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# Advisers to Ministers

This paper looks at how the use of personal advisers to ministers has developed since 1974, reviews recent developments and examines the recommendations of the Neill Committee on Standards in Public Life. It also looks at the development of task forces as a source of advice to ministers since the 1997 election. The relationship between special advisers and the Government Information and Communication Service is examined, as well as the current structure of the Prime Minister's Office.

The *Government Powers (Limitations) Bill*, a private member's ballot bill introduced by Iain Duncan Smith, is due to be debated on second reading on Friday 7 April. The Bill has clauses relating to political advisers and task forces, as well as other topics beyond the scope of this paper. The Parliament and Constitution Centre in the Library can provide briefings on those topics not covered in this paper.

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## Summary of main points

Although the use of non civil servants as advisers to ministers has been relatively common in the twentieth century, it was not until 1974 that the practice was officially recognised. From then, ministers were allowed to appoint up to two advisers to assist with policy development.

Advisers are appointed directly by ministers and their terms and conditions of service are set out in the Model Contract, published in 1997. They are subject to normal civil service rules, apart from those aspects relating to impartiality and objectivity. The numbers and costs of special advisers have been under scrutiny recently, and the Neill Committee on Standards in Public Life has recommended a new regulatory framework including a special code of conduct for special advisers. Special advisers have also been appointed on a collective basis for the executives in Scotland and Wales. A number of special advisers have had a role in briefing the media.

Particular attention has focused on the role of special advisers in No 10 Downing St. Two special advisers have been appointed there under a special order in council procedure which allows them executive authority over civil servants:- Alastair Campbell as Press Secretary and Jonathan Powell as Chief of Staff. Prime Ministers have also used Policy Units and task forces as a means of securing advice on policy issues. The current structure of the Prime Minister's Office has undergone a number of changes since 1997. The Public Administration Select Committee is undertaking an inquiry 'Making Government Work' which will include an investigation of the development of a stronger centre in No 10 and the relationship between politicians, political appointees and civil servants.

Appointments to government task forces are not subject to the 'Nolan' rules on appointments on merit, and the Neill Committee recommended that task forces in existence for more than two years should be reclassified as advisory non departmental public bodies, and subject to the Commissioner for Public Appointments. The Government has not yet issued a response to the Neill committee recommendations on special advisers and task forces.

A private member's bill, The *Government Powers (Limitations) Bill* is due for debate on second reading on 7 April. It was introduced by Iain Duncan Smith, who came sixth in the private members' ballot. It includes provisions which would limit the number of special advisers and task forces and require both types of appointments to be approved by the relevant select committee.



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## I Introduction

There are three features of the British senior civil service which set it apart from American or European models . These are:

- Accountability through ministers to Parliament
- Selection and promotion on merit, and
- Political neutrality
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Civil servants in the British system are not directly accountable to Parliament, since they are servants of the Crown and owe their loyalty to the government of the day.<sup>1</sup> The doctrine of ministerial accountability makes a neutral and permanent civil service possible. The modern civil service has its origins in the Northcote-Trevelyan report of 1853 which recommended an elite cadre, chosen by examination, and distinct from support staff who would carry out purely executive functions. The civil service is expected to serve governments of different parties with equal loyalty and distinction. In this sense, the role of the special adviser to ministers helps to insulate civil servants from the more political aspects of their work. Such advisers are the only ‘political’ civil servants that the British system of government allows, in contrast, for example, to the *cabinets* appointed by individual ministers in France.

Political/special advisers in their current form date from March 1974 when Harold Wilson decided to allow Ministers to appoint them on a regular basis.<sup>2</sup> However there are examples throughout the twentieth century of Prime Ministers and other ministers using people other than civil servants as policy advisers.<sup>3</sup> In addition, during both world wars temporary civil servants often brought a different flavour to the permanent ethos of the civil service.

The Fulton Committee of 1968<sup>4</sup> welcomed the appointment of some temporary appointments in ministers’ offices :<sup>5</sup>

We are satisfied that a Minister should be able to employ on a temporary basis such small numbers of experts as he personally considers he needs to help and advise him. These should be men and women of standing and experience.

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<sup>1</sup> See the text of the *Civil Service Code* and Research Paper 97/5 *The Accountability Debate: Codes of Guidance and Questions of Accountability for Ministers* for background

<sup>2</sup> Background is given in Chapter 1 of *Inside the Think Tank : Advising the Government 1971-83* by Tessa Blackstone and William Plowden 1988

<sup>3</sup> Lloyd George’ policy advisers were known as the Garden Suburb. See *The Powers Behind the Prime Minister: the Hidden Influence of no 10* 1999 Dennis Kavanagh and Anthony Seldon p45 for details

<sup>4</sup> Cmnd 3638 June 1968

<sup>5</sup> Cmnd 3638 para 129



Fulton considered the possibility of *cabinets* on the continental model, or large scale political appointments, but saw no need for them, in the light of its recommendations on special assistants to ministers and for a Senior Policy Adviser in each department to advise the minister on long term policy developments.

There was some press and parliamentary concern about special advisers in the mid 1970s and an adjournment debate in March 1976, initiated by Ian Gow.<sup>6</sup> The Expenditure Committee report into the civil service<sup>7</sup> explicitly supported the use of such advisers and the option of *cabinets*. They continued to be appointed by Cabinet ministers in the Conservative Government when taking office in 1979, although normally only one was appointed by each minister.

The Treasury and Civil Service Select Committee report of Session 1985-86<sup>8</sup> has a useful list of special advisers appointed up to December 1985 and the backgrounds from which they came; the report itself favoured the use of special advisers and proposed an expansion of the private office into a minister's policy unit:

*Special advisers and cabinets*

5.21. Our first proposal under this heading relates to Ministers' special advisers, who, according to Sir Robert Armstrong, "serve a very useful purpose." Lord Bancroft thought that

"political advisers ... in small numbers, and in a staff not a line capacity, . . . have proved their worth."

Indeed, none of our witnesses was against Ministers having their own advisers around them. Over the last decade they have, as predicted, become "an accepted feature of administration." Sir Robert explained to us that advisers

"are civil servants and they are bound by all the conventions of civil servants."

The difference is that their contracts expire when the government which they serve leaves office.

5.22. We formed the impression from talking to witnesses that in general special advisers and career civil servants have been able to work creatively and harmoniously together. Former civil servants such as Sir Patrick Nairne confirmed that when used properly special advisers have been able to contribute significantly to the effectiveness of Ministers. We believe that advisers and officials could do even better by working more closely together in support of their Minister.

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<sup>6</sup> HC Deb vol 908 23 March 1976 c 362-72

<sup>7</sup> HC 535 1976-77 para 148

<sup>8</sup> HC 92-II ppxlii-liii Each special adviser is listed by name and previous occupation

5.23. At present, Ministers make patchy and unsystematic use of special advisers. They will also have junior Ministers working to them, but not necessarily in full harness with them. Traditionally, however, a Minister's greatest personal resource within his department is his private office. Mr James Callaghan was full of praise for private offices. Mr Edward Heath suggested that they should be expanded to include civil servants from other government departments who could brief Ministers more fully on matters before Cabinet. Ministers need more help in keeping up with the burden of government outside their own departments. Only cabinet Ministers can decide across-the-board issues, yet this collective aspect of decision-making implies a very heavy burden. It is arguably the function that Ministers perform least well. To do it properly, they need some new back-up which could be provided by their own policy unit. The case for providing such a resource for individual Ministers is all the stronger since the abolition of the Central Policy Review Staff. We would also go further in suggesting the expansion of the private office to include other sources of advice to Ministers. We are thus proposing that the British system should edge closer to the European model where each Minister appoints a cabinet to assist him in running his department.

The 1994 Treasury and Civil Service Committee report on the civil service<sup>9</sup> also supported the work of special advisers, recommending a review by the Efficiency Unit; it did not explicitly support the *cabinet* model, however.

214 Another issue which was explored during this inquiry was the role of political advisers to Ministers. The Fulton Committee welcomed the appointment of professional experts and advisers by Ministers and considered that the practice should be put on a regular and clearly understood basis. In 1977 the Expenditure Committee argued that the installation of special advisers should become an accepted feature of administration and recommended that their number should no longer be limited to two per Cabinet Minister. The then Government agreed with the former proposition, but said that "the working rule of the present Administration is that Cabinet Ministers should normally appoint no more than two special advisers", although "the rule is not immutable". The value of political advisers, both in enabling Cabinet Ministers to consider policy issues being discussed collectively which did not directly affect their Department and in ensuring that career civil servants were not asked to undertake party political activities, was affirmed by several witnesses. Their value appears also to have been accepted by career civil servants, although the FDA expressed concern about their role and the weight given by Ministers to the advice they offered. A more frequent criticism was of the present Government's approach to the number of political advisers, under which "it is unusual for Cabinet Ministers to be permitted the support of more than one political adviser". Professor Hennessy considered this to be "a false economy", a view shared by Lord Jenkins, Lord Howe and Dr William Plowden. A number of people, including Lord Callaghan

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<sup>9</sup> HC 27 Session 1993-94

and Lord Howe, also believed that the abolition of the Central Policy Review Staff had removed a valuable resource from Ministers, which could beneficially be recreated in some form.

