



House of Commons
Public Administration Select
Committee

Special advisers in the thick of it

Sixth Report of Session 2012–13



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*Report, together with formal minutes, oral and
written evidence*

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The Public Administration Select Committee (PASC)

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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Committee staff

The current staff of the Committee are Emily Commander (Clerk), Charlotte Pochin (Second Clerk), Alexandra Meakin (Committee Specialist), Paul Simpkin (Senior Committee Assistant) and Su Panchanathan (Committee Assistant).

Contacts

All correspondence should be addressed to the Clerk of the Public Administration Select Committee, Committee Office, First Floor, 7 Millbank, House of Commons, London SW1P 3JA. The telephone number for general enquiries is 020 7219 5730; the Committee's email address is pasc@parliament.uk.

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Summary

The Fulton Committee of 1966, set up by Harold Wilson to review the Civil Service, said that special advisers should be “men and women of standing and experience”. Special advisers have a legitimate and valuable function in Government, protecting the impartiality of the Civil Service by performing tasks which it would be inappropriate for permanent, impartial officials to perform, and helping to ensure that the Government’s policy objectives are delivered. In particular, they are better placed than permanent civil servants to liaise with Members and party officials, and to offer advice to their Minister on political handling. The lines of accountability remain clear in the Ministerial Code: ministers are responsible for the management and conduct of their special advisers, who act in their name; but experience suggests that this responsibility is more theoretical than actual.

Rather than placing artificial limits on the number of special advisers, the crucial question is whether the case can be made for the payment of each individual from the public purse, based on whether the Minister can justify that the tasks the special adviser is engaged to undertake are in the public interest; the need for those tasks to be undertaken by a personal appointee rather than a permanent civil servant; and the person’s qualifications and ability to undertake them.

The position of special advisers is a sensitive one: they occupy influential positions within Whitehall and have the potential to destabilise the relationship between ministers and officials. For special advisers to be effective, rather than potentially disruptive, ministers, special advisers and officials need to foster a high level of trust in their working relationships. For such a relationship of trust to work, it is essential that there is clarity of expectations about tasks and boundaries. In particular, it is axiomatic that ministers or officials acting in a quasi-judicial capacity are expected to act impartially and apolitically. It should be made explicit that special advisers, who are by definition not expected to act impartially, should play no part in such processes.

The close relationship between special advisers and their ministers also means that ministers must have the right to insist on their own choice of adviser: while the centre of Government has a role in ensuring that all special advisers are supported in their work and career development, ministers have the right to insist on particular individuals that they consider appropriate, and Number 10 would show little confidence in a Minister if he or she were forced to accept a particular adviser.

Despite concerns raised by our predecessor Committee more than ten years ago, the induction and support for new special advisers remains inadequate. We recommend that the Government ensure that all special advisers receive induction training covering the structure and work of the relevant department; the scope and meaning of the various codes of conduct to which special advisers are subject; the implications of their status as temporary civil servants; the nature of their accountability to ministers (and ministers’ accountability to Parliament); the role of permanent secretaries; and where to seek advice and support on propriety issues.

We recommend that information about ministers' special advisers should appear on departmental websites, including advisers' names and a description of the policy areas in which they work and the types of tasks they undertake, alongside the equivalent information about ministerial portfolios and the responsibilities of members of the Departmental Management Board. We also recommend that ministers notify the relevant departmental select committee whom they have appointed as a new special adviser, setting out that individual's responsibilities and their qualifications for the role, including why they believe him or her to be of suitable "standing and experience". This would make it much easier to tell if a special adviser were acting outside his or her agreed role, and would help Parliament to hold ministers to account for the work of their special advisers.

The Ministerial Code is clear that ministers are "responsible", not simply "accountable", for their special advisers' management and conduct. This responsibility is the price of having a special adviser. Ministers who wish to have special advisers must therefore exercise this responsibility actively, ensuring that they are fully aware of what their advisers are doing in their name. We also reiterate our recommendation that the Prime Minister's Adviser on Ministers' Interests must be free to investigate any potential breaches of the Ministerial Code, including potential breaches of the Code relating to the conduct of a special adviser.

A constructive working relationship between ministers and their permanent secretaries should ensure that any potential problems with the performance or activities of special advisers are resolved at an early stage. We see no reason to impose further rules, or to change the role of permanent secretaries in ensuring that departmental business is conducted with propriety and in accordance with the relevant Codes of Practice and legislation. Permanent secretaries must be vigilant and proactive guardians of propriety within their departments, and must provide advice and support on matters of propriety to special advisers and ministers, particularly at the start of a new administration. Permanent secretaries are expected to offer advice in a timely manner, to avert any suggestion of impropriety or breach of the Codes of Conduct. In order to do so, permanent secretaries must ensure that they are fully aware of what departmental special advisers are doing in the name of their Minister and the department.

1 Introduction

1. Our predecessor Committee reported in 2001 that “the use of special advisers is not new”, noting that “ministers and Prime Ministers, certainly as far back as Lloyd George” had appointed as confidants “people who shared and understood ministerial preoccupations and had political skills and contacts that civil servants lacked. Such people may either bring up-to-date specialist knowledge beyond that available in-house or help the Minister to stay in touch with the world beyond Whitehall (or both)”.¹

2. The Fulton Committee of 1966, set up by Harold Wilson to review the Civil Service, said that special advisers should be “men and women of standing and experience”.² It should be obvious that they should be people with suitable political experience, as well as a track record of competence in matters of policy, in order that they should be able to make a full contribution to the work of their department. A special adviser should not be merely a political “bag carrier”, nor the political amanuensis of their Minister.

3. While Number 10 has the final say on the appointment of special advisers, and only the centre can ensure that special advisers get all the career development moves which they need, ministers have the right to insist on particular individuals that they consider appropriate, and Number 10 would show little confidence in a Minister if he or she were forced to accept a particular adviser.

4. As the former Minister, the Rt Hon Harriet Harman QC MP explained:

Your special adviser is the one person who you personally appoint and with whom there is a closer working relationship than civil servants. But it is precisely because of their closeness to the Minister that they are authoritative and influential, and therefore it is right that there should be particular focus on ensuring that that authority and influence is exercised reasonably and in the public interest.³

5. We heard from Michael Jacobs, a former special adviser to the Rt Hon Gordon Brown MP when he was Prime Minister, that “the media places over special advisers a vague air of distaste or impropriety”.⁴ In his speech to the Civil Service Live Conference in July 2010, the Minister for the Cabinet Office, Rt Hon Francis Maude MP, appeared to reflect that statement:

Too often in recent years the Service has been marginalised, either through the spread of special advisers or the over-use of expensive consultants.⁵

1 Public Administration Select Committee, Fourth Report of Session 2000–2001, *Special Advisers: Boon or Bane?*, HC 293, para 3

2 Fulton Committee, *The Civil Service*, Cmnd 3638, para 129

3 Ev 52

4 Q 46

5 Francis Maude MP, Minister for the Cabinet Office, speech to Civil Service Live, 6 July 2010, Cabinet Office website (<http://www.cabinetoffice.gov.uk/news/Francis-Maude-speech-to-the-civil-service>)

6. The Coalition Agreement included a pledge to “put a limit on the number of special advisers” and, shortly after taking office, the Government amended the Ministerial Code to impose a general limit of two paid special advisers per Cabinet Minister (although ministers with additional responsibilities were entitled to seek permission to appoint additional advisers).⁶ The Government also amended the Code of Conduct for Special Advisers to emphasise that they “are appointed to serve the Government as a whole, not just their appointing Minister”.⁷ Special advisers are also now required to disclose details of the gifts and hospitality they receive, and to seek the advice of the Advisory Committee on Business Appointments before taking up any other roles.⁸

7. An effective relationship between special advisers, ministers and civil servants is predicated on trust: special advisers occupy influential positions and have the potential to destabilise the relationship between ministers and their officials by competing with officials for the Minister’s attention. Against best advice, successive administrations have brought in certain special advisers of questionable character and reliability, whose track records raise obvious questions about their honesty and integrity. This has resulted in acute embarrassment for those who appointed them and has brought the political system into disrepute. It has also been disastrous for the individuals concerned. Despite changes intended to strengthen regulations and improve the transparency of special advisers’ roles, over the term of the current Parliament, concerns have been raised about the propriety and actions of both formal and informal special advisers to the Secretaries of State for Defence, Education, Energy and Climate Change, and Culture, Olympics, Media, and Sport, and the Prime Minister.

8. We wanted to explore whether the circumstances of coalition government required something different of special advisers, and whether the existing codes of conduct and other management frameworks were sufficient to contend with these new circumstances. We resolved to inquire into special advisers in October 2011, and we published our call for evidence on 26 February 2012. We received thirteen written submissions, and took oral evidence from eight witnesses in two sessions during June 2012. We are very grateful to all those who have contributed to our inquiry.

6 The Coalition: Our Programme for Government, May 2010, page 27; Cabinet Office, *Ministerial Code*, May 2010, para 3.2

7 Cabinet Office, *Code of Conduct for Special Advisers*, June 2010, para 2

8 *Ibid.* paras 5 and 24

2 The role of special advisers

9. The activities and responsibilities of special advisers are currently set out in seven separate documents, which collectively provide a framework within which special advisers may operate.

