decisions that may be driven by the desire to court short-term popularity or to reward supporters.
- Even when Ministers do not involve themselves, the strength of the constitutional fiction³ is such that unnecessary risk is often created through uncertainty over political intervention.
- Several witnesses to the Committee’s *Better Government* inquiry [HC 983] shared the view that the convention that Ministers are deemed to know of and be responsible for everything that goes on under their command should not be sacrosanct. Sir Steve Robson⁴ said that:

“delegation... is a good route to go but it is only going to bring profound benefits if Ministers cease to be responsible for micro issues”, adding that Ministers “account for the broad policy, they account for the structure they put in place.... they account for the top hires, and they account for the incentives they give their top hires—and that is it”, observing that so long as ministerial responsibility exists, “delegation is not going to bring the benefits it can do because it is never going to be real delegation.”

² The Committee may wish to decide whether there is any conceptual reason why, for example, the Food Standards Agency is trusted to take most decisions on food safety but only Ministers are considered appropriate decision makers on GMOs.

³ The courts have acknowledged that the principle of ministerial decision-making in reality means a collaborative process: “To treat the minister in his decision-making capacity as someone separate and distinct from the department of government of which he is the political head and for whose actions he alone in constitutional theory is accountable to Parliament is to ignore not only practical realities but also Parliament’s intention.”—Diplock LJ in *Bushell and Another v Secretary of State for the Environment* [1981] AC 75 at p 94.

⁴ *Better Government*, Public Administration Select Committee, HC 983, Q83–84

Kenneth Clarke MP observed⁵ that:

“The relationship between the politicians and the Civil Servants has changed very badly. We have taken to absurd lengths the idea that politicians lay down policy and Civil Servants deliver.... They [Civil Servants] will administer things better if they play the key role they used to have in the formulation of policy.”

Sir Richard Mottram⁶ added that:

“big departments should be run on the principle that the Secretary of State is effectively the executive chairman for strategy and policy, and the non-executive chairman for the leadership and management and proper conduct of business of the department, and the Permanent Secretary should be held to account for all of these things.”

1.7 The members of our Trust Commission had mixed views on this:

“I do not believe responsibility for policy making should pass from elected politicians to unelected Civil Servants or to other, shadowy individuals who would have “no interest in anything but doing the job”. How would these paragons be identified or chosen? There has to be a real risk that they would be drawn from the massed ranks of political cronies. Be that as it may, I fear that far from enhancing public trust, this diluting of democracy could do the opposite. It would certainly give politicians/officials/advisers/others a heaven-sent opportunity to blame each other and evade responsibility for mistakes even more effectively than they do now.”

“I would not be comfortable with geneticists setting the policy for stem cell research, but once they have been given their policy parameters by politicians I don’t think the political class can have anything more of value to say on the subject and the scientists should get on with it. Likewise, I don’t think the Bank of England should fix the monetary framework or its targets, but it should have the independence to meet its set objectives in whatever way it sees fit. Nor should the FSA write banking legislation, but it should be free from political influence when it supervises a financial firm...”

I would be happy with a position that says that the elected political level should clearly and transparently set policy, preferably at a high enough level that it doesn’t need endless revision. The system should then encourage appointed experts or agencies to carry out these policies as independently as possible. Also, independence isn’t a *carte blanche* to run away with an issue, as it must always be tempered by, for example, accountability to Parliament; or review (ombudsman, judicial etc.) if it strays beyond the parameters that were set by the high level policy objectives.”

This submission favours the second approach; and, as we explain in 2. below, it could lead to a reduction in the number of Ministers, at least as we know them now.

2. *Are there too many Ministers, not enough, or is the level about right?*

- (a) *Are current statutory limits on the number of Ministers set at an appropriate level?*
- (b) *Is there an optimal number of Ministers in the interests of good government?*

2.1 The complexity of each Department’s portfolio (and this is unlikely to decline significantly even if direct responsibility for some sectors is devolved because decision making will, at least to some extent, be replaced by oversight) and the need to provide reasonable access to Ministers through visits and speeches makes it difficult to reduce the number of Ministers without imposing unsustainable strain on those who remain.