215 In 1986 the Government indicated that it did not propose any central initiative in relation to support for Ministers, but noted that "there may be scope for the further development of existing arrangements by interested Ministers (subject to detailed discussion with their Permanent Secretaries and as necessary with the Prime Minister)". Lord Callaghan's personal initiative in appointing an additional assistant Private Secretary on issues across Government following his move from the Treasury to the Home Office represents one such example. Mr Waldegrave, like one of his predecessors, believed that it was part of a Minister's job to ensure that he had time for strategic thinking despite the pressures of work. We perceive significant advantages in some of the proposals for change which have been advanced, but are also aware of some of the arguments against some particular models, and we may well return to this matter in future. We are struck by the lack of systematic analysis which appears to have been undertaken of the central aspect of this issue: the Ministerial role itself. Sir Roger Douglas, a former New Zealand Finance Minister, described the need for new Ministerial skills which had arisen as a result of public service reforms in that country. At times, the impression appears to be given in this country that Ministers themselves are unaffected by the reforms of the public sector which they have introduced. The number of Ministers has risen since 1979, at a time when the Civil Service has shrunk dramatically and when the Government has been committed to reducing the role of the State. The Prime Minister stated in June 1994 that he had given no consideration to reducing the total number of Government Ministers. We are aware that there are many considerations besides the work arising from the activities of the Civil Service which help to determine the role and workload of Ministers, but we do not believe it would be helpful to the reform of the Civil Service if the impression were to gain currency that Ministerial functions were exempt from the Government's reform agenda. **We recommend that the Efficiency Unit carries out a scrutiny of the effectiveness and efficiency of the work of Ministers and support for Ministers.**

In the event, no organisational moves were made to implement the committee's proposals, and the Neill Committee report *Reinforcing Standards*<sup>10</sup> noted that the number of special advisers had not varied much for 20 years before 1997.<sup>11</sup> At the beginning of 1997 there were 38 in post.

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<sup>10</sup> Cm 4557 January 2000

<sup>11</sup> A Cabinet Office memorandum to the Public Service Committee in December 1996 dealt with the rules about the political activities of special advisers. HC 153 1996-97 pp1-6 following concerns relating to alleged inappropriate use of civil servants

## II Special Advisers - Conditions of Service

In practice, there are two categories of special advisers, political and technical. Until 1997 the Cabinet Office guidance on special advisers specifically alluded to the two categories.<sup>12</sup> Most attention is directed towards political advisers. In addition, unpaid advisers may be appointed, although these do not become civil servants, and are not subject to civil service terms and conditions. Appointments are made personally by the minister, after the approval of the Prime Minister has been obtained, and are normally made only by Cabinet Ministers.

Special advisers are subject to the same terms and conditions as civil servants, except that their tenure ends with the change of government or minister, as set out in the model contract for special advisers published in 1997:<sup>13</sup>

13b. Your employment will terminate:

i at the end of the present Administration; or

when [name of appointing Cabinet Minister] leaves the Government or moves to another appointment; or

iii in the event of a General Election, on the day after Polling Day.

When the termination of your employment results from any of these circumstances or when you resign:

a. in order to comply with the Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly Candidature) Order 1987 on becoming publicly identified as a candidate or prospective candidate for election; or

b. in order to take part in a General, European or By-Election campaign or to help in a Party headquarters or research unit during such a campaign

you will receive a severance payment subject to your agreement that, should you be reappointed you will receive only an amount equivalent to that which your salary would have been during the period of any gap between the two periods of employment.

Special advisers are also governed by the same rules as for ministers in relation to access to a previous administration's papers, and are subject to the *Civil Service Code*<sup>14</sup>, except for those aspects of paras 1 and 5 which relate to the impartiality and objectivity of the civil servants

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<sup>12</sup> *Special Advisers* Dep 3/4673 Cabinet Office April 1996

<sup>13</sup> Dep 3/50 19 May 1997 This replaced earlier model letters of appointment

and those in para 9 which relate working with future administrations and potential future ministers. Security clearance is required before access to sensitive material and special advisers are subject to the *Official Secrets Act 1989*. Their role in offering advice is set out below in the model contract:

Special Advisers are appointed to advise the Minister in the development of Government policy and its effective presentation. It is in these two areas of activity that the Government and the Party overlap:

the Civil Service has no monopoly of policy analysis and advice. The Government takes account of inputs from many sources of which the Government Party is legitimately one. Although public funds and resources must not be used to support such an input, the Government may need to interact with the Party, as it does with others, to obtain a full and accurate understanding of the Party's policy analysis and advice,

the Government needs to present its policies and achievements positively, in order to aid public understanding and so maximise the effectiveness of its policies, and that is a legitimate use of public funds and resources. It would be damaging to the Government's objectives if the Government Party took a different approach to that of the Government itself, and the Government will therefore need to liaise with the Party to make sure that Party publicity is factually accurate and consistent with Government policy. To secure this consistency, the Government will also want to make sure that Party MPs and officials are suitably briefed on issues of Government policy.

In providing a channel of communication in these two areas of Government/Party overlap, Special Advisers paid from public funds have a legitimate role in support of the Government's rather than the Party's interest, which they can discharge with a degree of party political commitment and association which would be impermissible for a permanent civil servant.

(iv) Special Advisers will discharge this role by carrying out such of the following duties as their Minister may require (note: this list may be amended from time to time):

reviewing papers as they go to the Minister, drawing attention to problems and difficulties, especially ones having party political implications, and ensuring sensitive political points are handled properly;

"devilling" for the Minister, and checking facts and research findings;

preparing speculative policy papers which can generate longterm policy thinking within the Department;

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<sup>14</sup> See Research Paper 97/5 *The Accountability Debate: Codes of Guidance and Questions of Procedure for Ministers* for background on the Civil Service Code

contributing to policy planning within the Department, contributing ideas which extend the existing range of options available to the Minister;

liaising with the Party, including the Party's own research department, 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;

helping to brief Party MPs and officials on issues of Government policy;

liaison with outside interest groups to assist the Minister's own access to their contribution;

speech writing and related research, including adding party political content to material prepared by permanent civil servants;

providing expert advice as a specialist in a particular field.

(v) In this connection, Special Advisers may:

attend Party functions (but they may not speak publicly to the Party Conference) and maintain contact with Party members;

take 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. It is not open to Special Advisers in such a connection to advocate policies going beyond or departing from those of the Government as a whole;

when appropriate, including when their Minister is taking part in Party political activities, advise on any departmental business that may arise.

(vi) In all contacts with the Party, Special Advisers must observe normal Civil Service rules on confidentiality unless specifically authorised, in a particular instance, by their appointing Cabinet Minister.

(vii) Special Advisers must not take part in the work of the Party's national organisation; and although they may continue, during Elections, to give specialist or political advice to their Ministers they must be careful not to take any active part in the campaign going beyond the provision of such advice.

(viii) Special Advisers must not take public part in political controversy (either through speeches or in letters to the Press, or in books, articles or leaflets), must observe discretion and express comment with moderation, and avoid personal attacks; and they would not normally speak in public for their Minister or the Department.

The rules governing the involvement of Special Advisers in a private capacity in national and local political activities are set out in Part 2 of Schedule 1.

The *Ministerial Code*<sup>15</sup> states:

**Special Advisers**

48. The employment of Special Advisers on the one hand adds a political dimension to the advice available to Ministers, and on the other provides Ministers with the direct advice of distinguished "experts" in their professional field, while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support. Cabinet Ministers may each appoint up to two Special Advisers ("political" or "expert"). All appointments require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. All such appointments should be made, and all Special Advisers should operate, in accordance with the terms and conditions of the Model Contract promulgated by the Prime Minister on 19 May 1997.

**Unpaid advisers**

49. The appointment of an unpaid adviser is a personal appointment by the Minister concerned and there is no contractual relationship between such an adviser and the Department. Such appointments carry no remuneration or reimbursement from public funds. In making an appointment Ministers must ensure that there is no conflict of interest between the matters on which the unpaid adviser will be advising and their private concerns. The normal rules of confidentiality also apply. The prior written approval of the Prime Minister should be sought for all such appointments before commitments are entered into.

The Neill Committee report suggested that where two advisers were employed by one minister, one adviser tended to concentrate on policy issues and the other on presentational issues, including direct briefing to the press.<sup>16</sup> It considered that

6.32 ...Because of the dual nature of a special adviser as a personal, political appointee of a Minister but subject also to control by the Permanent Secretary through adherence to the Civil Service Code, the lines of accountability and ownership can appear less than clear.