10. The **Constitutional Reform and Governance Act 2010** gave a statutory basis to the Civil Service Code and the Code of Conduct for Special Advisers, both of which form part of special advisers' terms and conditions of employment. As temporary civil servants, special advisers are bound by the Civil Service Code, but are exempted from those provisions relating to objectivity and political impartiality. They are also exempt from the general requirement that civil servants should be appointed on merit.⁹

11. The **Code of Conduct for Special Advisers** describes the types of tasks that a special adviser may undertake, as well as containing provisions on relations with the permanent civil service, the media and the Government party, and involvement in national politics. The Constitutional Reform and Governance (CRAG) Act requires that the Code contain explicit provisions that a special adviser may not:

- authorise the expenditure of public funds;
- exercise any power in relation to the management of any part of the Civil Service of the State;
- otherwise exercise any power conferred by or under the CRAG or any other Act or any power under Her Majesty's prerogative.¹⁰

12. The **Ministerial Code** provides that "all special advisers must uphold their responsibility to the Government as a whole, not just their appointing Minister" and that "the responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment".¹¹

13. Section three of the Ministerial Code provides that all special advisers must be appointed under the terms of the **Model Contract for Special Advisers** (most recently revised in June 2010). As well as setting out standard terms and conditions of employment, such as pay and leave arrangements, the Model Contract directs the attention of newly-appointed special advisers to certain provisions of the "staff handbook" for their department, particularly in relation to disciplinary procedures, confidentiality and "the constitutional position".¹² (Provisions in staff handbooks are themselves based on the common Civil Service Management Code, adapted as required to the particular structure and circumstances of each department.¹³)

9 Constitutional Reform and Governance Act 2010, section 10

10 *Ibid.*, section 8

11 Cabinet Office, *Ministerial Code*, May 2010, section 3

12 Cabinet Office, *Model Contract for Special Advisers*, June 2010, section 15

13 Constitutional Reform and Governance Act 2010, Part 1

14. In April 2012, following the resignation of Adam Smith, a special adviser at the Department for Culture, Media and Sport, over his conduct in relation to NewsCorp's bid to take over BSkyB, supplementary guidance was issued by the Cabinet Secretary and Head of the Civil Service on the “**principles governing the handling of quasi-judicial decisions by ministers**”. We return to this issue later in the Report.

Tasks and responsibilities

15. Permanent civil servants are required to act at all times with objectivity, honesty, integrity and impartiality. One of the defining characteristics of special advisers is that, unlike permanent officials, they are not bound by a requirement to act impartially, enabling them to take on tasks that are, to a degree, political. The Code of Conduct for Special Advisers opens with an explicit statement that:

The employment of special advisers adds a political dimension to the advice and assistance available to ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support.¹⁴

It continues:

Special advisers are employed to help ministers on matters where the work of Government and the work of the Government Party overlap and where it would be inappropriate for permanent civil servants to become involved. [...] They are an additional resource for the Minister providing assistance from a standpoint that is more politically committed and politically aware than would be available to a Minister from the permanent Civil Service.¹⁵

16. Witnesses suggested that, in practice, this freedom to act in a political and partisan manner could enable special advisers to “unplug political blockages in other departments, or at the centre of Whitehall”, or to help civil servants present their advice more effectively to the Minister.¹⁶ Professor Francesca Gains of the University of Manchester and Professor Gerry Stoker of the University of Southampton cited interviews they had conducted with former special advisers, who had explained how:

in being freed from the requirement to be impartial [...], in their policy advice SpAds can “keep the politics in policy”. Another pointed out “there are certain things you don't want your civil servants doing and someone needs to do it...the party political thing specifically.¹⁷

17. Section three of the Code of Conduct for Special Advisers sets out a more specific list of activities in which special advisers may engage:

The sorts of work a special adviser may do if their Minister wants it are:

14 Cabinet Office, *Code of Conduct for Special Advisers*, June 2010, para 1

15 *Ibid.* para 2

16 Ev 32; Ev 37; Ev 40; Ev 42; Ev 47

17 Ev 37

- i. reviewing papers going to the Minister, drawing attention to any aspect which they think has party political implications, and ensuring that sensitive political points are handled properly. They may give assistance on any aspect of departmental business, and give advice to their Minister when the latter is taking part in party political activities;
- ii. “devilling” for the Minister, and checking facts and research findings from a party political viewpoint;
- iii. preparing speculative policy papers which can generate long-term policy thinking within the Department, including policies which reflect the political viewpoint of the Minister’s Party;
- iv. contributing to policy planning within the Department, including ideas which extend the existing range of options available to the Minister with a political viewpoint in mind;
- v. liaising with the Party, to ensure that the Department’s own policy reviews and analysis take full advantage of ideas from the Party, and encouraging presentational activities by the Party which contribute to the Government’s and Department’s objectives;
- vi. helping to brief Party MPs and officials on issues of Government policy;
- vii. liaising with outside interest groups including groups with a political allegiance to assist the Minister’s access to their contribution;
- viii. speechwriting and related research, including adding party political content to material prepared by permanent civil servants;
- ix. representing the views of their Minister to the media including a Party viewpoint, where they have been authorised by the Minister to do so;
- x. providing expert advice as a specialist in a particular field;
- xi. attending Party functions (although they may not speak publicly at the Party Conference) and maintaining contact with Party members;
- xii. taking part in policy reviews organised by the Party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the review are fully aware of the Government’s views and their Minister’s thinking and policy.¹⁸

18. Professors Gains and Stoker drew attention to special advisers’ ability to extend the reach and capacity of ministers, particularly in relation to engagement with stakeholders.¹⁹ In oral evidence to the Leveson Inquiry into the culture, practice and ethics of the press, Adam Smith indicated that, in the absence of alternative instructions, “as with the projects with which [he] had previously been involved, as Mr Hunt’s special adviser” this (liaising

18 Cabinet Office, *Code of Conduct for Special Advisers*, May 2010, section 3

19 Ev 36

with interested parties) was the role that he had assumed in relation to NewsCorp's bid to take over BSkyB.²⁰

19. In oral evidence, the Minister for the Cabinet Office, the Rt Hon Francis Maude MP, summed up the particular role of special advisers:

Sometimes people talk about special advisers as if all they do is politics and it is a way of getting party-political people inside Government. It is important that ministers should have people close to them in the Department who are not politically restricted in the way that civil servants are. But certainly, in my experience, what you want special advisers to be doing is by no means limited to things that are party political. You want special advisers who totally understand what you are trying to achieve and what the Government are trying to achieve and who are explicitly wedded to the Government's agenda, but you want people who are able to liaise with the party. Some do that more than others, but the main thing you want is advice on how to develop your policy, so providing a challenge but also in helping to get things done. It is by no means limited to being political.²¹

20. The Institute for Government noted in written evidence that:

Since they [special advisers] are paid by the taxpayer, the justification for their existence must be that they help Government function more effectively and in particular help ministers perform their roles.²²

21. We agree with the Institute for Government that the use of special advisers should be justified only on the basis that they improve the effectiveness of Government, and we share our predecessor Committee's view that "special advisers are now an established part of Government".²³

22. We consider that special advisers have legitimate and valuable functions, including protecting the impartiality of the Civil Service, and providing an additional means to ensure that the Government's policy objectives are delivered. For special advisers to be effective, rather than potentially disruptive, ministers, special advisers and officials need to foster a high level of trust in their working relationships. Moreover, we are clear that a special adviser to a Minister must be just that: an adviser, and not an interposed layer of authority between the Minister and his or her civil servants.

Quasi-judicial processes

23. On 25 April 2012, Adam Smith, a special adviser to the Secretary of State for Culture, Olympics, Media and Sport, resigned after it was revealed in evidence to the Leveson Inquiry that he had exchanged hundreds of text messages and emails with Frédéric Michel, the Senior Vice-President of Government Affairs and Public Policy in Europe for

20 Oral evidence from Adam Smith to the Leveson Inquiry, 25 May 2012, morning session (<http://www.levesoninquiry.org.uk/evidence/>)

21 Q 125

22 Ev 51

23 Public Administration Select Committee, Fourth Report of Session 2000–01, *Special Advisers: Boon or Bane?*, HC 293, para 81

NewsCorp, while acting as a “point of contact” with the company on behalf of his Minister, who was tasked with deciding whether or not NewsCorp should be allowed to take over the broadcasting company BSkyB. Under the Enterprise Act 2002, in taking that decision, the Secretary of State was acting in a quasi-judicial capacity. This demanded of him, and his department, the same standards of impartiality and fairness as would be expected of a judge during court proceedings.

24. Mr Smith explained in his subsequent evidence to the Leveson inquiry that “as with the projects with which [he] had previously been involved, as Mr Hunt’s special adviser, [he] assumed the role of managing the relationships with interested parties”.²⁴ He said that he was “aware that Mr Hunt would be acting in a quasi-judicial capacity in relation to the bid, as is required by the Enterprise Act 2002, but it was not explained to [him] how this might impact upon [his] contact with News Corp or any other interested party” and that he had “received no specific instructions as to whether or not there were any limits to the type of information which [he] could provide [to Mr Michel]”.²⁵

25. In his resignation statement, Mr Smith said:

While it was part of my role to keep News Corporation informed throughout the BSkyB bid process, the content and extent of my contact was done without authorisation from the Secretary of State.