2.2 Some commentators point to the appreciable growth in the number of Ministers over the past 50 years (examined in the Committee’s *Too Many Ministers?* report). In that report, the Committee concluded that:

The ever-upward trend in the size of government over the last hundred years or more is striking and hard to justify objectively in the context of the end of Empire, privatisation, and, most recently, devolution to Scotland, Wales and Northern Ireland. (para 5)

2.3 But that overlooks the nature of modern government. “Good government” is about more than just the efficient delivery of fairly made policies and decisions. In a world of “stakeholders” and 24 hour news media, Ministers are expected to be seen, and to account and be a spokesman for the Government to a far greater extent than their predecessors. It would be difficult to envisage that a smaller cadre of those doing the work of Ministers could satisfy the demands of today’s concept of accountability. But that does not mean that such work should be reserved only for Ministers as we know them now.

2.4 We do not agree with the Committee (*ibid*, para 9) that it would be desirable to cap the number of unpaid ministerial posts. While we agree (*ibid*, para 15) that appointment to a ministerial post as a reward should not be condoned, it is for governments to determine whether the creation of Ministers is necessary provided that the salary burden is limited. However, there would not appear to be any good case for increasing the number.

2.5 A review of decision making and accountability conventions, as discussed in 1. above, might lead to a reduction in the number of Ministers. We examined a model under which decisions within the system should be regarded as having been taken by people with relevant expertise; be seen to be based on a fair balancing of evidence and to be taken in the national interest; and be subjected to true scrutiny, with the additional benefit

⁵ *Ibid*, Q135

⁶ *Ibid*, Q27

of introducing greater separation between the Executive and the Legislature. It might have the following characteristics:

- The convention that Ministers make all decisions and are responsible for everything would be replaced with a radical change in role. While the Prime Minister's ability to appoint the Cabinet would be unchanged, Departments would be restructured on the lines of a managed fund or the BBC Trust, under which the Secretary of State would appoint (from the best available talent, which could include Parliament, and perhaps by competition) and chair a board that would allocate budgets, decide on policy objectives and parameters and give directions to sector specialists, who would be responsible for detailed policy making and implementation.
- The board would therefore be akin to trustees, responsible (and accountable to Parliament) for governance; the executive staff for execution (although we would envisage them discussing implementation options with the Board). While the operation of the BBC Trust has been called into question, a parallel to its model, under which the roles of and relationship between the trustees and the executive would be defined by published protocols, similar to the relationship between Ministers and sector regulators and akin in concept to Service Level Agreements (or the BBC Trust's Purpose Remits and Service Licences) could be considered. Failure of governance or execution, as defined in the protocols and in statute, would be judicially reviewable.
- The Board (not including the Secretary of State) and senior executive level appointments would be subject to confirmation (not just nomination) hearings by the relevant Select Committee or by a joint Commons/Lords committee, which could vote against appointment.
- Responsibility for errors should be attributable where they are caused, and not always to the top of departments.⁷ Officials, regulators and NDPB heads should be directly accountable to Parliament as well as to the Board.
- The board would have the support of a scrutiny cabinet to monitor executive performance.
- Board members would lead during Whole House stages of legislation but the Board and officials would jointly be answerable during the Standing Committee stage in order to improve the quality of responses to amendments and questions.

2.5 This change must be coupled with a move away from rapid changes in ministerial posts. As one of our Commission members commented,

“Compare the longevity in post of the CEO's of the UK's top 25 firms with that of Cabinet Ministers. Frequently changing guard is very largely a measure of how inadequate too many SofS's are for the posts they are given. Having a half-life measurable in months is the antidote to continuity, accountability and effective governance. Mastery of a Department develops over time. I recall meeting and being impressed by how seriously XXXX had mastered the hugely complex XXXX brief when in opposition. Weeks after hearing how much effort he'd put into getting on top of the subject and how much he looked forward to making a contribution to an increasingly important/overdue national debate on the subject, he was given a completely different job to do. This isn't even Cabinet stuff, so how much worse is it when the brief goes wider?”