However, the Committee concluded that it was appropriate to use public funding for special advisers since advice on the political implications of policy was a necessary and proper component of the service to ministers<sup>17</sup>

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<sup>15</sup> This was published in May 1997. It was previously known as *Questions of Procedure for Ministers*. See Research Paper 97/005 *The Accountability Debate: Codes of Guidance and Questions of Procedure for Ministers* for further details

<sup>16</sup> para 6.18

<sup>17</sup> para 6.44

### III Appointments Process for Special Advisers

Special advisers are appointed directly by ministers. The process was summarised by the Neill Committee in *Reinforcing Standards*:<sup>18</sup>

#### **The Framework for the Activities of Special Advisers,**

6.9 There are four kinds of document that set the framework within which special advisers operate:

The Ministerial Code

Orders in Council

The Model Contract for Special Advisers

The Civil Service Code

6.10 The present general arrangements for appointing special advisers are set out in the Ministerial Code. Having outlined the thinking behind the appointment of special advisers (see paragraph 6.2 above) the code continues:

*Cabinet Ministers may each appoint up to two Special Advisers ('political' or 'expert'). All appointments require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. All such appointments should be made, and all Special Advisers should operate, in accordance with the terms and conditions of the Model Contract promulgated by the Prime Minister on 19 May 1997.*

6.11 The number of special advisers varies from department to department. On one hand, there are some Cabinet Ministers with only one special adviser but, on the other hand, 25 special advisers have been appointed by the Prime Minister to Number 10. The precise application of the Code to the Prime Minister is not entirely apparent: as the Code is addressed by the Prime Minister to his ministerial colleagues, it is not clear whether it can be used to regulate the number of special advisers appointed to his office. At a recent count five Cabinet Ministers employed more than two special advisers - the Deputy Prime Minister had four, including two who worked part-time; the Chancellor of the Exchequer had four including three members of the Council of Economic Advisers; the Secretary of State for Education and Employment employed four, including two who worked part-time; the Minister for the Cabinet Office had four including the UK Anti-Drugs Co-ordinator and his deputy; and the Secretary of State for Scotland had appointed three, including one who was unpaid and part-time.

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<sup>18</sup> Cm 4557 January 2000



6.12 Under an amended Order in Council,<sup>19</sup> executive powers over civil servants can be given to up to three special advisers, all at Number 10. (in practice this power has been conferred on only two individuals, Mr Alastair Campbell, the Chief Press Secretary, and Mr Jonathan Powell, the Chief of Staff.) We discuss this issue further in paragraphs 6.55-6.57.

6.13 A further amendment in 1999 allowed for up to 12 special advisers to be appointed by members of the Scottish Executive and up to four by a Welsh Assembly Secretary. Of these, nine have been appointed in Scotland and four in Wales.

6.14 The Model Contract was established in May 1997 as the basis for the employment of special advisers, superseding the previous system by which special advisers received only letters of appointment.

The posts of special advisers are not publicly advertised, since they are made only for the life of a particular administration.<sup>20</sup> An industrial tribunal hearing considered the issues when a case was brought against the Lord Chancellor for possible discrimination in the appointments process. The tribunal found that the Lord Chancellor was guilty of indirect sex discrimination, but according to press reports the Lord Chancellor said that he would appeal.<sup>21</sup> The decision was made by a tribunal and therefore does not set a legal precedent.

There was one significant difference in the terms and conditions in special advisers prior to 1995/6; they were not subject to the requirements on civil servants leaving the service to report offers of employment. The Nolan Committee report *Standards in Public Life*<sup>22</sup> recommended that special advisers be brought within the existing framework. The Government accepted this recommendation in its response to Nolan,<sup>23</sup> subject to timing. It considered that special advisers should continue to serve on the terms upon which they entered Government.<sup>24</sup>

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<sup>19</sup> See below for details about the Orders in Council

<sup>20</sup> But see below for the initiative by Rhodri Morgan, the new First Secretary of the National Assembly for Wales

<sup>21</sup> *Daily Telegraph* 21 May 1999 'Irvine criticised over appointment of friend as adviser'

<sup>22</sup> Cm 2850 May 1995 paras 69-70

<sup>23</sup> The Government's response to the First Report from the Committee on Standards in Public Life, Cm 2931, July 1995

<sup>24</sup> Response to Recommendation 31

## IV Numbers and Costs of Special Advisers

### A. Current Numbers and Costs

A recent series of parliamentary answers set out the current numbers and costs of special advisers as follows:<sup>25</sup>

**Mr. Evans:** To ask the Minister for the Cabinet Office how many special advisers are employed by each Government Department, including the Prime Minister's Office; and how many there were in 1995-96, 1996-97, 1997-98 and 1998-99.

**Marjorie Mowlam:** For the numbers of Special Advisers currently in post, I refer the hon. Member to my answer to his question 98192.

The information requested for earlier years is as follows:

Year	Number of Advisers
1995-96	38
1996-97	38
1997-98	70
1998-99	72

**Mr. Evans:** To ask the Minister for the Cabinet Office if she will list the special advisers currently employed by each Government Department, including the Prime Minister's Office, and their previous employment.

**Marjorie Mowlam:** For details of the Special Advisers employed in the Prime Minister's Office, I refer the hon. Member to the answer provided to the hon. Member for Truro and St. Austell (Mr. Taylor) on 25 June 1999, *Official Report*, columns 478-80. Since then, he has appointed Bob Bartram, Ed Richards and Catherine Rimmer. Special Advisers appointed by me and other Cabinet colleagues are as follows:

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<sup>25</sup> HC Deb 11 November 1999 c825-828w

Department	Special Advisers
Chief Whip	Ian McKenzie Sue Jackson
Minister of Agriculture, Fisheries and Food	Kieran Simpson Jack Thurston
Secretary of State for Culture, Media and Sport	Andy Burnham
Secretary of State for Defence	Alasdair McGowan
Secretary of State for Education and Employment(1)	Conor Ryan Sophie Linden(4) Tom Engel(4) Nick Pearce
Deputy Prime Minister	Joe Irvin Paul Hackett(4) Joan Hammell Adrian Long
Secretary of State for Foreign and Commonwealth Affairs	David Clark Andrew Hood
Secretary of State for Health	Simon Stevens Darren Murphy
Secretary of State for the Home Department	Ed Owen Justin Russell
Lord Chancellor	Garry Hart
Secretary of State for International Development	David Mepham Dee Sullivan
Leader of the House of Lords and Minister for Women	Clare Cozens Jo Gibbons
Minister for the Cabinet Office(2)	Nigel Warner Andrew Lappin
President of the Council and Leader of the House of Commons	Sheila Watson Nicci Russell

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Secretary of State for Scotland	Richard Olszewski Michael Elrick Prof.Mike Donnelly(5)
Secretary of State for Social Security	Andrew Maugham Elsbeth Johnson
President of the Board of Trade	Dan Corry Jo Moore(4)
Chancellor of the Exchequer(3)	Ed Balls(6) Ian Austin
Chief Secretary	Spencer Livermore Ed Miliband
Secretary of State for Wales	Prof Hywel Francis

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(1) In addition, Professor Michael Barber has been appointed as the Standards and Effectiveness Adviser to the Secretary of State for Education and Employment.

(2) In addition, the Minister for the Cabinet Office has appointed Keith Hellawell as the UK Anti-Drugs Co-ordinator and Michael Trace as the Deputy UK Anti-Drugs Co-ordinator on special adviser terms.

(3) In addition, the Chancellor of the Exchequer has appointed Chris Wales, Paul Gregg and Shriti Vadera as Members of the Council of Economic Advisers.

(4) Part-time.

(5) Part-time and unpaid.

(6) Chief Economic Adviser.

Details about an individual's previous employment are confidential in order to protect the privacy of the individuals concerned.

**Mr. Evans:** To ask the Minister for the Cabinet Office what is the total cost of special advisers currently employed by each Government department and by the Prime Minister's Office; and what was the total cost for each year from 1995-96 to 1998-99.

**Marjorie Mowlam:** The costs of Special Advisers within each department are confidential in order to protect the privacy of the individuals concerned.

The estimated cost in 1999-2000 of Special Advisers in No.10 is £1.5m. The estimated cost of departmental Advisers is £2.4m.

The total costs of Special Advisers in the years requested are as follows:

1995-96 £1.5m

1996-97 £1.8m

1997-98 £2.6m

1998-99 £3.5m

A revised pay system for special advisers came into effect on 1 December 1998; arrangements are supervised by the Special Advisers Remuneration Committee.<sup>26</sup> The three pay bands are designed to differentiate between levels of experience and contribution to policy issues. Another parliamentary answer set out these pay bands applicable to special advisers:<sup>27</sup>

**Lord Acton** asked Her Majesty's Government:

What are the increases to the Special Adviser pay bands for 1999-2000; and how many advisers are in each pay band by department. [

**The Minister of State, Cabinet Office, (Lord Falconer of Thoroton):** The minima and maxima of the Special Adviser pay bands have each been increased by 2.8 per cent. with effect from 1 April 1999, the same increase as for the Senior Civil Service pay bands. The three pay bands are now:

Band A--£26,728 to £46,260

Band B--£41,120 to £61,680

Band C--£55,512 to £78,186

The number of Special Advisers in each pay band is as follows:

Department	Number in Bands		
	A	B	C
No. 10(1)	3	10	7
Agriculture, Fisheries & Food	1		
Cabinet Office(2)		2	1
Chief Whip's Office		2	
Culture, Media & Sport	1	1	
Defence		1	1
Education & Employment(3),(4)	2	1	
Environment, Transport & the Regions(5)		3	1
Foreign & Commonwealth Office		2	
Health		1	1
Home Office		2	
International Development	2		
Leader of the House of Lords		2	
Lord Chancellor's Department			1
Northern Ireland Office	2		
President of the Council	1	1	
Scottish Office(6)		1	
Social Security		1	1
Trade & Industry		2	

<sup>26</sup> *Special Advisers Pay System* Cabinet Office November 1998 available from Cabinet Office website [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)

<sup>27</sup> HL Deb vol 603 5 July 1999 c72WA

HM Treasury(7), (8)	1	1	1
Welsh Office	2		
Total	15	33	14

(1) Plus Jonathan Powell and Alastair Campbell, who are paid outside the band structure, and Iain Anderson, who is an unpaid adviser.