I do not recognise all of what Fred Michel said, but nonetheless I appreciate that my activities at times went too far and have, taken together, created the perception that News Corporation had too close a relationship with the department, contrary to the clear requirements set out by Jeremy Hunt and the permanent secretary that this needed to be a fair and scrupulous process.²⁶

26. Jonathan Stephens, the Permanent Secretary at the Department for Culture, Media and Sport, indicated in evidence to the Leveson inquiry that he was “not aware of any guidance which suggests that it is inappropriate for special advisers to be involved in decisions of this sort”, and that he believed that the arrangements in place for contact between the department and NewsCorp were “expected” and “normal”.²⁷

27. On the same day as Mr Smith’s resignation, the Cabinet Secretary, Sir Jeremy Heywood, and the Head of the Civil Service, Sir Bob Kerslake, wrote to all permanent secretaries to “clarify the rigorous procedures that departments should have in place for handling quasi-judicial decisions”. Without ruling out the involvement of special advisers in quasi-judicial processes, the letter stressed that “any meetings or communications with interested parties should be carefully controlled and properly recorded” and that “there should be no private or favoured channels of communication with any one party”. After making it clear that “quasi-judicial decisions are generally for the Minister alone with

24 Witness Statement of Adam Smith to the Leveson Inquiry, page 14, para 45 (<http://www.levesoninquiry.org.uk/evidence/>)

25 *Ibid.* paras 46 and 52

26 *Ibid.* para 266

27 Witness Statement of Jonathan Stephens to the Leveson Inquiry, page 5, para 29; and Jonathan Stephens oral evidence to the Leveson Inquiry, 25 May 2012 afternoon session, page 29 lines 13 and 14 (<http://www.levesoninquiry.org.uk/evidence/>)

contacts normally made through official channels”, in relation to special advisers in particular, the letter stated that:

Decisions of this sort should not be made by reference to political or presentational considerations. This applies regardless of the source of the advice, and that of special advisers is treated in the same way as advice from an official giving internal advice to ministers. If a special adviser is approached by an interested party, he/she should refer the matter to the appropriate official. A special adviser so approached must not give the impression that any particular advice will be determinative when decisions are taken.²⁸

The letter was subsequently published and placed in the Library of the House of Commons on 23 May 2012, in response to a parliamentary question.²⁹

28. Following the revelation of Mr Smith’s role in the BSKyB bid, a number of people expressed surprise at the extent to which a special adviser had been involved in a quasi-judicial process. In a debate on the Ministerial Code on 13 June 2012, John Whittingdale MP, Chair of the Culture, Media and Sport Select Committee, said:

I, too, was once a special adviser in the Department of Trade and Industry at a time of Conservative government in the late ’80s. I was a political adviser and I did not participate in discussions about competition policy as it was felt that political advisers were there to provide political input and it could not be clear what political input would be legitimate in a competition case.³⁰

29. In oral evidence, Michael Jacobs said that he:

personally [could not] imagine having that kind of contact with only one side in a case that was quasi-judicial. That sounds extraordinary to me, and I find the whole texting thing rather extraordinary, because there is an intimacy in texting that is not present in formal emails through your email system, telephone calls and meetings. No, I cannot imagine doing it. I cannot imagine that happening. I found it shocking.³¹

30. Harriet Harman also said in written evidence to us that it was “inconceivable” to her “that a special adviser would be allowed anywhere near a quasi-judicial decision—even in meetings where they were discussed or seeing the relevant papers, let alone being a point of contact for external stakeholders. The whole point about the special adviser is that that they act politically and that is their difference from civil servants”.³²

31. It is axiomatic that ministers or officials acting in a quasi-judicial capacity are expected to act impartially, apolitically, and on appropriate advice. There can be no need in such circumstances for advice from, or for the involvement of, special advisers,

28 Dep 2012/0841

29 HC Deb, 23 May 2012, c700W

30 HC Deb, 13 June 2012, c 354

31 Q 34

32 Ev 53

whose impartiality cannot be assured. The Government should clarify its recent guidance on quasi-judicial decisions to state explicitly that special advisers should not, under any circumstances, be directly involved in such processes. This prohibition should be also reinforced by an amendment to paragraph 7 of the Code of Conduct for Special Advisers, listing involvement in quasi-judicial decisions and processes as a type of work which a special adviser may not undertake, even at the request of his or her Minister.

Central strategic capability

32. We heard evidence that there is a distinct role for special advisers at the centre of Government, “to join up Government and to ensure that the Government’s policy is coherent and is being carried out at departmental level”.³³ Michael Jacobs explained that:

As a special adviser in the Treasury and at 10 Downing St my role was somewhat different from those of advisers in the majority of departments. At the Treasury I was responsible not just for Treasury policy in my fields [...] but for the Chancellor’s and Treasury’s strong interest in other departments’ policies. At No 10 I had almost no direct policy responsibility, but represented the Prime Minister’s active interest in the policies of specific departments in my field [...], and No 10’s role in coordinating policy between departments.³⁴

33. In contrast, Duncan Brack, who was a special adviser to the former Energy and Climate Change Secretary, Chris Huhne MP, until February 2012, noted in an article for *Total Politics* that, under the Coalition “the Prime Minister’s and Deputy Prime Minister’s special advisers spend a good deal of their time managing relations between the coalition partners”, and that “the kind of ‘super-SpAds’ that evolved under the Labour government, usually based in Downing Street or the Treasury, were entirely absent—from the point of view of environmental policy, which requires cross-government action, that’s a drawback”.³⁵

34. When we took evidence recently from the Cabinet Secretary, Sir Jeremy Heywood, on the work of the Cabinet Office, he confirmed that the Policy Unit at Number 10 had been staffed by civil servants, as opposed to special advisers, since the Coalition Government was established. Sir Jeremy said:

If you take the view that you will have one [Policy Unit for both Coalition partners], it has to be able to provide advice to both sides of the Coalition, as it were. It is quite difficult to see how that could be staffed with special advisers. The Prime Minister is not going to take political advice on immigration from a Lib Dem special adviser. The Deputy Prime Minister is not going to take advice from a Conservative special adviser on the Big Society. You are driven to having a more technocratic group of people.³⁶

33 Q 45

34 Ev 39

35 “Being a special adviser under the coalition”, *Total Politics*, 8 May 2012, <http://www.totalpolitics.com/articles>

36 Oral evidence taken before the Public Administration Select Committee on 24 May 2012, HC (2012-2013) 133-i, Q 22

The decision not to have special advisers in the Policy Unit has been widely criticised. Neil O'Brien, the Director of the think-tank Policy Exchange, cautioned that “without strong political link people for each department, Mr Cameron has no early warning radar, and things will go wrong for him—from disasters such as the Health Bill to the smaller rows that could have been avoided”.³⁷

35. *The Telegraph* journalist Sue Cameron suggested that, rather than maintaining an entirely politically-neutral Number 10 Policy Unit, “if the Government is to start pulling itself together, it needs to import into Downing Street some savvy political operators who can spot public relations disasters coming down the track and who will warn ministers instead of blaming civil servants”.³⁸

36. In our recent Report on *Strategic thinking in Government*, we concluded that “there remains a critical unfulfilled role at the centre of Government in co-ordinating and reconciling priorities, to ensure that long-term and short-term goals are coherent across departments”.³⁹ We recommended that:

the Cabinet Office [...] be given the means and influence to act as an effective headquarters of Government, on behalf of the Prime Minister and Cabinet as a whole[...]. We believe that this stronger centre of Government is the only way to promote coherent National Strategy which is supported across all departments.⁴⁰

37. In June 2012, the Government announced the creation of a new “Implementation Unit” within the Cabinet Office, although this is also understood to be staffed entirely by permanent civil servants, formerly from the Treasury.⁴¹ We understand that special advisers from both coalition parties do, in fact, work alongside the Policy Unit, but we are concerned that this arms-length arrangement is insufficient.

38. Special advisers should play an important role in helping to co-ordinate policy and delivery across Government, and they have a legitimate place (alongside permanent officials) in any central strategic or co-ordination unit. We find Sir Jeremy Heywood’s reasons for insisting on staffing the Downing Street Policy Unit solely with civil servants unconvincing. In particular, special advisers are better placed than permanent civil servants to liaise with political parties and to ensure that the political concerns of ministers are appreciated in Downing Street. These are areas where it would often be undesirable or inappropriate for permanent officials to get involved.

Training and induction

39. In its Report *These Unfortunate Events: Lessons of Recent Events at the Former DTLR*, which considered the actions and management of the special adviser Jo Moore on 11

37 “Cameron is in need of political firepower”, *Financial Times*, 15 April 2012

38 “Bashing the bureaucrats can only backfire; Instead of blaming civil servants, the Coalition needs to employ some savvy political advisers”, *The Telegraph*, 17 May 2012

39 Public Administration Select Committee, Twenty-Fourth Report of Session 2010–12, *Strategic thinking in Government: without National Strategy, can viable Government strategy emerge?* para 81

40 *Ibid.* para 74

41 Cabinet Office, *Civil Service Reform Plan*, June 2012, page 17

September 2001, our predecessor Committee expressed concern at the “apparent lack of training for special advisers”, saying:

It is worrying that people in such sensitive and sometimes prominent positions are not, as a matter of course, provided with training in the workings of the civil service, and of Government, and the standards expected of public servants.⁴²

40. More than ten years on from those “unfortunate events”, evidence—such as the recent refusal by special advisers at the Department for Education to use their official departmental email accounts—suggests that little has changed, and that some special advisers still lack a strong sense of what is appropriate and expected behaviour in the public service.⁴³

41. In written evidence, the Cabinet Office told us that:

The induction process for new special advisers is shared by the appointing Minister, the relevant Permanent Secretary and the Propriety and Ethics Team in the Cabinet Office. This involves providing a detailed explanation of the issues covered in the Model Contract and the Code of Conduct, including the declaration of relevant interests and handling conflicts of interest, and the business appointments process. Special advisers have access to training in the same way as permanent civil servants to enable them to carry out their duties effectively. The Government has also introduced a voluntary appraisal system for special advisers to enable them to receive feedback on their performance.⁴⁴

42. This suggests that robust procedures are in place to ensure that special advisers are fully supported and briefed on their new status. Former special advisers from both the current and the previous administration told us that this support was minimal: although “propriety was observed”, in that they had been given copies of the relevant codes of conduct on taking up their posts, “there was no sense of being properly prepared”.⁴⁵ Michael Jacobs, a former special adviser to the Rt Hon Gordon Brown MP when he was Prime Minister, said that:

There is a Code, which you read very carefully and that gives you the outer boundaries of what you can do, [...] but the substantive content of the role was really not explained. There was no job description.⁴⁶

43. James O’Shaughnessy, a Number 10 special adviser between 2010 and 2011, told us that there was:

no sense of, ‘This is a special adviser; here is a programme of things to help you learn what the do’s and don’ts of your job are’. There is no preparation really. It is not that

42 Public Administration Select Committee, Eighth Report of Session 2001–02, *These Unfortunate Events: Lessons of Recent Events at the Former DTLR*, HC 303, para 67