2.6 Would a smaller number of Ministers with reduced powers deter parliamentary candidates because their prospects of promotion would be more limited? Leaving aside the priority that should be given to an MP's traditional role as constituency representative, the evidence suggests that there was no shortage of candidates when the Government was half its present size.

2.7 And would ending the right of the unelected to hide behind Ministers inhibit the desire of those outside Parliament to put themselves forward for public service? It may be felt that if people are not prepared to be called to account they are the wrong ones for the job.

3. *If proposals to reduce the number of MPs are implemented, should the number of Ministers also be reduced?*

- (a) *If so, to what extent?*
- (b) *How should it be done?*

3.1 There is a difference between Parliament and the Executive. The number of Ministers should be geared to the demands on them, and if we pass a point in delegation/devolution where decision making gives way to oversight and the focus of accountability for policy and service delivery shifts, the number can be cut. If the Government's declared aspirations come to fruition we are likely to end up with smaller departments with fewer functions and significantly smaller budgets. That would suggest fewer Ministers and fewer quangos. But while Ministers talk about decentralisation in the same breath as spending cuts, we do not yet have clarity about which functions are to be shed by Whitehall and who, if anyone, will pick them up. Some would consider it optimistic to assume that there is a latent army of eager volunteers with the right skills and in the right places to bring the Big Society to life.

⁷ The Conservatives (It's Your Money—A New Plan for Disciplined Spending in Government, 2009) proposed including a fiduciary responsibility to taxpayers in the employment agreements of all senior officials, with disciplinary implications if it is breached. We agree, but believe that Parliament should have the power to discipline officials and Ministers for failure of duty.

4. *What implications does coalition government have for the role of Ministers and how they operate, both collectively and at the level of individual departments?*

4.1 None. Ministers' duty is to the Crown, not to any political faction. Trust in Ministers would be materially improved if they were regularly reminded of this.

August 2010

Further written evidence from Regulatory Policy Institute

We noted and support the suggestion of Sir John Major that Ministers should be accountable to either House. This is an increasingly sensible idea at a time when reduction in the size of both Commons and Lords has been mooted and could justify a reduction in overall ministerial numbers. As far as we can see, it would only require amendment of Standing Orders in order to permit defined Strangers to participate in the business of each House.

November 2010

Written evidence submitted by Matthew Flinders, Professor of Parliamentary Government & Governance, University of Sheffield and Anika Gauja, Lecturer in Politics, University of Sydney

1. Although the exact meaning of terms such as the “post-bureaucratic state”, “smaller government” and the “smarter state” remain opaque there is little doubt that the global financial crisis and a number of other socio-political challenges **will require some reformulation of the manner in which the British Government is composed.**

2. In this regard the global financial crisis presents an **opportunity** to reflect on the composition of the executive and its relationship with the legislature that should not be wasted. The growth in the number and distribution of ministerial positions (including the appointment of backbenchers as parliamentary private secretaries) reflects a surge in patronage that was concerned more with effective intra-party management than good government.

3. What do ministers do? Ministers oversee and direct the administration of the state. They are selected to make policy and oversee its successful implication. They are not appointed to play a detailed role in the administration of the state—they are required to **steer but not row.**

4. The benefit of having ministers that are **not drawn from the House of Commons** is that they are free from the obligations of constituency duties and may bring expertise and experience that is not available within the ranks of full-time party political politicians. They may therefore possess a degree of independence that in some circumstances allows them to remain focused on the broader “public interest” and not become entangled in partisan or constituency plea bargaining.

5. The benefit of having ministers that are **drawn from the House of Commons** is that they offer a direct relationship and chain of accountability with the public. The constituency link may ensure that they are closely attuned to public opinion. Party political relationships, structures and loyalties also serve to ensure that ministers generally know each other and will meet in a number of formal and informal arenas.