(2) Plus Keith Hellowell, UK Anti-Drugs Co-ordinator, who is paid outside the band structure.

(3) Plus Michael Barber, the Standards and Effectiveness Adviser.

(4) Includes two part-time posts; one additional adviser has been appointed at a salary to be determined.

(5) Includes two part-time posts.

(6) One additional adviser has been appointed at a salary to be determined.

(7) Plus the three members of the Council of Economic Advisers (two in Band C and one in Band B; one of them part-time).

(8) One additional adviser has been appointed at a salary to be determined.

Individual salaries are not disclosed in order not to breach the privacy of the person concerned. This approach was also followed by the previous Conservative government. However, the salaries of Jonathan Powell and Alastair Campbell have been made public as they are paid outside the normal salary ranges, due to their additional executive responsibilities. In 1999-2000 they were each paid £93,562.<sup>28</sup> Keith Hellowell, the UK Anti-Drugs Co-ordinator, receives £109,027 in line with his previous earnings as Chief Constable of West Yorkshire Police.<sup>29</sup>

## B. Neill Committee recommendations on numbers

The Neill Committee noted the variation in the number of advisers from department to department, finding that five Cabinet ministers employed more than two advisers, despite the advice in the *Ministerial Code* that numbers should be limited to two per minister.<sup>30</sup> It considered the arguments for limiting the overall numbers of advisers, noting that the *Civil Service (Amendment) Order in Council 1999* had set a precedent for Scotland and Wales. This Order limited the number of advisers for the Scottish and Welsh administrations, and is considered below. The Neill Committee conclusions were as follows:

**R18. The Ministerial Code should be amended to reflect the fact that in certain circumstances more than two special advisers per Cabinet Minister may be appointed. The Prime Minister may wish to set out in the Code the criteria which should be applied if the limit is to be exceeded.**

<sup>28</sup> HC Deb vol 337 c423w

<sup>29</sup> *Special Advisers' Pay* from [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)

<sup>30</sup> para 6.47

6.52 We believe, however, that additional provisions are needed. We have already noted in paragraph 6.11 that there are uncertainties about the applicability of the Code to the Prime Minister's Office. More importantly, we believe that a degree of Parliamentary scrutiny should be brought into the process. As explained above, there is already the precedent set by the Ministerial and other Salaries Act 1975. Although the Scottish and Welsh limits have been set by Order in Council, this mechanism does not allow for Parliamentary debate.

6.53 We therefore believe that a limit on the numbers of special advisers should be included in the proposed Civil Service Act (see Chapter 5). Any future statutory limit would need to be in a sufficiently flexible form to allow the Government to seek a variation when necessary, subject to approval by affirmative resolution. We emphasise that we are not calling for any particular numerical limit, only that such a limit should be set, and that there should be a mechanism whereby Parliament's role in holding the Executive to account can be exercised.

6.54 Given that the enactment of Civil Service legislation will not come immediately, we suggest that interim arrangements should be made for Parliamentary debate.

**R19. The proposed Civil Service Act should contain a provision limiting the total number of special advisers that can be appointed within Government. Any increase beyond that figure should be made subject to affirmative resolution of both Houses of Parliament.**

R20. Pending the enactment of the Civil Service Act, the Government should put before both Houses of Parliament for debate a limit on the total number of special advisers that can be appointed within Government.

## V A new regulatory framework for special advisers?

The Neill Committee concluded that the 1997 model contract did not meet in full the requirements for accountability and made a series of recommendations:<sup>31</sup>

6.59 One of the Committee's Principles of Public Life is particularly at issue in this case: that of Accountability. This principle would seem to require that there should be a document or documents against which the public, and those who are responsible for maintaining propriety, can measure conduct. MPs have their own code of conduct, as do Ministers and civil servants. These promote accountability by setting out clearly the standards expected of their public office-holders. We considered whether the framework for the activities of special advisers promotes accountability in the same way.

6.60 Although the Model Contract sets out the parameters for the role of special advisers, and Lord Butler told us that it was "*actually meant to provide a code*", it does not meet in full the requirements for accountability. Special advisers are employed according to individual contracts which are personal to the advisers

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<sup>31</sup> Cm 4557

themselves; only on rare occasions are these documents made public. It is understood that there are variations from the Model Contract in the individual contracts of a number of special advisers, but there is no way of confirming whether these variations are minor or substantial. Thus there is no single public point of reference for anyone seeking to hold a special adviser to account.

6.61 In trying to set out (in Schedule 1 (1)) the detailed ways in which special advisers do their work, the Model Contract risks losing credibility. For instance, the list of tasks makes no reference to briefing of the media, which, for a number of special advisers, is an important part of their work. As Sir Richard Wilson told us, “not just under this Government, but under previous governments in my experience, political advisers have spoken to and briefed the media”. It could be argued that this omission from the list of possible special advisers’ duties undermines the authority of the Model Contract, and that the position needs to be regularised to prevent any accusation that advisers are engaging in activities which go beyond their contracts.

6.62 As already noted in paragraph 6.19, special advisers are not required to observe the Civil Service Code in respect of the very important elements of impartiality and objectivity. The relevance of the code in this case must be diminished when such central principles are excluded from its application.

6.63 In addition, the usefulness of the present regulatory framework for special advisers is diminished by its complexity; a Model Contract which is a mix of broad principle and lists of specific tasks is supplemented by the application of parts of a code originally intended for career civil servants. On grounds of clarity, a case can be made for these two documents to be replaced by a single code, applicable to all special advisers and encapsulating the main principles of their employment. We discuss below the question whether such a code should be established.

**R22. There should be a separate code of conduct for special advisers. The special advisers’ code should:**

- (a) consolidate appropriate elements of the Civil Service Code, the Model Contract and paragraph 56 of the Ministerial Code, which sets out the duty to uphold the political impartiality of the Civil Service and other obligations;**
- (b) include a section on the direct media contacts of special advisers, making clear the nature of the role that they play in relation to the work of Civil Service information staff and in particular the role of the departmental head of information, as set out in the Guidance on the Work of the Government Information Service published in July 1997;**
- (c) be enforced by permanent heads of department.**

**R23. The Government should include in the contracts of employment of all future special advisers a clause requiring the special adviser to abide by the terms of the special advisers’ code, and the Model Contract and the Civil Service Code should not apply to them. The Government should also ensure that existing special advisers abide by the terms of the special advisers’ code.**

**R24. The special advisers’ code should be included in the proposed Civil Service Act.**

**R25. Pending the enactment of the Civil Service Act, a draft of the proposed Code should be tabled in both Houses of Parliament for debate.**



The Government have yet to make a response to the Neill Committee recommendations. The Public Administration inquiry 'Making Government Work' is expected to look at the role of special advisers in the next few months.<sup>32</sup>

## VI Special Advisers in Scotland and Wales

A special order in council, made in March 1999, allowed the employment of up to 12 special advisers in Scotland and four in Wales. Further detail about the order was given in the following parliamentary answer:<sup>33</sup>

**Lord Harris of Haringey** asked Her Majesty's Government:

What arrangements they plan to make for the appointment of Special Advisers following devolution for Scotland and Wales.

**The Lord Privy Seal (Baroness Jay of Paddington):** An amendment has been made to the Civil Service Order in Council to allow for the appointment of a limited number of Special Advisers to Ministers in the Scottish Parliament and Assembly Secretaries in the National Assembly for Wales. The amendment takes account of the new ministerial arrangements that will apply in Scotland and Wales following devolution, and sets out the terms and conditions under which they can be employed including an upper limit on the numbers that can be appointed.

A copy of the amended order has been placed in the Libraries of the House.

The order specifies that the posts are to be advisory only, and that they cannot extend beyond 'the end of the term of office as member of the Scottish Executive of the person whom he is appointed to advise'<sup>34</sup> Advisers are therefore attached to individual ministers within the Executive.

There are currently eight for the Scottish Executive<sup>35</sup>, and four for the First Secretary in Wales. These are separate from special advisers employed by the Secretary of State for Scotland or the Secretary of State for Wales.