43 Gove faces probe over private emails, *Financial Times*, 19 September 2011; Information Commissioner’s Decision Notice FS50422276, 1 March 2012

44 Ev 55

45 Qq 2, 6, 7, 8

46 Q 2

surprising in a way, particularly after a general election, because you are thrown in. In our case, we had to put the coalition agreement and the programme for Government together within about five days. The idea that you might take a few hours off to do some training is pretty unlikely.⁴⁷

44. Zoe Gruhn, Director of Leadership Development at the Institute for Government, argued that:

What is really important is that, for anyone going into the role, whether in the world of politics or any organisation, you need some preparation. To simply throw them in at the deep end [...] I consider that to be an exceptional waste of taxpayers' money, both in terms of effectiveness and efficiency.⁴⁸

45. The Government should ensure that all special advisers receive induction training within three months of taking up the role. Ministers who are appointing a special adviser for the first time should also be made properly aware by their officials of their special advisers', and their own, responsibilities and obligations. The induction training for special advisers should cover: the structure and work of the relevant department; the scope and meaning of the various Codes of Conduct to which special advisers are subject; the implications of their status as temporary civil servants (including the business appointment rules process, and their obligations under public records and access to information legislation); the nature of their accountability to ministers (and ministers' accountability to Parliament); the role of permanent secretaries in managing the work and reputation of the department as a whole; and where to seek advice and support on propriety issues. This would ensure that all special advisers and their ministers have a shared understanding of what is expected and appropriate behaviour for special advisers.

47 Q 3

48 Q 67

3 Numbers

46. In its 2008 Report *Constitutional Renewal: Draft Bill and White Paper*, a predecessor Public Administration Select Committee concluded that, if legislation were passed to ensure that special advisers could not authorise expenditure or exercise management functions or statutory powers, “there would be no need for Parliament to control the number of special adviser appointments”.⁴⁹ This was subsequently achieved in the wording of section 8 of the Constitutional Reform and Governance Act 2010.

47. Prior to the May 2010 General Election, both the Conservative and Liberal Democrat parties had made commitments to cut the number of special advisers in Government, and these pledges were reflected in the Coalition Agreement by a commitment to “put a limit on the number of special advisers”. Shortly after taking office, the Government revised the Ministerial Code to limit the number of special advisers to two per Minister (plus limited extra advisers for ministers regularly attending Cabinet or with additional ministerial responsibilities).⁵⁰

48. Sixty-six special advisers were initially appointed in May 2010 (twelve fewer than were in post at the end of March 2010). The most recent figures published by the Cabinet Office indicate that there are now 81 special advisers in post (58 Conservative and 23 Liberal Democrat), though the Minister and the Cabinet Office were both keen to emphasise that the numbers were “around the same as they were with the last Government but split between two parties” and that this figure represents a very small proportion (around 2%) of the total Senior Civil Service.⁵¹

49. Professors Martin Smith and David Richards, and Mr Diamond, of the University of Sheffield, endorsed this point, noting that “the notion that at their peak less than ninety-odd political appointees are capable of overwhelming or neutering the power and resources of a bureaucratic machine the size of Whitehall is ill-judged”.⁵²

50. The only witness to argue emphatically in favour of a strict limit on the number of special advisers was the Rt Hon Harriet Harman QC MP, who told us that:

[A strict limit on numbers] is very frustrating for Secretaries of State but I think it is necessary. Without it, Number 10 would be beset with requests for more special advisers from every Minister and having the most special advisers would turn into a virility test for ministers and a ‘badge’ of power within government. Also, the role of the special adviser is dependent on a close relationship with the Minister. If a Secretary of State had a multiplicity of special advisers it would negate that. And it would be unpopular with the public because of the cost to the public purse.⁵³

49 Public Administration Select Committee, Tenth Report of Session 2007-08, *Constitutional Renewal: Draft Bill and White Paper*, HC 499, para 44

50 Cabinet Office, *Ministerial Code*, May 2010, section 3.2

51 Cabinet Office, *Special Advisers in Post at 17 July 2012*, 17 July 2012; Q 88; Ev 55

52 Ev 31

53 Ev 53

51. Professor Martin Smith supported the idea of an eventual upper limit on the total number of special advisers, “so that they are not creating a party civil service next to the traditional civil service”, but he felt that the UK was “a long way from that, so it would not be a concern for me”.⁵⁴

52. In contrast, Zoe Gruhn of the Institute for Government rejected arbitrary limits, arguing that the number of special advisers should be determined purely by need:

What do you need to function properly? What do you need to function properly in Number 10 and each of the Departments? Do not be hung up on actual numbers, because, at the end of the day, it is an organisation; it is a machine that has to work.⁵⁵

In written evidence, Ms Gruhn also noted that “the track record of strict limits is that they are circumvented, which undermines transparency and confidence in the system”.⁵⁶

53. Democratic Audit, an independent research organisation based at the University of Liverpool, shared this concern, suggesting that “a strict limit on the number of special advisers does not seem appropriate. It is more important that those who are employed are properly regulated”.⁵⁷ Democratic Audit drew particular attention to the case of Adam Werritty, whose activities as an unpaid, unofficial adviser led to the resignation of the former Secretary of State for Defence, the Rt Hon Dr Liam Fox MP.⁵⁸ Mr Werritty’s unofficial status meant that he was not subject to any security vetting, nor bound by the terms and conditions within the Code of Conduct for Special Advisers, or the Model Contract.

54. The Committee on Standards in Public Life shared Democratic Audit’s concern, saying:

Ministers are entitled to take advice from whoever they wish, whether or not they have been appointed as special advisers. But the position of such individuals needs to be clearly set out so that they themselves, ministers and civil servants are left in no doubt about the level of access they should be accorded and the activities it is legitimate for them to undertake, particularly where their decisions have implications for security or propriety.⁵⁹

55. There is a clear parallel here with the conclusion reached by our predecessor Committee in its 2010 Report *Goats and Tsars: Ministerial and other appointments from outside Parliament* that there was “little transparency concerning the informal and ad hoc appointments made by government” and that the Cabinet Office should “continue to maintain a list of such appointments and that guidance should be issued to clarify how far ‘tsars’ speak for themselves or for the Government”.⁶⁰

54 Q 52 [Professor Smith]

55 Q 51 [Zoe Gruhn]

56 Ev 52

57 Ev 45

58 Ev 44

59 Ev 34

60 Public Administration Select Committee, Eighth Report of Session 2009–10, HC 330, paras 101–102

56. **Permanent secretaries and ministers’ private offices should be ready to accommodate ministers’ wishes to have access to outside advice, but it is also self-evident that any person—whether paid or unpaid—who has access to Government papers and ministerial meetings should be properly vetted and regulated. Privileges such as access to Government buildings, and to ministerial papers and meetings, must be balanced with clarity for all concerned over individual advisers’ responsibilities and the terms and conditions on which that access is granted.**

Coalition Government

57. We were interested in whether the role of special advisers, or the number required, was different under a coalition from that under a majority administration. Michael Jacobs suggested that having special advisers of both coalition parties either working in, or shadowing the work of, each Government department “makes the process of liaison and discussion between the two parties easier”.⁶¹

58. Professor Martin Smith, of the University of Sheffield, also noted that, in departments where the Secretary of State is from a different party to the Prime Minister, “the natural party link is not there any more” and that special advisers in Number 10 might have a role in “ensuring that link carries on, so that the Prime Minister is not disconnected from a Secretary of State, from a different party, who runs a Department”.⁶²

59. In written evidence, both the Constitution Unit at University College London and the Institute for Government argued that more special advisers were needed under a coalition administration.

60. The Institute for Government argued that additional special advisers were needed “to address imbalances across Government that prevented the smaller coalition partner from having a proportionate voice and an effective role in Government” and “to preserve the [Liberal Democrat] Party’s identity and influence across Whitehall”.⁶³

61. The Constitution Unit was more concerned with the efficiency of Government, citing research from New Zealand which suggested that “multiparty governments require greater time for interparty negotiation. Such negotiations are highly political: special advisers play an important role, relieving the burden on their ministers”.⁶⁴ They argued that the coalition’s efforts to cut down on the number of special advisers was a “false economy” if “ministers felt themselves short of political support and advice” and “special advisers are so overworked that the system can barely cope”.⁶⁵

62. The Minister admitted that:

There was a view before the Coalition was formed that the numbers should be limited, though no one at that stage had thought through the implications in a

61 Q 43

62 Q 46

63 Ev 51

64 Ev 47

65 Ev 48

coalition. You will see from the trajectory that there has been an increase in the number of special advisers, which I think reflects the unusual circumstances of a coalition but I think the numbers are still [...] around the same as they were with the last Government but split between two parties.⁶⁶

63. We note the view of our predecessor Committee that a strict limit on the total number of special advisers is not necessary. We would certainly not wish to create a situation which encourages attempts to circumvent arbitrary rules, or leaves the Government lacking the advice and support that it legitimately requires, but we also note Harriet Harman's point that too many special advisers would negate the personal nature of their appointment and role.⁶⁷

64. The crucial question is not simply the number of special advisers but whether the case can be made for the payment of each individual from the public purse, based on whether the Minister can justify that the tasks the special adviser is engaged to undertake are in the public interest; the need for those tasks to be undertaken by a personal appointee rather than a permanent civil servant; and the person's qualifications and ability to undertake them.

66 Q 88

67 Ev 53

4 Management and accountability

65. The Ministerial Code is explicit that:

The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. Individual ministers will be accountable to the Prime Minister, Parliament and the public for their actions and decisions in respect of their special advisers.⁶⁸

66. Special advisers are temporary civil servants, who are personally appointed by ministers and are exempt from the normal Civil Service requirements for impartiality and appointment on merit. Under the terms of the Constitutional Reform and Governance Act 2010, and the Model Contract for Special Advisers, their appointment ceases when their Minister leaves office. All the special advisers in post in July 2012 are members of the Senior Civil Service, reflecting the degree of their access to ministers and the expectation of their attendance on equal terms with senior permanent officials at policy committees (as well as perhaps acknowledging the salaries that they could have been earning in the private sector).