6. Although it is probably in the interests of democratic legitimacy and clarity to have the greater number of ministers drawn from the House of Commons the burdens of constituency work plus the expertise, experience and independence offered by member of the House of Lords might weigh in favor of having **more ministers drawn from the second chamber.** This logic may increase if Stage Two reform of the Lords results in a composition that is interpreted as being more legitimate (but not necessarily elected).

7. **There are too many ministers.** Around one third of all MPs will hold a ministerial appointment (or will be a PPS) and will therefore follow the departmental line. The scope of Prime Ministerial patronage is therefore very great and the arguments regarding how this undermines the independence of the House of Commons as a whole is voluminous. Chris Mullin's memoirs *A View from the Foothills* serves to underline why many ministerial posts are unnecessary.

8. The *Parliamentary Voting System and Constituencies Bill 2010* amends the *Parliamentary Constituencies Act 1986* to set the size of the House of Commons at 600 Members. If this occurs without a requisite reduction in the payroll vote the **relative power of the executive over the legislature will increase** rather than decrease. The statutory limits on the number of ministers should be reduced, possibly to **no more than 70–80 positions**, and only members of the Cabinet should be able to appoint a PPS. This could be achieved through an immediate reduction in some posts, notably those within the territorial departments, and a planned gradual reduction over future parliaments.

9. There are three broader and inter-related issues that the PASC might reflect upon during this inquiry: it is not about the money; political recruitment; and career structures.

10. Although the global financial crisis has focused attention on public sector spending and salaries, **saving money should be a secondary but not primary priority** when it comes to reducing either the number of MPs or ministers. The savings accrued from reducing the number of MPs are negligible when viewed against the broad financial situation and if “good scrutiny makes for good government” then cutting back the number of MPs may actually be economically inefficient in the long-term.

11. This inquiry must not allow a focus on the **number of ministers (i.e. quantity) to distract attention from the more important issue of the caliber of ministers (i.e. quality)**. This relates back to the issue of fiscal savings, provides a link with the issue of political recruitment and raises the basic issue of MPs’ pay. Although it is undoubtedly unfashionable to publicly admit this, the basic pay of an MP is arguably too low. If high-quality individuals from all sections of the community are to be given the opportunity and encouragement to enter political life, and therefore become a candidate for a ministerial position, then it is vital that the thorny issue of MPs’ pay is addressed sooner rather than later. Although statutory responsibility for this issue will soon transfer to the Independent Parliamentary Standards Authority it is vital that the House of Commons is a little more brave on this issue than it has been in the past.

12. The issue of MPs’ pay is inevitably entangled with Prime Ministerial patronage and the fact that being a minister brings with it an additional salary. The lack of an **alternative career structure** within the House of Commons has for decades explained the executive’s *de facto* control of the legislature (in all but the most extreme circumstances). One way of making the backbenches a more fertile training ground for potential ministers, of off-setting the impact of a reduction in ministerial posts, of encouraging former ministers to accept positions on scrutiny committees and generally establishing a more mature and balanced constitutional relationship between the executive and legislature would be to **increase significantly the additional payments** that select committee chairmen receive.

August 2010

Written evidence from the Campaign for Arms Trade (CAAT)

1. The Campaign Against Arms Trade (CAAT) in the UK works to end the international arms trade. Around 80% of CAAT’s funding comes from individual supporters. This submission focuses on CAAT’s experience on the appointment of ministers from outside Parliament.

2. CAAT supporters often contact their MPs asking them to take up arms export issues with ministers. In the last few years, these ministers have usually not been elected members of the House of Commons, and many of them have been new to politics.

3. The major focus of CAAT’s campaigning has been the Government’s arms export promotion unit. The Defence Sales Organisation was set up by Denis Healey in 1966 and located within the Ministry of Defence (MoD). It remained there, with a name change to the Defence Export Services Organisation (DESO), until April 2008. Most of its promotion functions were then moved to UK Trade & Investment (UKTI), a body responsible to the trade department, now the Department for Business, Innovation and Skills (BIS), and the Foreign and Commonwealth Office (FCO). UKTI has set up a Defence and Security Organisation (UKTI DSO).