Guidance on the use of Scottish special advisers was given in the *Scottish Ministerial Code*:<sup>36</sup>

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<sup>32</sup> See Press Notices from the Public Administration Committee at [www.parliament.uk/commons/selcom/pubpnt13.htm](http://www.parliament.uk/commons/selcom/pubpnt13.htm)

<sup>33</sup> HL DEB 17.3.99, WA101

<sup>34</sup> *Civil Service Order in Council (Amendment) Order 1999*

<sup>35</sup> 6 work directly to the First Minister and 2 to the Deputy First Minister

<sup>36</sup> August 1999 available from [www.scotland.gov.uk](http://www.scotland.gov.uk) under Devolution

### Special Advisers

4.6 The employment of special advisers can add a political dimension to the advice available to Ministers and/or provide Ministers with the direct advice of distinguished experts in their professional field. It also reinforces the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support. Up to 12 special advisers may be appointed to assist Ministers. The First Minister is responsible for deciding on the distribution of special adviser posts within the Executive, whether in support of individual Ministers or as a collective resource. All appointments require the prior written approval of the First Minister, and no commitments to make such appointments should be entered into in the absence of such approval. All such appointments should be made, and all special advisers should operate, in accordance with the terms and conditions of the Model Contract for Special Advisers.

The Scottish Executive *Guide to Collective Decision Making* envisages the participation of special advisers in Ministerial Committees and Working Groups.<sup>37</sup> There are a number of special advisers whose responsibilities extend to press and media relations.<sup>38</sup> There was considerable publicity over the departure of two advisers, John Rafferty and Philip Chalmers.<sup>39</sup> John Rafferty had been appointed as Mr Dewar's Chief of Staff<sup>40</sup> In a letter to Alex Salmond, Donald Dewar commented on the role of special advisers:<sup>41</sup>

Their position as Advisers to Ministers can in no way free them from the need to avoid public or political controversy and [they] should at all times act with moderation and discretion in the matters referred to in the Civil Service Code. A copy of the Special Advisers' model contract has been placed today in the Scottish Parliament Information Centre.

There is no element of approval required from the Scottish Parliament or the National Assembly for Wales, just as no Parliamentary approval is required for ministerial advisers for the UK government. The new First Secretary, Rhodri Morgan, has stated that he will appoint the four special adviser posts after public advertisements.<sup>42</sup> The advertisement has appeared on the Welsh Executive website.<sup>43</sup> There are four special subject advisers, as well as one senior policy adviser, whose role was set out as follows:

The Senior Special Adviser will:  
provide political advice to the First Secretary on all policy matters;

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<sup>37</sup> Para 3.22, available from [www.scotland.gov.uk](http://www.scotland.gov.uk) under Devolution

<sup>38</sup> See Scottish Parliament, Written Answers 10 January 2000 SIW 3219

<sup>39</sup> See *Herald* 12 December 1999 'Less spin..more grip' and *Scotsman* 29 January 2000 'Strange, testing mix of unexpected'

<sup>40</sup> *Scottish Executive Press Release* 'Special Advisers' 20 May 1999

<sup>41</sup> *Scottish Executive Press Release* 10 December 1999 'Donald Dewar letter'

<sup>42</sup> *Western Mail* 22 February 2000 'Morgan does it his way to choose team'

<sup>43</sup> [www.wales.gov.uk/newsite.dbs?7](http://www.wales.gov.uk/newsite.dbs?7)

be responsible for all aspects of communications, including speechwriting for the First Secretary and Assembly Secretaries linking with the media and the permanent civil service staff in the Assembly Strategic Communications Directorate;

ensure effective communication with the media and others on behalf of the First Secretary;

liaise with Assembly Members, officials, political parties, Office of the Secretary of state for Wales and others on behalf of the First Secretary;

co-ordinate the activities of the team of Subject Special Advisers and supervise their work.

## VII The Prime Minister and Special Advisers

Particular attention has focussed on the number of special advisers in the Prime Minister's Office. Once again, the practice is not new. Chamberlain made extensive use of a former civil servant, Horace Wilson, as a personal emissary in foreign policy matters.<sup>44</sup>The appointments are personal, following consultation with the Head of the Home Civil Service.<sup>45</sup> Following the 1997 general election, there was an amendment to the Civil Service Order to allow up to three special advisers to hold executive authority over civil servants. In the event only two special advisers were employed – Alastair Campbell as Chief Press Secretary and Jonathan Powell as Chief of Staff.

There are a number of precedents for the appointment of non civil servants to the job of Chief Press Secretary, including William Clark under Anthony Eden and Trevor Lloyd Hughes and Joe Haines under Harold Wilson. Lord Wolfson, a non-civil servant, worked as a Chief of Staff for Lady Thatcher from 1979-85.<sup>46</sup>

A Civil Service Order in Council in 1969 set out criteria for testing the qualifications for persons proposed for permanent employment across the civil service. This was not applicable for the appointment of Joe Haines in 1974-76, as this was a temporary one; further orders provided that certification by the Civil Service Commissioners (that the appointment was made on merit) did not apply where the position terminated at the end of an administration, but in 1991, the Civil Service Order added the condition that such a post was only for the provision of advice. This exclusion was repeated in the 1995 Order, still current, and so an amendment was necessary to allow the 1995 Order not to have effect in up to three designated posts in No 10.

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<sup>44</sup> See Vernon Bogdanor in *Guardian* 4 June 1997 'The Politics of Power'

<sup>45</sup> HC Deb vol 295 10 June 1997 c390-91w

<sup>46</sup> See list in *Twentieth Century British Political Facts 1900-2000* David Butler and Gareth Butler pp307-8

The Neill Committee examined the question of civil servants with executive responsibilities

6.55 Some witnesses saw potential difficulties in giving special advisers executive powers over civil servants. In general, however, it was felt that the current situation, where there are three possible posts with these powers in Number 10, was acceptable, although Mr David Davis MP, Chairman of the House of Commons Public Accounts Committee, believed that the power to give directions to career civil servants can exert significant influence over access to the Prime Minister . . . *Control of access has led to scandals in other countries and the implications of that development need to be looked at carefully*".

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6.56 Lord Butler explained that the change to the Order in Council which had enabled the three posts at Number 10 to be created was to some extent a technicality: *"The way in which the Order in Council had been drawn up in the 1980s made us doubtful whether a special adviser could do the things required of a Chief Press Secretary. We wanted to make clear that they were not debarred."*

Witnesses in general were opposed to an increase in the numbers of special advisers with executive powers. The Rt Hon Dr Jack Cunningham MP, then Minister for the Cabinet Office and Chancellor of the Duchy of Lancaster, for example, said *"I know of no proposal -none at all-- that [giving special advisers executive powers] should become a common practice, nor do I think it would be a good idea to propose that it should be a common practice."* Sir Michael Bett, the First Civil Service Commissioner, said: *"If the number went beyond three, I would, of course, be concerned."* Asked what would be the reason for his concern, he said *"A creeping change in the nature of the Civil Service in this country"*.<sup>33</sup>

6.57 Although we had no testimony to the effect that the exercise of executive powers by special advisers at Number 10 was causing problems at the moment (and evidence from the Head of the GICS that it was working well), we are concerned to ensure that any increase is considered by Parliament.

**R21. Any increase in the number of special advisers with executive powers should be subject to the same process of Parliamentary scrutiny as set out in recommendations R19 and R20 for the overall number of special advisers.**

The Neill Committee also noted that an unprecedented range of senior posts were held by special advisers, including Chief Press Secretary, Chief of Staff and Chief Economic Adviser to the Treasury.<sup>47</sup>

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<sup>47</sup> para 6.69

## VIII Policy Units and the Prime Minister

Traditionally, the Prime Minister has relied on the Cabinet Office as a source of advice and administrative support. A permanent Cabinet Secretariat dates only from 1916; until the exigencies of world war, the Treasury had provided administrative backing and coordination for the civil service. It was not until the second world war that the Cabinet Office took on its current coordinating functions in relation to Cabinet committees. The 1918 Committee on the Machinery of Government, set up by Lord Haldane, recommended a central department for research to service the Cabinet with the necessary background and statistics.<sup>48</sup> There was no permanent result until the creation of the Central Statistical Office in 1941.

### A. The Central Policy Review Staff

It was not until 1971 that a body was formed to offer specific advice to the Cabinet, as the Central Policy Review Staff. Its creation followed the 1971 white paper *The Reorganisation of Central Government*.<sup>49</sup> Its first head was Lord Rothschild, who recruited a mixture of around 20 outsiders and civil servants and established the convention that the staff themselves should determine subjects for analysis and inquiry. Their remit was to the Cabinet as a whole, rather than the Prime Minister. In the later 1970s its focus shifted towards more immediate forms of advice and the proportion of civil servants was increased. It was abolished in 1983, when Mrs Thatcher decided that the development of the role of special advisers and policy units within departments could adequately replace it.