67. The Government has recently introduced a new, voluntary, performance appraisal system for special advisers “to enable them to receive feedback on their performance”.⁶⁹ In evidence to the Leveson inquiry, which is looking into the culture, practice and ethics of the press, Adam Smith, the former special adviser to the Secretary of State for Culture, Media and Sport, described the new appraisal process:

We were asked by Number 10 to provide five or six individuals. One of them had to be our Secretary of State, another one the Permanent Secretary, and then other than that we could ask either other officials or Coalition colleagues or other special advisers and they would then fill in a form that was then sent in to Number 10.⁷⁰

68. The Minister told us that this move was prompted by “a sense that this is good practice. There ought not to be very many areas of activity now where there is not some form of formal appraisal and performance management. [...] while it might not be incredibly formal, it is very right that there should be some sort of process”.⁷¹

69. In evidence to the Leveson Inquiry, Jonathan Stephens, Permanent Secretary at the Department of Culture, Media and Sport said that “management of special advisers is for ministers who appoint them. That’s set out in both the Ministerial Code and the Code of Conduct for Special Advisers”. He confirmed that “all aspects of discipline, training and supervision are for ministers alone and not for the Civil Service”.⁷²

68 Cabinet Office, *Ministerial Code*, May 2010, para 3.2

69 Ev 55

70 Oral evidence from Adam Smith to the Leveson Inquiry, 24 May 2012 afternoon session, page 61 lines 14–20 (<http://www.levesoninquiry.org.uk/evidence/>)

71 Q 180

72 Jonathan Stephens oral evidence to the Leveson Inquiry, 25 May 2012 afternoon session, page 2 line 20 et seq. (<http://www.levesoninquiry.org.uk/evidence/>)

70. In oral evidence to the Committee, Jeremy Heywood, the Cabinet Secretary, said that “I would expect permanent secretaries to be keeping tabs on whether or not [special advisers’] conduct is satisfactory, and so on. Fundamentally, however, they are working for their Minister. That is the relationship that matters”.⁷³

Job descriptions: clarity and transparency

71. Having heard about the lack of a proper induction process, we were interested in whether special advisers’ individual roles were sufficiently clearly defined to enable their performance to be appraised effectively.

72. The special advisers that we spoke to all agreed that “the lack of job description is about how you go about doing it, not what your aims are”.⁷⁴ Michael Jacobs explained that his Minister had set him “broad objectives” but that he was given “very considerable freedom” to develop policy ideas and that there “was constant checking back” to ensure that “what you are doing is what the Minister wants you to do”.⁷⁵

73. The Minister rejected the suggestion that it might be possible to publish a job description for special advisers, because:

all ministers will want something different from their special advisers and all special advisers will be able to bring something different, and the combination will vary and it will change over time, depending on the shifting pattern of priorities that a Minister has, so a job description would be out of date by the end of next week.⁷⁶

74. The Constitution Unit, however, proposed to us that:

It would [...] help on appointment to have greater clarity over the scope of the special adviser’s authority and duties. Secretaries of State set out the roles and responsibilities of the junior ministers within their Department. It might be possible for the roles of special advisers to be set out in the same announcement.⁷⁷

75. To aid transparency and accountability, information about ministers’ special advisers should appear on departmental websites, including advisers’ names and a description of the policy areas in which they work and the types of tasks they undertake, alongside the equivalent information about ministerial portfolios and the responsibilities of members of the Departmental Management Board. This would make it much easier to tell if a special adviser were acting outside his or her agreed role, and would help Parliament to hold ministers to account for the work of their special advisers.

73 Oral evidence taken before the Public Administration Select Committee, 24 May 2012, Q120

74 Q 15 [Michael Jacobs]

75 Q 17 [Michael Jacobs]

76 Q 124

77 Ev 49

Pre-appointment hearings

76. Pre-appointment hearings before a select committee are currently used in relation to public appointments, particularly for posts which exercise executive powers, such as agency chief executives. In the United States, many political appointees to similar roles must be confirmed in post by a Senate Committee before they can take up the role.⁷⁸

77. Michael Jacobs was in favour of pre-appointment hearings for special advisers as a means to help dispel the “vague air of illegitimacy” surrounding them and to determine individuals’ “fitness for the role”.⁷⁹ Andrew Blick of Democratic Audit agreed, noting that it might be “particularly justified” to subject special advisers to a form of pre-appointment hearing, “given that virtually all regular procedures used for recruitment in the public sector and elsewhere are bypassed for special advisers”.⁸⁰

78. He explained further in oral evidence:

The value of pre-appointment hearings would be to retain the value of the system where the Minister is actually deciding who they get, and this person is working for the Minister, which is what is needed in a special adviser.

At the same time, it would create a backstop so that, somewhere in the mind of the Minister making the appointment, he or she is aware that the person they want to appoint will have to go to a session with a parliamentary committee, which will not be able to block the appointment, as under the current system, but will be able to express views on the suitability of the appointment. That person they are proposing will have to discuss with the committee things like their qualifications, how they came to be in the job or how they might come to be in the job, assuming they were appointed, and what kinds of things they might do in the job. Also, the Minister perhaps should provide some kind of written submission, explaining similarly what they expect that person to do.

That system could act as a deterrent to the appointment of completely inappropriate people. [...] Also, it is some kind of check against that person then going on, in future, to do completely different things from what they said they were going to do in the session with the committee.⁸¹

79. Other witnesses, however, including the Government, disagreed. The Cabinet Office argued:

The Government does not believe that [pre-appointment hearings for special advisers] would be appropriate. Special advisers are temporary civil servants appointed under an exception in Part 1 of the Constitutional Reform and Governance Act 2010 which means that they are excepted from the requirement that their selection is on merit on the basis of fair and open competition. Their

78 United States Constitution, Article II, Section 2

79 Ev 41

80 Ev 45

81 Q 57

appointments are personal to the Minister who made the appointment, and end when the appointing Minister leaves Government or moves to another appointment. Given that special advisers need to take up their roles immediately following a change of administration or Cabinet reshuffle, there would be significant practical difficulties with requiring pre-appointment scrutiny.⁸²

80. There are evident practical difficulties with holding over eighty pre-appointment hearings in the weeks following a General Election, not least that the select committees needed to conduct the hearings are often not appointed for some time after the start of a new Parliament. Moreover special advisers are the private appointees of ministers, not public appointments, and they are debarred by law from having control of public money, managing other officials or exercising executive power. This is in clear contrast to those political appointees who are subject to Senate confirmation hearings in the United States.

81. The Institute for Government argued that pre-appointment hearings for special advisers could “confuse the lines of accountability” since “they are appointed by ministers as personal advisers”.⁸³ Instead, the Institute proposed that committees could be notified of new appointments, and that “post-appointment” hearings could be held with both the Minister and the new adviser shortly after appointment, to examine the “suitability of the special adviser in terms of their career background, their skills capabilities, what is required of them in the role, whether they are matched against that, and how prepared they are in terms of their own training and development”.⁸⁴

82. It does not take much imagination to perceive that some special advisers who have subsequently been forced to resign would have been hard pressed to justify their initial appointment in front of a select committee pre-appointment hearing. However, we accept that the current model of pre-appointment hearings would not be appropriate for special advisers. Not only do special advisers lack the executive authority which defines the roles which are usually subject to such hearings, we share the Institute for Government’s anxiety that such pre-appointment hearings could undermine the nature of special advisers as personal appointees of the Minister, distancing them from accountability to the Minister and implying a degree of autonomy on the part of the adviser, reflected in separate accountability to Parliament.

83. We do, however, believe that greater transparency and scrutiny of appointments which are paid from the public purse but are exempt from the requirement for recruitment on merit is justified and appropriate. We recommend that ministers should therefore notify the relevant departmental select committee whom they have appointed as a new special adviser, as soon as they have decided on the appointment or, in a new Parliament, as soon as the relevant select committee is established. They should include in the notification to the committee a proposed “job description”, setting out the policy areas and types of tasks the special adviser will be expected to carry out, and the special adviser’s relevant qualifications for appointment, including why they believe him or her to be of suitable “standing and experience”. This would

82 Ev 55

83 Ev 52

84 Q 60

enable select committees better to hold ministers to account for the quality and conduct of their special advisers, and would deter ministers from promoting less suitable candidates.

84. Special advisers can of course be called to give oral evidence to select committees, but in the case of their appointment this should not be necessary other than in the most exceptional cases, such as where there are evident and legitimate concerns about his or her character or record. The political views or previous statements of a special adviser are not a legitimate concern of a select committee.

The role of ministers

85. The Code of Conduct for Special Advisers refers throughout to special advisers in relation to “their Minister”. The Ministerial Code also makes clear that ministers are responsible for the “management and conduct” of “their” special advisers, and are accountable to the Prime Minister and Parliament for their special advisers’ actions.⁸⁵ This reflects special advisers’ status as personal appointees of the Minister, and also as civil servants (who constitutionally have no separate existence from the Minister under whose authority they act).