4. Other campaigning work has taken place around the work of the Export Credits Guarantee Department (ECGD), which is responsible to the Secretary of State for what is now BIS, and “corporate mercenaries”, euphemistically known as private military and security companies (PMSCs). A FCO minister covers this.

5. The responsible ministers for these areas of work for the past few years are shown below:

(a) Defence equipment ministers with responsibility for DESO:

Baroness Symons from 1999 to 2001; Lord Bach from 2001 to 2005; Lord Drayson from 2005 to 2007; Baroness Taylor from 2007 to 2008.

(b) Trade ministers with responsibility for UKTI DSO and the ECGD:

Lord Digby Jones from 2007 to October 2008; Lord Davies of Abersoch from January 2009 to May 2010. These junior ministers reported to the Secretary of State, Lord Mandelson.

(c) Lord Malloch-Brown was the FCO minister with responsibility for PMSCs during the crucial period before the last Government’s proposals for (non-)regulation announced in April 2010.

6. Currently, the responsible ministers are all MPs, but CAAT’s hopes that this would remain the case have been dashed by the appointment of Stephen Green as Trade & Investment Minister designate. It seems that, by the end of 2010, responsibility for UKTI DSO and the ECGD will once again rest with someone who has not been elected to Parliament.

7. Leaving aside the policy content and the individual personalities involved, CAAT feels there is a major problem with accountability. The ministers who are not MPs, but are responsible for, and make decisions about, those areas of government with which CAAT is most concerned, are unable to respond to debates in the House of Commons, and cannot answer parliamentary questions there in their own right.

8. Possibly more importantly, unelected ministers are not exposed to constituents who might question the morality of arms export promotion, or to local political parties or human rights or development groups which

might raise the issue in debate. CAAT supporters who are constituents of one Secretary of State have already been able to meet him and to make their views known. This is, at the very least, better for democracy. Without such constituency contacts, there is little to offset the direct lobbying by companies and trade associations.

9. It has been argued that having a trade minister appointed from the business world enables more time to be devoted to travel and making contacts than would be the case with an MP with additional parliamentary duties. However, this presupposes that trade is uncontroversial. There is no recognition of the negative impact of arms export promotion, or, moving away from CAAT's own concerns, that giving export credit support to, for example, a particular dam or pipeline is hugely problematic. Trade ministers must be as accountable as other ministers.

10. If the UK is promoting democracy, not only must the ministers be fully accountable, they also need to be seen to be accountable. With the UK's two chamber legislature, there is a need for one member of each department to be a member of the House of Lords. However, unless there is an exceptional reason, it should be no more than one member and not the Secretary of State. Also, the opportunity of reshuffles should be taken to ensure that one set of responsibilities within a department is not consecutively undertaken by a Peer.

September 2010

**Written evidence from Professor Kevin Theakston, School of Politics and International Studies,
University of Leeds**

JUNIOR MINISTERS

1. In constitutional terms the position of junior ministers in the British system of government today is the same as in the 19th century when the job was invented. They have no formal or legal powers of their own: any executive authority they have is by delegation from their ministerial chief. They share in the Government's collective responsibility to Parliament but in policy terms they are formally responsible to their Secretary of State rather than to Parliament (though in practice, if things go badly wrong, the junior minister may end up walking the plank). Historically, they had mainly a parliamentary role (and this is still an important aspect of the work) but the departmental and policy-making roles have grown more important in recent decades. Ministers are encouraged in the *Ministerial Code* to devolve on to their juniors responsibility for a defined range of departmental work and many—particularly at Minister of State level—carry special titles (a practice started by Harold Wilson in the 1960s). But what the job of a junior minister has amounted to in practice has usually varied between one department and another, and has depended greatly on the style of the Cabinet minister involved and his or her relations with the junior minister(s).