The reasons for its demise have been summarised as follows:<sup>50</sup>

The reconstruction of the Conservative government after Mrs Thatcher's second victory in the 1983 parliamentary election brought the CPRS to an end. David Willetts, who had been in the No. 10 policy unit, gave four reasons for the CPRS's demise. First, it did not help the prime minister ensure day-to-day tactical decisions of departments were in line with her general sense of strategic direction. The policy unit was better at that. Second, its recommendations tempted ministers into using the political weapon of an authorized 'leak' of information. A prime factor in the abolition of the CPRS was the government's acute political embarrassment after the leaking of its report on the spending implications of a variety of economic scenarios that appeared to recommend the dismantling of the welfare state. Third, the circulation of its reports to all ministers curtailed the prime minister's ability to manipulate Cabinet agenda. The No. 10 policy unit

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<sup>48</sup> Cd 9230 1918, Ministry of Reconstruction

<sup>49</sup> Cmnd 4506 1970

<sup>50</sup> *At the Centre of Whitehall* J.M Lee et al 1998 p200

briefed only the prime minister. William Plowden, a member of the CPRS, claimed the CPRS had to choose between briefing the prime minister quietly, which meant it was undervalued by outsiders, and acting according to its remit by circulating collective briefs to all ministers, which weakened its 'countervailing force' against departments. Fourth, it went the way of all innovations in 'central capability'. 'The grit in the machine is worn smooth.'

According to Peter Hennessey<sup>51</sup> the leaders of the main Opposition parties favoured the re-creation of the CPRS before the 1987 election;<sup>52</sup> the idea of a non partisan think tank still finds favour in some academic circles.<sup>53</sup>

## B. The No 10 Policy Unit

The Policy Unit in No 10 has increased in size and importance. Harold Wilson created a Political Unit in 1974, headed by Bernard Donoughue,<sup>54</sup> to offer more personal and political advice, following an embryonic unit under Thomas Balogh in Wilson's 1964-70 administration.<sup>55</sup> The unit consisted of around 8 outsiders, intended to bring a new type of expertise. Mrs Thatcher initially reduced numbers to three but by 1983 the unit had grown to around eight. There was a mixture of civil servants and outsiders.<sup>56</sup>

However Lloyd George can be said to have created a similar institution in his Garden Suburb, a separate prime ministerial secretariat to give policy advice during the first world war. It was staffed by outsiders, who wrote speeches and did press briefings as well as offering policy advice.<sup>57</sup> This was dismantled by the incoming prime minister, Bonar Law, who saw it as 'undesirable manifestation of a presidential and personal style of leadership'.<sup>58</sup>

The Policy Unit under Mrs Thatcher was supplemented by other policy advisers, such as Percy Cradock on foreign affairs, and briefly by Alan Walters on economic affairs.<sup>59</sup> John Major continued with the Unit. Its role was described by Sarah Hogg, a former head, as follows: 'The Prime Minister can use his Unit as storm troops, invading the complacent hinterland of Whitehall, or as a peacemaker, building bridges between

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<sup>51</sup> *Whitehall* 1989

<sup>52</sup> p. 312

<sup>53</sup> See for example Tessa Blackstone's contribution to the *Fabian Society Discussion Paper no 8 'Labour and Whitehall'* (1991)

<sup>54</sup> Now Lord Donoughue

<sup>55</sup> See Lord Donoughue's account in *Prime Minister: the Conduct of Policy under Harold Wilson and James Callaghan* (1987).

<sup>56</sup> For further background see David Willetts in *Public Administration* Winter 1987.

<sup>57</sup> *The Powers Behind the Prime Minister: The Hidden Influence of no 10* by Dennis Kavanagh and Anthony Seldon 1999 pp45-47 has a useful summary of the influence of the Garden Suburb

<sup>58</sup> *ibid* p47

<sup>59</sup> See *At the Centre of Whitehall* p100 for further details

warring departments and Ministers. In practice the Unit tries to do a bit of both and to be both grit and oil in the government machine.’<sup>60</sup>

Under Mr Blair, the Policy Unit has been upgraded in size and influence. Its role has been described as follows:<sup>61</sup>

At an early Cabinet, Blair asked colleagues to involve the Policy Unit in their policy thinking; the implication was that they would lose standing with him if they did not. Some ministers were heard to remark about the Unit’s staff being, ‘Tony’s narks in Whitehall’. The narks, however, have mostly come to be accepted - if not always welcomed - in departments as an authoritative voice for the Prime Minister. The Unit combines the roles of being a think tank (working up policy and seeking ideas outside from policy specialists) and a French-style *cabinet* (reinforcing the political direction of the Prime Minister). Most staff soon developed strong links to ministers and special advisers in the departments they shadowed; for instance, a Unit member sat on each of the twenty or so departmental review teams set up under the CSR<sup>62</sup> and attended Blair’s meeting with the minister to agree the terms of the department’s final allocation.

Almost all of the personnel are non civil servants

There continue to be advocates of other models of policy advice. Oonagh McDonald in *The Future of Whitehall* (1992) advocated a new central policy unit.<sup>63</sup> The IPPR pamphlet *Ministers and Mandarins* (1994) by William Plowden noted that an informed public debate had yet to begin about the civil service in general. This pamphlet recommended that Ministers should be encouraged to employ outside advisers, but did not recommend the full French *cabinet* model. Special advisers/policy units were not covered in either the Labour or the Liberal Democrat manifestos of 1997 however.

The Cabinet Secretary, Sir Richard Wilson, was asked by Tony Blair in 1998 to carry out a review with the aim of enhancing the strategic role of the Cabinet Office so that it could tackle policy questions which cross departmental boundaries. This review rejected the idea of a prime minister’s department in favour of a strengthened Cabinet Office.<sup>64</sup> For the first time an annual report was produced by the Cabinet Office in 1998 listing the achievements of the first year of the Blair Government. The *Modernising Government* white paper summarised developments in these areas.<sup>65</sup>

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<sup>60</sup> *Too Close to Call* Sarah Hogg and Jonathan Hill

<sup>61</sup> *The Powers Behind the Prime Minister* by Dennis Kavanagh and Anthony Seldon 1999 p263

<sup>62</sup> Comprehensive Spending Review

<sup>63</sup> pp 102-110 encl.

<sup>64</sup> HC Deb vol 317 28 July 1998 c132 –135w

<sup>65</sup> March 1999 Cm 4310

The Office of Public Service had responsibility for a range of public service matters such as freedom of information and conditions of service, but as a result of the Wilson review it was merged into the rest of the Cabinet Office and a new Performance and Innovation Unit now focuses on issues crossing departmental boundaries and acts as a source for policy analysis across Whitehall, complementing the Treasury role without the financial imperative. As part of these reforms a new Centre for Management and Policy Studies is to act as a conduit for new management training for the senior civil service, and a Management Board for the Civil Service, consisting of senior civil servants, strengthens the Cabinet Office's corporate management role. The Cabinet Office website has a chart detailing its current structure.<sup>66</sup>

## IX The Prime Minister's Office – An Outline Structure

### A. Introduction

Background on the development of the Prime Minister's Office is contained in a recent article in *Parliamentary Affairs*<sup>67</sup> and in research from the ESRC's Whitehall programme.<sup>68</sup> An extract from that programme sets out a brief history of the development of the Office:<sup>69</sup>

The Private Office before 1914 was small and drawn variously from the Prime Minister's friends, family, and political supporters. It was only in the late 1920s that the Prime Minister's Office became the preserve of the Civil Service. Up till 1970 the Prime Minister's Office had changed only slowly. Only recently had a Political Secretary been established (Marcia Williams under Harold Wilson in 1964), there was no Policy Unit and only a small Press Office. About 70 people were employed in different capacities in the building and probably no more than a dozen or so worked on policy and political matters for the Prime Minister. Today 150 people work in Number Ten and about 40 work on policy and party matters for the Prime Minister. The combination of this relatively large staff and the changing demands on the Prime Minister mean that he is drawn away from the House of Commons to his 'office' in Number Ten. Where Gladstone signed his own letters and memos, today dozens are empowered to do so. Increasingly the modern premiership has become a more institutionalised and collectivist operation.

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<sup>66</sup> <http://www.cabinet-office.gov.uk/2000/organisation/march-chart/index.htm>

<sup>67</sup> January 1999 'The Prime Minister's and Cabinet Office: An executive office in all but in name' Martin Burch and Ian Holliday. This article argues that the two Offices now have significant institutional capacity allowing a prime minister to exercise executive power

<sup>68</sup> Available from the Cabinet Office website [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)

*The Powers Behind the Prime Minister: Inside No 10 1970-98* Dennis Kavanagh and Anthony Seldon.. For further detail see *The Powers Behind the Prime Minister: The Hidden Influence of No 10* 1999 by the same authors



Pressures to increase the support for the Prime Minister came from two main sources, and both have developed in the past two decades. One is from interdependence with other states and international organisations. As well as the European Union (including the Presidency and the Council of Ministers) Northern Ireland has been a recurring demand for Major and for Blair, and such crises as Iraq, Bosnia and Kosovo have dominated the diary.

A second pressure has come from the media which provides round the clock coverage and demands instant reactions. The media demands have to be met but also managed: politicians and officials are aware of the media's role in setting the political agenda.