86. Michael Jacobs explained that:

If civil servants, let alone people outside Government, find that you are not actually representing the Minister’s views, you are in real trouble, so you always have to be absolutely sure that what you are doing is what the Minister wants you to do.⁸⁶

87. This position was endorsed by Professors Richards and Smith, and Mr Diamond, of the University of Sheffield, who described the relationship between ministers and special advisers as “symbiotic”, noting that “it is a fundamental element of the relationship that [special advisers] only operate on the Minister’s authority, allowing ministers to be fully responsible for their action. Beyond this, they should have no independent constitutional existence”.⁸⁷

88. The Institute for Government agreed, noting that “ministers do not need to micro-manage special advisers but they should be held responsible and accountable for any unacceptable behaviours and actions by them”.⁸⁸

89. In his evidence, the Minister, however, drew a distinction between a special adviser’s personal responsibility to be aware of, and act in accordance with, the provisions of the various codes of conduct applying to him, and their Minister’s subsequent accountability for his special adviser’s actions:

The point is that compliance with the Code is the responsibility of the individual. They should know what is in the Code, and should comply with it. If evidence comes

85 Cabinet Office, Ministerial Code, May 2010, para 3.3

86 Q 17

87 Ev 32

88 Ev 52

to light of a failure to comply with it, it is the responsibility of the Minister to whom they are accountable, and who is in turn accountable for the special adviser, to deal with it.⁸⁹

90. **Ministers are responsible for directing the work that their special advisers undertake, and for deciding whether their special advisers are performing those tasks satisfactorily. Only the appointing Minister (or the Prime Minister) has the power to dismiss a special adviser. The Ministerial Code is clear that ministers are “responsible”—not simply “accountable”—for their special adviser’s management and conduct. This responsibility is the price of having a special adviser. Ministers who wish to have special advisers must therefore exercise this responsibility actively, ensuring that they are fully aware of what their advisers are doing in their name. They should also ensure that their advisers understand the role they are expected to undertake; the limits on their discretion to act; and the standards of performance that are expected of them.**

91. **We remain concerned, however, that this responsibility has proved to be more theoretical than actual. We cannot recall any minister ever resigning over the conduct of a special adviser, despite some astonishing cases. On the contrary, special advisers have on occasion seemed to be made accountable themselves for the lack of supervision and guidance they should be entitled to expect. To cynics, it might seem that special advisers have sometimes been an insurance policy, available to be cashed in to save ministerial careers. To make ministers accountable for their explicit responsibility under the Code, we reiterate the recommendation made in a previous Report that the Prime Minister’s Adviser on Ministers’ Interests should be empowered to instigate his own investigations of potential breaches of the Ministerial Code (so that the Prime Minister is not able to protect his ministers from appropriate investigation of the conduct of their advisers) and should himself be independently appointed and subject to a pre-appointment hearing.**⁹⁰

The role of permanent secretaries

92. Under the new appraisal process for special advisers, permanent secretaries are expected to provide feedback on the performance of individual special advisers within their department, although the Minister drew a distinction between this role in performance appraisals and “line management”.⁹¹

93. While permanent secretaries do not have any direct responsibility for “the management and conduct” of the special advisers in their departments, they are nonetheless responsible for the management of the department as a whole, and they will inevitably have a role in

89 Q 151

90 Public Administration Select Committee, Twenty-second Report of Session 2010–12, *The Prime Minister’s adviser on Ministers’ interests: independent or not?*, HC 1761

91 Oral evidence from Adam Smith to the Leveson Inquiry, 24 May 2012 afternoon session, page 61 line 16; Q 192 (<http://www.levesoninquiry.org.uk/evidence/>)

overseeing and monitoring the activities of special advisers, arising from special advisers' status as temporary civil servants.⁹²

94. As permanent, and experienced, officials, permanent secretaries are expected to be ready to advise their ministers and official colleagues on all issues of propriety—including the management and conduct of special advisers. Dr Blick, of Democratic Audit, explained the division of responsibilities between ministers and permanent secretaries as follows:

If we are talking about who gets blamed if the Code is violated by the special adviser, it should be the Minister. If we are talking about who makes the special adviser aware of paragraph 7, subsection C of the Code, then that should be the Civil Service end of things.⁹³

95. The Minister explained that:

if something comes to light that the Permanent Secretary is concerned about, the Permanent Secretary should raise it first with the Minister, and if the Permanent Secretary is not satisfied that the matter is being dealt with appropriately, the Permanent Secretary should not be inhibited from raising it with the Head of the Civil Service.⁹⁴

96. Sue Gray, the Head of Propriety and Ethics Team in the Cabinet Office, emphasised that her team was available to provide advice and support to permanent secretaries (as well as other officials, special advisers and ministers) on issues of propriety from a cross-Government perspective.⁹⁵ She explained that, if she became aware of potential impropriety by a special adviser, her first priority would be to “establish some facts”, probably by speaking to the Permanent Secretary.⁹⁶ Permanent secretaries must therefore remain appraised of the “facts” about what special advisers within their department are doing.

97. Permanent secretaries' role as guardians of propriety within their departments (and that of the Cabinet Office in providing advice on propriety issues) is particularly crucial in the early stages of a new administration, particularly when few of the incoming ministers or special advisers have served in Government before. We are not confident that permanent secretaries always act sufficiently robustly in response to possible impropriety. In his evidence to us in relation to the roles of the Head of the Civil Service and the Cabinet Secretary, the then Cabinet Secretary Sir Gus O'Donnell (now Lord O'Donnell) confirmed that Ursula Brennan, the then Permanent Secretary at the Ministry of Defence, had not alerted him to any potential issue with the conduct of Adam Werritty until after Dr Fox had asked her to investigate it.

Q335 Chair: Was Ursula Brennan the first person to raise this with you?

92 Ev 49

93 Q 75

94 Q 103

95 Q 114

96 Q 141

Sir Gus O'Donnell: Yes.

Q336 Chair: What advice did you give her when she first raised it with you?

Sir Gus O'Donnell: That she should investigate it seriously and that this did raise some very fundamental issues. Very quickly, it became apparent that it was better for that to come over to me to establish the facts, because obviously—

Q337 Chair: I was going to ask you if you advised her to investigate it—that would not seem to be necessarily the right solution.

Sir Gus O'Donnell: No, indeed, and it was not me. It was, in fact, the former Secretary of State who asked her to investigate.

Q338 Chair: Is that when she raised it with you?

Sir Gus O'Donnell: Yes.

Q339 Chair: So she did not raise it with you before then.

Sir Gus O'Donnell: That's right.

Q340 Chair: Did you, at any stage, feel that she should have raised it with you beforehand?

Sir Gus O'Donnell: With hindsight, I think it is probably right that this should have come to me earlier, yes.⁹⁷

He later added:

I wish I had been told about this earlier. I wish that somebody had told me, and I would have wanted to go and talk to the Secretary of State.⁹⁸

98. At times, this role as guardians of propriety may require permanent secretaries to anticipate the need for guidance. In evidence to the Leveson inquiry, Jonathan Stephens, the Permanent Secretary at the Department for Culture, Media and Sport, expressed regret that Adam Smith had not been warned about how to deal with lobbyists such as Mr Michel.⁹⁹

99. The imposition of ever more restrictions and rules do not promote high self-esteem, creativity and trust, and would have a negative effect on working relationships. There is no reason to impose further rules, or to change the role of permanent secretaries who are already charged with the responsibility for ensuring that departmental business is conducted with propriety and in accordance with the relevant Codes of Practice and legislation. Positive induction and support for special advisers and ministers should obviate the need for negative intervention later and will promote trust. However, recent

97 Public Administration Select Committee, Nineteenth report of Session 2010–12, *Leadership of change: new arrangements for the roles of the Head of the Civil Service and the Cabinet Secretary*, HC 1582

98 *Ibid*, Q 401

99 Jonathan Stephens oral evidence to the Leveson Inquiry, 25 May 2012 afternoon session, page 48 lines 5–7 (<http://www.levesoninquiry.org.uk/evidence/>)

events have demonstrated that it is imperative for permanent secretaries to be ready to give advice and support on matters of propriety to special advisers and ministers, particularly at the start of a new administration. It should be made explicit that permanent secretaries are responsible for ensuring that any potential problems are addressed without delay. They must take this responsibility seriously, be vigilant and proactive, and ensure that they are aware what the special advisers are doing in the name of their Minister and the department. They should refer any continuing concerns which the Minister fails to address to the Cabinet Secretary. All of the above applies equally to any non-departmental or outside advisers who have regular access to ministers.

Accountability to Number 10

100. On Friday 8 June 2012, *The Times* reported a dispute between Ed Llewellyn, the Prime Minister's Chief of Staff, and Sir Jeremy Heywood, the Cabinet Secretary, over special advisers' lines of accountability. According to *The Times*:

The source made clear that negotiations on the new structures are at a sensitive stage with tensions between politicians and civil servants over lines of accountability. It is believed that Sir Jeremy's preference is to bring them more under the control of permanent secretaries rather than ministers.

However, he is also working on the plan with two special advisers in Downing Street—Ed Llewellyn, Mr Cameron's chief of staff, and Jonny Oates, Nick Clegg's chief of staff. Another option is to make all 83 advisers or at least those at No 10 report to Mr Llewellyn or Mr Oates—a move that would increase the No 10 powerbase.¹⁰⁰

101. James O'Shaughnessy, who worked as a special adviser in Number 10 before leaving Government in 2011, indicated his support for all special advisers having a direct reporting link into the centre of Government, drawing an analogy with cabinet government:

Ultimately, it is cabinet government with ministers appointed by the Prime Minister. It therefore makes sense, I think, for their political appointees to have a similar line through to Number 10.¹⁰¹

102. Michael Jacobs expanded further:

It seems to me that special advisers should have the same relationship with their ministers and the Government as a whole as ministers have, which is that ministers are semi-independent. That is, that they are pursuing the interests of their Department, as they define them, and to some extent themselves, but they are also responsible to and working for the government as a whole. That is a tension of which all ministers will be aware, because ministers are powerful political individuals in their own right and special advisers are the sub-units of ministers. They are not

100 "Top Mandarin to rein in political advisers", *The Times*, 8 June 2012, page 18

101 Q 53 [James O'Shaughnessy]

independent figures in their own right; they belong to the ministers and they are appointed by ministers.¹⁰²

103. In evidence to us, the Minister described the Prime Minister’s Chief of Staff, Mr Llewellyn, as “head of the cadre of special advisers”, and said that special advisers’ performance appraisals “would certainly be reporting, ultimately” to Mr Llewellyn.¹⁰³ He was keen to emphasise, however, that “the primary reporting line must be to the Minister or Secretary of State who appointed [the special adviser]”, although “there should be a sort of dotted line to the centre of Government, for sure”.¹⁰⁴

104. He said that Mr Llewellyn chaired a fortnightly meeting of special advisers from across Whitehall, at which he could “make suggestions of things that it would be useful for special advisers to be doing”, but that “it is mostly about giving and sharing of information” and “it is not a question of giving orders”.¹⁰⁵

105. The Rt Hon Harriet Harman QC MP noted that, if special advisers were directly accountable to Number 10, it

would undermine the basis of their role with their Secretary of State, it would undermine their value in their department as a counterpoint to the power of Number 10 and it would dilute their singular accountability to their Secretary of State. It would mean less supervision of special advisers if Number 10 was responsible for all of them.¹⁰⁶

106. In our inquiry into the Head of the Civil Service, the previous Cabinet Secretary, Lord O’Donnell, told us that one reason for splitting his role between three people was that “I have 36 direct reports, and I don’t think any textbook would say that that’s a very sensible way to run things. That’s too many”.¹⁰⁷ On this basis, it is not clear whether it would even be feasible for one person to have responsibility for all 81 special advisers currently in post.