2. Junior ministers are sometimes written off as marginal or irrelevant dogsbodies, as political and departmental Cinderellas. Lord Digby Jones described being a junior minister as “one of the most dehumanising and depersonalising experiences a human being can have.” Professor Peter Hennessy has said that “in Whitehall terms, junior ministers are the wretched of the earth and are often treated as such.” Tony Blair's former Chief of Staff, Jonathan Powell, said “there is an awful lot of make-work in junior ministerial jobs.” Former Cabinet Secretary Lord Turnbull argued “a lot of what they do could be done by officials.” Chris Mullin complained in his diaries about his “pointless existence” as a junior minister, the low-level drudgery, his “utter lack of influence” and the absence of team working in government.

3. On the other hand, Baroness Joyce Quin's experience convinced her “there can be real job satisfaction” because “some jobs at the secondary level have substance and a proper measure of independence”, with some junior ministers being able to take decisions and make a difference in their own defined sphere. Cabinet ministers are already overloaded; without the support of junior ministers their jobs would be impossible. In all this, civil servants take their cues from ministers. Formally (as spelt out in the *Ministerial Code*) junior ministers cannot give directions to permanent secretaries, meaning a civil service “appeal” to the top minister is always possible. Junior ministers in the past have always found that their scope and clout depended crucially on whether they had the confidence and backing of the Secretary of State, and the same will go for junior ministers in the present Government.

4. The move to coalition government adds a new dimension in the sense that a Secretary of State in charge of a department (and civil servants) may not be able to treat, say, a Parliamentary Under Secretary as the lowest form of political life and of little account—to be told to “get back in your little box and stay there”, as one uppity junior minister was once instructed by his boss in the previous Labour Government—particularly when that junior minister is the only representative of the Liberal Democrat Party in a ministry headed by a Conservative Cabinet minister. There are nine major Whitehall departments headed by Conservatives that include one Liberal Democrat in the junior ministerial team (six of these at Minister of State level, three at the more junior “Pussy” level, as it is sometimes dubbed). These juniors all have their designated departmental responsibilities, and in formal terms their roles and responsibilities may seem as limited and circumscribed as with any other junior minister. But politically they have an important “watchdog” role, trying to represent their party's interests and provide a Liberal Democrat voice and input on a wider waterfront, across the full range of departmental business. This may involve more ministerial team meetings, these junior ministers being put more in the picture and having greater access to policy papers outside their own departmental responsibilities than would normally be the case, and a shift in the usual views of political seniority and hierarchies. Their

wider role may mean these junior ministers will need more private office support and perhaps in some cases even their own special advisers (though current rules limit them to Cabinet ministers and ministers who attend Cabinet). But for most junior ministers from the larger party in the coalition—the Conservatives—working under chiefs from their own party, the underlying realities and determinants of their role, status and influence have not necessarily changed.

5. The long-term increase in the number of junior ministers has been widely commented on. In 1914 Asquith's Government had only 15 junior ministers; in 1945 Attlee appointed 32 junior ministers; counting on the same basis (Parliamentary Secretaries and Ministers of State), Brown's Government in 2010 had 77 junior ministers while Cameron's has 65. British governments are, overall, bigger and have many more junior ministers than their international counterparts. Up until the 1950s most government departments had only one junior minister but now ministerial teams are much larger: currently ten departments have four or more junior ministers (one has six); in the previous Government one department (Business, Innovation and Skills under Lord Mandelson) actually had nine junior ministers. Whitehall mandarins sometimes complain about departments being "over-ministered"; Lord Turnbull claimed most departments could be run with just three ministers. At the same time there is concern about the size of the "payroll" vote in the House of Commons, with proposals regularly made to cut the number of ministers or to set a percentage quota of MPs who could be in government.

6. In 2009 the Irish Taoiseach reduced the number of junior ministers in his government at a stroke by 25%. In Britain, as a first step, there is probably scope to shave off one junior ministerial post per department (and save other ministerial posts by the overdue merger of the territorial offices for Scotland, Wales and Northern Ireland), cutting up to 20 junior ministerial posts. A reduction in the size of governments and in the number of junior ministers need not involve a loss of administrative quality, parliamentary accountability or governing capacity, provided that those junior ministers who are appointed are of high quality and have a real job to do. Fewer junior ministers could—and should—mean that those who serve in the "foothills" of government may be more likely to have a significant and satisfactory role.

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