Current trends were summarised as follows:

### **Trends**

A marked increase in the size of the Number Ten staff from 71 in June 1970 to 150 in January 1999. This has produced an institutionalisation and collectivism of the premiership: a larger number of people are speaking and writing in his name.

Recruitment of a larger political element with Number Ten, with the establishment of the Political Office (1964) and the Policy Unit (1974). Both have grown sharply since their original establishment. Tony Blair has imported many of his former staff and provides the nearest counterpart in modern times to the way in which a new US President brings his own 'team' to the White House.

Overlaps of interests and responsibilities between the Political Office, Policy Unit and Press Office in matters such as election planning, policy launches, speeches and presentation. Overlaps present opportunities for turf disputes as well as coordination.

A Prime Minister is increasingly drawn towards his Number Ten 'office' where his staff work on his behalf, reflecting his views to departments, colleagues, interest groups, the party and so on, and where he holds his business meetings. He is pulled away from Cabinet and parliament.

Officials have become more comfortable with the political appointees. Under Tony Blair there has been more political penetration of official units, with special or political advisors appointed to the Private Office, Press Office and Strategic Communications Unit and Performance and Innovation Unit. Pre-Blair, political appointees were largely confined to the Policy Unit and Political Office; now they are found in many units, often working alongside civil servants.

A recurring theme of reform, regardless of party, is the attempt to promote greater coordination and curb the centrifugal effects of departmentalism, resulting in a stronger Cabinet Office.

A list of staff in the Prime Minister's Office from 1945-99 is given in Appendix 1 of *The Powers Behind the Prime Minister*.<sup>70</sup>

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<sup>70</sup> Dennis Kavanagh and Anthony Seldon 1999

## **B. Current Structure**

The Office currently consists of:

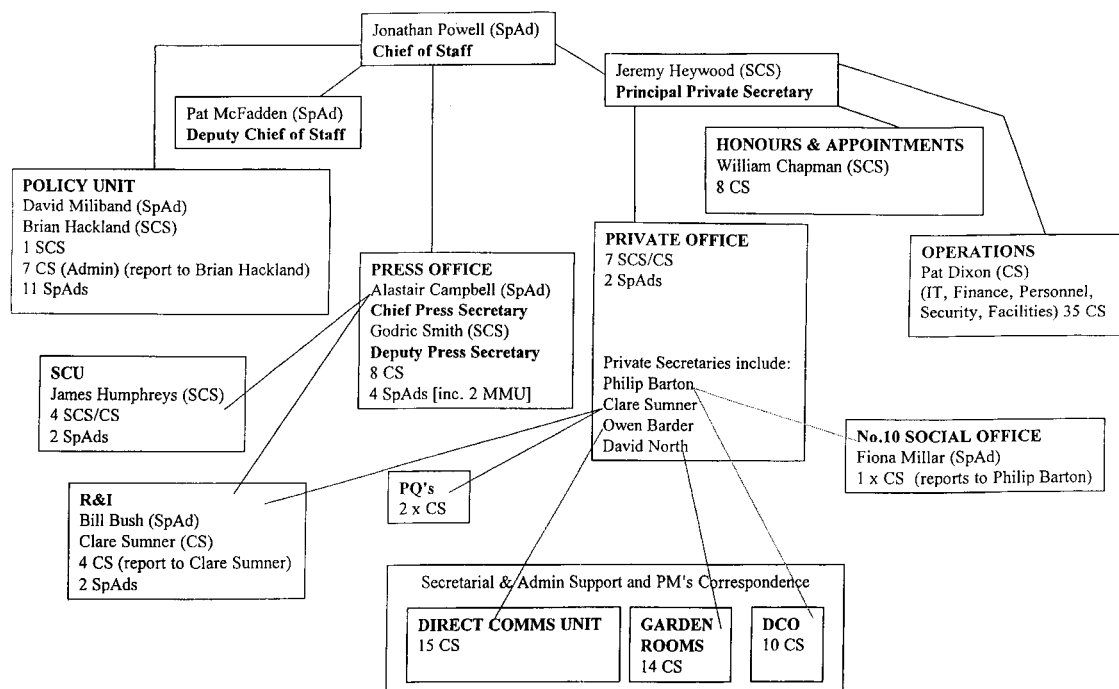
- Private Office run by civil servants who manage official relations with the Government and Parliament
- Policy Unit staffed by around twenty mainly non-civil servants on short term appointments, offering policy advice
- Political Office staffed by party workers who help write speeches and maintain links with the party, paid for out of party funds
- Press Office and Strategic Communications Unit run largely by civil servants, although headed by Alastair Campbell, a special adviser. They handle relations with the media and the outside world
- Research and Information Office- a unit with a mixture of special advisers and civil servants which provides an information resource for the Prime Minister and no 10 staff. The office is advised by Bill Bush, a special adviser, formerly of the BBC, but line management is through to the Private Office.<sup>71</sup>

A memorandum to the Public Administration Select Committee, following evidence from Sir Richard Wilson, outlined the current structure as follows, indicating whether staff were special advisers or permanent civil servants:<sup>72</sup>

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<sup>71</sup> See HC Deb 11 November 1999 c783-4w for further detail on the RIO

<sup>72</sup> Memorandum 11 February 2000 Cabinet Office. See Public Administration Select Committee Press Notice 2 March 2000



11 February 2000

TOTAL 149

There have been several developments under the current Government. Jonathan Powell, a non-civil servant, was appointed as a special adviser but acts as a Chief of Staff. Until the Blair Government there was a roughly equal mixture of seconded civil servants and political advisers in the Policy Unit. The focus has been on the development of links between the Policy Unit and the Cabinet Office to enable concerted initiatives from the centre. The creation of a Strategic Communications Unit to provide an enhanced public relations service for government has meant the installation of another eight officials in No 10. A new computer system, Agenda, acts as a Whitehall-wide electronic diary and briefing system.<sup>73</sup> The Research and Information Unit is a new initiative, designed to coordinate collection and retention of information across government for no 10, which can also be made available to departmental ministers. There are 10 staff in No 10 paid from the Labour party, with marginal costs met from public funds.<sup>74</sup>

Following his re-election as Conservative party leader in 1995, John Major appointed Michael Heseltine as Deputy Prime Minister with a brief to coordinate the presentation of policy. A new cabinet committee was set up under the chairmanship of Heseltine with this same purpose. Tony Blair continued this initiative with the appointment of Peter

<sup>73</sup> The SCU was established following the Mountfield review into the Government Information Services in November 1997. *Report of the Working Group on the Government Information Service* Cabinet Office. This recommended a unit in Downing Street to improve coordination of government policy presentation; the SCU reports to the Chief Press Secretary

<sup>74</sup> HC Deb vol 346 20 March 2000 c 403w

Mandelson as minister without portfolio within the Cabinet Office, then with Jack Cunningham as Cabinet Office minister to support the Prime Minister and Cabinet in the strategic coordination and presentation of government policy. All these initiatives are part of a continuing attempt to reconcile government by department with strategic direction and central coordination.

Kavanagh and Seldon conclude as follows:<sup>75</sup>

Almost inevitably, there have been charges of politicisation and of a blurring of the lines between political and Civil Service appointments and between serving party and government interests. Similar complaints were made of initiatives under Wilson, Heath and Mrs Thatcher. Much of the concern then and now has been overblown. There has long been a strong case for increasing the number of political aides to support the Prime Minister and for the Government Information Service to adapt to the changes in the mass media and their demands on the head of government. Defence of the status quo ante easily slides into a defence of Civil Service dominance. Indeed, the criticisms were a reminder of just how limited are the staffing powers of a British Prime Minister. It is only since 1928 that the Principal Private Secretary has been a Civil Service appointment. Before then the Private Office often consisted of a mix of political and official staff (see Chapter 2). Even later did the Number Ten Press Officer come to be regarded as a career civil servant - although Attlee, Eden and Wilson recruited sympathetic professional journalists to the post. The post-May 1997 developments therefore represent something of a return to old patterns of staffing, although with a stronger political imprint. The increase in political appointments has the advantage that the Civil Service is able to offload activities which it regards as partisan to the political appointments. What has not been created is a Prime Minister's Department.

The costs of the Prime Minister's office have continued to rise. However, Michael Lee found that the costs of officials in the office had risen from £3.7m in 1980-81 to £5.6m in 1994-95 in real terms (both costs given in 1994-5 prices),<sup>76</sup> perhaps indicating that the expansion since 1997 is not unique.

## **X Special Advisers and the Government Information and Communication Service**

As noted above, the Neill Committee report<sup>77</sup> referred to the important role which special advisers possessed in relation to presentational issues:

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<sup>75</sup> *ibid* p284

<sup>76</sup> *At the Centre of Whitehall: Advising the Prime Minister and Cabinet* 1998 J.M Lee, G.W. Jones and June Burnham p32

<sup>77</sup> Cm 4557 January 2000

6.18 In many departments where there are two special advisers, one adviser tends to concentrate on policy issues and the other on presentational issues. The role of the latter may include direct briefing of the media as well as advice to the Minister –although there is no specific reference to direct media briefing in the Model Contract. In other departments special advisers have little direct contact with the media.