107. Special advisers have an entirely legitimate role in helping to co-ordinate policy across Government and to resolve political differences between departments in order to deliver the objectives of the Government as a whole. However, the lines of accountability must remain clear: ministers are responsible for the management and conduct of their special advisers, who act in their name. It would not be appropriate for Number 10 or the Cabinet Office to have an explicit role in directing or appraising special advisers appointed by ministers of other departments. In particular, ministers should expect to confide in their special advisers without fearing that every conversation will be reported back to Number 10.

102 Q 53 [Michael Jacobs]

103 Q 181

104 Q 134

105 Qq 186, 189

106 Ev 53

107 Public Administration Select Committee, Twenty-Third Report of Session 2010–12, *Leadership of Change: New arrangements for the roles of the Head of the Civil Service and Cabinet Secretary*, HC 1914, Q 276

5 Conclusion

108. Special advisers are a fixture of British political life, and offer clear benefits to Government by increasing ministerial capacity, protecting Civil Service impartiality and offering perspectives and insights from outside the policy machine.

109. Their position is, however, a sensitive one, heavily dependent on trust between themselves, their ministers and their permanent secretaries. Although they may often be relatively young and inexperienced, special advisers are appointed to senior roles and hold influential positions within the Whitehall structure. They should be people of “experience and standing” who have shown that they are also honest and trustworthy. As we have seen, as well as benefits, special advisers have the potential to cause significant harm if they are not chosen carefully and properly deployed and managed.

110. For such a relationship of trust to work between special advisers, ministers and permanent secretaries, there must be clarity of expectations about tasks and boundaries. Trust is built and sustained when people know and understand the framework within which they have freedom to act, signalling to each person that he or she is trusted to obey the rules and to stay within the framework that limits his or her discretion.

111. Increasing prescription and regulation would only risk undermining trust in the discretion of individuals to act freely without an established framework. It would also tend to generate an atmosphere of suspicion and micromanagement, rather than creative collaboration. As the Minister said, it should not normally be necessary to constantly monitor the way people do their jobs, and it should be possible to trust ministers and special advisers to understand and abide by the framework of codes and principles within which they operate.¹⁰⁸

112. We therefore do not recommend any changes to the existing status of special advisers, except to improve the clarity of expectations through greater transparency around their role, and to strengthen the accountability of ministers for choosing advisers who are demonstrably qualified for the tasks they are expected to perform. Recent events have demonstrated the need for permanent secretaries to remain vigilant of the conduct of special advisers and to be ready to advise ministers when to intervene. We believe that our recommendations, if implemented, would support special advisers, ministers and permanent secretaries in understanding and complying with the various Codes of Practice. In combination with the improved transparency and scrutiny that we propose, this should be sufficient to allay concerns over the activities of special advisers and help to restore public trust.

113. Effective working relationships can only be achieved where there are high levels of trust and mutual respect, so that all are addressing the same challenges, sharing difficulties and concerns, and all are seeking the same positive outcomes. This is crucial for the effective leadership of Government. Mistrust between ministers, officials and advisers is a failure of leadership. It destroys openness, confidence and creativity, undermines mutual respect and divides leadership. In turn this fosters a climate of

108 Qq 95–99

mistrust, lack of respect and low morale throughout the organisation they are seeking to lead. If such mistrust develops, ministers, permanent secretaries and advisers must work together to rebuild trust, though in the final analysis it is for the ministers responsible to determine whatever action is necessary to rebuild trust.

Conclusions and recommendations

Introduction

1. While Number 10 has the final say on the appointment of special advisers, and only the centre can ensure that special advisers get all the career development moves which they need, ministers have the right to insist on particular individuals that they consider appropriate, and Number 10 would show little confidence in a Minister if he or she were forced to accept a particular adviser. (Paragraph 3)

Tasks and responsibilities

2. We consider that special advisers have legitimate and valuable functions, including protecting the impartiality of the Civil Service, and providing an additional means to ensure that the Government's policy objectives are delivered. For special advisers to be effective, rather than potentially disruptive, ministers, special advisers and officials need to foster a high level of trust in their working relationships. Moreover, we are clear that a special adviser to a Minister must be just that: an adviser, and not an interposed layer of authority between the Minister and his or her civil servants. (Paragraph 22)

Quasi-judicial processes

3. It is axiomatic that ministers or officials acting in a quasi-judicial capacity are expected to act impartially, apolitically, and on appropriate advice. The Government should clarify its recent guidance on quasi-judicial decisions to state explicitly that special advisers should not, under any circumstances, be directly involved in such processes. This prohibition should be also reinforced by an amendment to paragraph 7 of the Code of Conduct for Special Advisers, listing involvement in quasi-judicial decisions and processes as a type of work which a special adviser may not undertake, even at the request of his or her Minister. (Paragraph 31)

Central strategic capability

4. Special advisers should play an important role in helping to co-ordinate policy and delivery across Government, and they have a legitimate place (alongside permanent officials) in any central strategic or co-ordination unit. We find Sir Jeremy Heywood's reasons for insisting on staffing the Downing Street Policy Unit solely with civil servants unconvincing. In particular, special advisers are better placed than permanent civil servants to liaise with political parties and to ensure that the political concerns of ministers are appreciated in Downing Street. These are areas where it would often be undesirable or inappropriate for permanent officials to get involved. (Paragraph 38)

Training and induction

5. The Government should ensure that all special advisers receive induction training within three months of taking up the role. Ministers who are appointing a special adviser for the first time should also be made properly aware by their officials of their special advisers', and their own, responsibilities and obligations. The induction training for special advisers should cover: the structure and work of the relevant department; the scope and meaning of the various Codes of Conduct to which special advisers are subject; the implications of their status as temporary civil servants (including the business appointment rules process, and their obligations under public records and access to information legislation); the nature of their accountability to ministers (and ministers' accountability to Parliament); the role of permanent secretaries in managing the work and reputation of the department as a whole; and where to seek advice and support on propriety issues. This would ensure that all special advisers and their ministers have a shared understanding of what is expected and appropriate behaviour for special advisers. (Paragraph 45)

Numbers

6. Permanent secretaries and ministers' private offices should be ready to accommodate ministers' wishes to have access to outside advice, but it is also self-evident that any person—whether paid or unpaid—who has access to Government papers and ministerial meetings should be properly vetted and regulated. Privileges such as access to Government buildings, and to ministerial papers and meetings, must be balanced with clarity for all concerned over individual advisers' responsibilities and the terms and conditions on which that access is granted. (Paragraph 56)

Coalition Government

7. The crucial question is not simply the number of special advisers but whether the case can be made for the payment of each individual from the public purse, based on whether the Minister can the need for those tasks to be undertaken by a personal appointee rather than a permanent civil servant; and the person's qualifications and ability to undertake them. (Paragraph 64)

Job descriptions: clarity and transparency

8. To aid transparency and accountability, information about ministers' special advisers should appear on departmental websites, including advisers' names and a description of the policy areas in which they work and the types of tasks they undertake, alongside the equivalent information about ministerial portfolios and the responsibilities of members of the Departmental Management Board. This would make it much easier to tell if a special adviser were acting outside his or her agreed role, and would help Parliament to hold ministers to account for the work of their special advisers. (Paragraph 75)

Pre-appointment hearings

9. It does not take much imagination to perceive that some special advisers who have subsequently been forced to resign would have been hard pressed to justify their initial appointment in front of a select committee pre-appointment hearing. However, we accept that the current model of pre-appointment hearings would not be appropriate for special advisers. Not only do special advisers lack the executive authority which defines the roles which are usually subject to such hearings, we share the Institute for Government's anxiety that such pre-appointment hearings could undermine the nature of special advisers as personal appointees of the Minister, distancing them from accountability to the Minister and implying a degree of autonomy on the part of the adviser, reflected in separate accountability to Parliament. (Paragraph 82)
10. We do, however, believe that greater transparency and scrutiny of appointments which are paid from the public purse but are exempt from the requirement for recruitment on merit is justified and appropriate. We recommend that ministers should therefore notify the relevant departmental select committee whom they have appointed as a new special adviser, as soon as they have decided on the appointment or, in a new Parliament, as soon as the relevant select committee is established. They should include in the notification to the committee a proposed "job description", setting out the policy areas and types of tasks the special adviser will be expected to carry out, and the special adviser's relevant qualifications for appointment, including why they believe him or her to be of suitable "standing and experience". This would enable select committees better to hold ministers to account for the quality and conduct of their special advisers, and would deter ministers from promoting less suitable candidates. (Paragraph 83)
11. Special advisers can of course be called to give oral evidence to select committees, but in the case of their appointment this should not be necessary other than in the most exceptional cases, such as where there are evident and legitimate concerns about his or her character or record. The political views or previous statements of a special adviser are not a legitimate concern of a select committee. (Paragraph 84)

The role of ministers

12. Ministers are responsible for directing the work that their special advisers undertake, and for deciding whether their special advisers are performing those tasks satisfactorily ministers are "responsible"—not simply "accountable"—for their special adviser's management and conduct. This responsibility is the price of having a special adviser. Ministers who wish to have special advisers must therefore exercise this responsibility actively, ensuring that they are fully aware of what their advisers are doing in their name. They should also ensure that their advisers understand the role they are expected to undertake; the limits on their discretion to act; and the standards of performance that are expected of them. (Paragraph 90)
13. We remain concerned, however, that this responsibility has proved to be more theoretical than actual. We cannot recall any minister ever resigning over the conduct of a special adviser, despite some astonishing cases. On the contrary, special

advisers have on occasion seemed to be made accountable themselves for the lack of supervision and guidance they should be entitled to expect. To cynics, it might seem that special advisers have sometimes been an insurance policy, available to be cashed in to save ministerial careers. To make ministers accountable for their explicit responsibility under the Code, we reiterate the recommendation made in a previous Report that the Prime Minister's Adviser on Ministers' Interests should be empowered to instigate his own investigations of potential breaches of the Ministerial Code (so that the Prime Minister is not able to protect his ministers from appropriate investigation of the conduct of their advisers) and should himself be independently appointed and subject to a pre-appointment hearing. (Paragraph 91)

The role of permanent secretaries

14. The imposition of ever more restrictions and rules do not promote high self-esteem, creativity and trust, and would have a negative effect on working relationships. There is no reason to impose further rules, or to change the role of permanent secretaries who are already charged with the responsibility for ensuring that departmental business is conducted with propriety and in accordance with the relevant Codes of Practice and legislation. Positive induction and support for special advisers and ministers should obviate the need for negative intervention later and will promote trust. However, recent events have demonstrated that it is imperative for permanent secretaries to be ready to give advice and support on matters of propriety to special advisers and ministers, particularly at the start of a new administration. It should be made explicit that permanent secretaries are responsible for ensuring that any potential problems are addressed without delay. They must take this responsibility seriously, be vigilant and proactive, and ensure that they are aware what the special advisers are doing in the name of their Minister and the department. They should refer any continuing concerns which the Minister fails to address to the Cabinet Secretary. All of the above applies equally to any non-departmental or outside advisers who have regular access to ministers. (Paragraph 99)

Accountability to Number 10

15. Special advisers have an entirely legitimate role in helping to co-ordinate policy across Government and to resolve political differences between departments in order to deliver the objectives of the Government as a whole. However, the lines of accountability must remain clear: ministers are responsible for the management and conduct of their special advisers, who act in their name. It would not be appropriate for Number 10 or the Cabinet Office to have an explicit role in directing or appraising special advisers appointed by ministers of other departments. In particular, ministers should expect to confide in their special advisers without fearing that every conversation will be reported back to Number 10. (Paragraph 107)

Conclusion

16. Effective working relationships can only be achieved where there are high levels of trust and mutual respect, so that all are addressing the same challenges, sharing difficulties and concerns, and all are seeking the same positive outcomes. This is

crucial for the effective leadership of Government. Mistrust between ministers, officials and advisers is a failure of leadership. It destroys openness, confidence and creativity, undermines mutual respect and divides leadership. In turn this fosters a climate of mistrust, lack of respect and low morale throughout the organisation they are seeking to lead. If such mistrust develops, ministers, permanent secretaries and advisers must work together to rebuild trust, though in the final analysis it is for the ministers responsible to determine whatever action is necessary to rebuild trust. (Paragraph 113)

Formal Minutes

Tuesday 18 September 2012

Members present:

Mr Bernard Jenkin, in the Chair

Alun Cairns
Charlie Elphicke
Paul Flynn
David Heyes

Kelvin Hopkins
Greg Mulholland
Priti Patel
Lindsay Roy

Draft Report (*Special advisers in the thick of it*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 113 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence, ordered to be reported for publishing on 12 and 26 June, and 5 September, was ordered to be reported to the House for printing with the Report.

[Adjourned till Tuesday 16 October at 9.00 am

Witnesses

Tuesday 12 June 2012

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Michael Jacobs, Visiting Professor, School of Public Policy, London School of Economics, **James O'Shaughnessy**, Director, Mayforth Consulting and **Duncan Brack**, freelance researcher Ev 1

Dr Andrew Blick, Democratic Audit, **Professor Martin Smith**, University of Sheffield and **Zoe Gruhn**, Institute for Government Ev 11

Monday 18 June 2012

Rt Hon Francis Maude MP, Minister for the Cabinet Office and **Sue Gray**, Head of Propriety and Ethics Team, Cabinet Office Ev 30

List of printed written evidence

1	Professor David Richards, Professor Martin Smith and Mr. Patrick Diamond (SPAD 01)	Ev 30
2	Lord Butler of Brockwell (SPAD 02)	Ev 32
3	Committee on Standards in Public Life (CSPL) (SPAD 03)	Ev 33
4	Civil Service Commission (SPAD 04)	Ev 35
5	Professor Francesca Gains (University of Manchester) and Professor Gerry Stoker (University of Southampton) (SPAD 05)	Ev 36
6	Simon Cramp (SPAD 06)	Ev 37
7	Michael Jacobs (SPAD 07)	Ev 39
8	Democratic Audit (SPAD 08)	Ev 41
9	Professor Robert Hazell, Dr Ben Yong, Peter Waller and Brian Walker – The Constitution Unit, University College London (SPAD 09)	Ev 46
10	Institute for Government - Zoe Gruhn & Felicity Slater (SPAD 10)	Ev 50
11	Rt Hon Harriet Harman QC MP (SPAD 11)	Ev 52
12	Steve Bates (SPAD 12)	Ev 54
13	Cabinet Office (SPAD 13)	Ev 54

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2012-13

First Special Report	Public Appointments: regulation, recruitment and pay: Government Response to the Committee's Fourteenth Report of Session 2010-12	HC 18
Second Special Report	Leadership of change: new arrangements for the roles of the Head of the Civil Service and the Cabinet Secretary: Further Report: Government Response to the Committee's Twenty Third Report of Session 2010-12	HC 313
Third Special Report	Strategic thinking in Government: without National Strategy, can viable Government strategy emerge? Government Response to the Committee's Twenty Fourth Report of Session 2010-12	HC 573
First Report	The Big Society: Further Report with the Government Response to the Committee's Seventeenth Report of Session 2010-12	HC 98
Second Report	The Honours System	HC 19
Third Report	Business Appointment Rules	HC 404
Fourth Report	Appointment of the Chair of the Charity Commission	HC 315-I

Session 2010-12

First Report	Who does UK National Strategy?	HC 435 (HC 713)
Second Report	Government Responses to the Committee's Eighth and Ninth Reports of Session 2009-10: Goats and Tsars: Ministerial and other appointments from outside Parliament and Too Many Ministers?	HC 150
Third Report	Equitable Life	HC 485 (Cm 7960)
Fourth Report	Pre-appointment hearing for the dual post of First Civil Service Commissioner and Commissioner for Public Appointments	HC 601
Fifth Report	Smaller Government: Shrinking the Quango State	HC 537 (Cm 8044)
Sixth Report	Who Does UK National Strategy? Further Report with the Government Response to the Committee's First Report of Session 2010-11	HC 713
Seventh Report	Smaller Government: What do Ministers do?	HC 530 (HC 1540)
Eighth Report	Cabinet Manual	HC 900 (HC 1127, Cm 8213)
First Special Report	Cabinet Manual: Government Interim Response to the Committee's Eighth Report of Session 2010-12	HC 1127

Ninth Report	Pre-appointment hearing for the post of Parliamentary and Health Service Ombudsman	HC 1220-I
Tenth Report	Remuneration of the Parliamentary and Health Service Ombudsman	HC 1350
Eleventh Report	Good Governance and Civil Service Reform: 'End of Term' report on Whitehall plans for structural reform	HC 901 (HC 1746)
Twelfth Report	Government and IT — "a recipe for rip-offs": time for a new approach	HC 715-I (HC 1724)
Thirteenth Report	Change in Government: the agenda for leadership	HC 714 (HC 1746)
Fourteenth Report	Public Appointments: regulation, recruitment and pay	HC 1389
Fifteenth Report	Smaller Government: What do Ministers do? Further Report with the Government Response to the Committee's Seventh Report of Session 2010-12	HC 1540 (HC 1746)
Sixteenth Report	Appointment of the Chair of the UK Statistics Authority	HC 910
Seventeenth Report	The Big Society	HC 902
Eighteenth Report	Change in Government: the agenda for leadership: Further Report, with the Government Responses to the Committee's Eleventh, Thirteenth and Fifteenth Reports of Session 2010-12	HC 1746
Nineteenth Report	Leadership of change: new arrangements for the roles of the Head of the Civil Service and the Cabinet Secretary	HC 1582
Twentieth Report	Government and IT—"a recipe for rip-offs": time for a new approach: Further Report, with the Government response to the Committee's Twelfth Report of Session 2010-12	HC 1724
Twenty First Report	Future oversight of administrative justice: the proposed abolition of the Administrative Justice and Tribunals Council	HC 1621
Twenty Second Report	The Prime Minister's adviser on Ministers' interests: independent or not?	HC 1761
Twenty Third Report	Leadership of change: new arrangements for the roles of the Head of the Civil Service and the Cabinet Secretary, Further Report, with the Government Response to the Committee's Nineteenth Report of Session 2010-12	HC 1914
Twenty Fourth Report	Strategic thinking in Government: without National Strategy, can viable Government strategy emerge?	HC 1625