In addition, the post of Chief Press Secretary is now held by a special adviser with executive powers over civil servants. The Select Committee on Public Administration has announced an inquiry into the Government Information and Communication Service (GICS) as a follow up to its earlier report on the topic in 1997-8.<sup>78</sup> That report considered the impact of the Mountfield Report into the GICS, published in November 1997.<sup>79</sup> The select committee report examined the role of the Chief Press Secretary:

24. There are two aspects to Mr Campbell's job as the Prime Minister's Chief Press Secretary. First (as has been seen) he is responsible for the co-ordination of the way the Government presents itself to the media. Second he acts as the Prime Minister's spokesman, briefing journalists (through the twice-daily briefings he gives to the Lobby) on the Prime Minister's activities and views and advising the Prime Minister on his relations with the press. Between 1994 and 1997 he served the present Prime Minister as Leader of the Opposition in virtually the same capacity. He was appointed to his present position as a special adviser, in order to overcome the principle (set out in the Civil Service Order in Council in 1995) that ordinary Civil Service appointments have to be made on the basis of fair and open competition. However since special advisers are normally limited to giving advice to Ministers, and cannot manage staff, an amendment was required to the Civil Service Order to allow him to have a management function. (The same amendment enabled Jonathan Powell, the Prime Minister's Chief of Staff, to hold a management position in the Prime Minister's Private Office).

25. It is difficult to avoid some advantage naturally accruing to the Party in power from the use of public money to present the Government's policies in their best light. The Government's Guidance on the Work of the Government Information Service recognises, and deals with this problem in the following way:

"It is right and proper for Governments to use Civil Service Information Officers and public funds and resources to explain their policies and to inform the public of the Government services available to them, and of their rights and liabilities, whether through direct contacts with the media or by means of publications, publicity or advertising and any public inquiry unit. These resources may not, however, be used to support publicity for party political purposes: this rule governs not only decisions about what may or may not be published, but also the content, style and distribution of what is published."

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<sup>78</sup> HC 770 1997-98

<sup>79</sup> *Report of the Working Group on the Government Information Service* Cabinet Office. The review was headed by Sir Robin Mountfield, the Permanent Secretary of the Office of Public Service

"It is entirely proper to present and describe the policies of a Minister, and to put forward the Minister's justification in defence of them, and this may have the effect of advancing the aims of the political Party in Government. It is not, however, proper to justify or defend those policies in Party political terms, to use political slogans, expressly to advocate policies as those of a particular political Party or directly attack (though it may be necessary to respond to in specific terms) policies and opinions of Opposition Parties and groups".

Special advisers like Mr Campbell are not bound by the usual requirements that civil servants should be able to assist governments of "whatever complexion" and that they should be "impartial". The observance of the guidance set out above is bound to be a key issue. There is a very fine line between the promotion and defence of government policy, and the promotion and defence of the ruling party's policies. How is that line drawn and policed? Sir Richard Wilson acknowledged that there was a grey area, in which the Chief Press Secretary had to use his own judgment. But he told us that there had been no particular instances where he thought that Mr Campbell had been "getting things wrong". He did indicate that if instances did arise of overstepping the mark, he would have no hesitation in issuing a warning and would take it up both with Mr Campbell and the Prime Minister himself. **We welcome the Cabinet Secretary's determination to remain vigilant in ensuring that he as the Head of the Home Civil Service will ensure the policing of the difficult boundary between effective presentation and party political advocacy.**

The Committee also looked at the interaction between special advisers and press officers in individual departments:

32. The existence of two different officials, responsible for briefing the press on different aspects of Ministerial policy, is bound to lead to problems, and there undoubtedly have been tensions between press officers and special advisers since the election. These are discussed in the Mountfield Report, which stresses the importance of co-ordination between them. The problems may largely be attributed to inexperience after 18 years in opposition. The FDA wrote that "Those without much experience of government have sometimes found it difficult to understand the differing roles of the GIS and the Labour Party's own press operation". Peter Riddell made a similar point, although he said that the rules "need to be more clear". The point seems a fair one. No guidance exists for special advisers on the proprieties that they need to observe when talking to the press beyond the Ministerial Code, which says nothing on the implied obligation to work through press offices. **We recommend that the Government introduce a code for Ministers and special advisers on contacts with the press, perhaps as an annex to the Ministerial Code, to give it the full authority of the Prime Minister. Such a code would make clear the obligations on special advisers and Ministers to work closely with press offices in general and the Prime Minister's official spokesman in particular, and should insist that each Minister agree a set of ground rules with the press office and the Permanent Secretary on what might be dealt with in contacts with the media, and ensure that it is understood by both categories of civil servants, permanent and temporary. But any code or guidance should also stress the importance**

**of co-operation between press offices, special advisers and Ministers in presenting information to the public effectively and openly.**

The committee noted that there had been an ‘unusual turnover in departmental heads of information’ (para 33). Appendix 1 of the report provides details. It declined to investigate the reasons for the departures, but did not consider that there were strong arguments for allowing ministers to bring in special advisers as heads of information (paras 34-37).

The Government response noted:<sup>80</sup>

We welcome the Committee’s endorsement of the selection process for appointing Heads of Information. The Civil Service Commissioners have been closely involved in all senior appointments over the past fifteen months and the process adheres to the Civil Service Commissioner’s Recruitment Code. It ensures that the principles of fair and open recruitment are applied vigorously and that appointment is based on merit alone.

We also endorse the Committee’s view that sensitivity and common sense are the keys to successful monitoring of the boundaries between political and impartial presentation of policy. This "grey area" is not new and has faced all Governments of modern times. This reinforces the need for senior information staff in each department who can draw on a range and depth of experience to ensure the boundaries are properly maintained. The Cabinet Secretary, working closely with Permanent Secretaries, the Head of Profession and the Prime Minister’s Official Spokesman continue to be vigilant in the policing of the boundary between effective presentation and party political advocacy.

The creation of the Research and Information Office in No 10 with input from another special adviser, Bill Bush, has led to further press comment on the difficulties of separating government information from party political information<sup>81</sup>

## **XI Task Forces**

### **A. Social Exclusion Unit and Performance and Innovation Unit**

The Labour Government has also placed a strong emphasis on bringing departments together to share more information, overcome boundary problems and cooperate on policy, in particular through task forces- which bring together civil servants from many departments and outside experts and practitioners- to tackle difficult issues that involve a number of different agencies. The Conservative Government established a deregulation

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<sup>80</sup> HC 162 1998-99

<sup>81</sup> *Times* 4 February 2000 ‘Blair warned on No 10 database’

task force in the mid -1990s to identify laws which were unnecessarily restricting the freedom of businesses, and Labour has seen the task force model as a means of overcoming departmental obstruction and getting a coordinated focus on issues. The Social Exclusion Unit is a leading example of the task force approach. It was announced in December 1997, by the Prime Minister as follows:<sup>82</sup>

The unit is part of the Economic and Domestic Affairs Secretariat in the Cabinet Office. It will report to me and work closely with the No. 10 Policy unit. It will be staffed by civil servants from other Whitehall departments and secondees from local authorities, voluntary bodies and other main agencies... The unit will draw extensively on outside expertise and research, and lock into relevant external networks to hear views from local authorities, business, voluntary organisations and other organisations/ individuals with experience of dealing with exclusion’.

Simon James has described the unit as a deliberate attempt to build on the experience of the CPRS.<sup>83</sup>

A deliberate attempt appeared to have been made to learn from the experience of the CPRS: the Unit was given strong institutional and political backing, its work steered by the Prime Minister personally, assisted by a network of junior ministers in the departments most affected by its work (Commons written answer, 8 December 1997). In institutional terms, it was part of the Economic and Domestic Secretariat of the Cabinet Office, which gave it powerful allies within Whitehall, and its Members were a combination of, seconded civil servants and outsiders: a social services director, a probation officer, a police chief superintendent, a banking executive and a (part time) member of the No. 10 Policy Unit (Social Exclusion Unit 1997). It was one of the most original institutional initiatives of recent decades, to some extent based on the models of the CPRS and the No 10 Policy Unit.

As part of the 1998 Wilson reforms a permanent Performance and Innovation Unit was established, also in the Cabinet Office to complement the Treasury’s role in monitoring Departmental programmes. Its two principal functions were as follows:

- To focus on selected issues that cross departmental boundaries and propose policy innovations to improve the delivery of Government objectives
- To select aspects of government policy that require review, with an emphasis on the better coordination and practical delivery of policy and services which involve more than one public sector body

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<sup>82</sup> HC Deb 8 December 1997

<sup>83</sup> *British Cabinet Government* ( 2<sup>nd</sup> ed 1999) p246



The Unit would be a resource for policy and development for the whole of Government, building on the experience of the Social Exclusion Unit. Details were given in a parliamentary answer:<sup>84</sup>

The new Unit will not carry out these roles in isolation from other departments. It will assemble teams from inside and outside the Civil Service to carry out studies of areas where cross-departmental working needs to be improved, or innovative approaches to delivery put in place, if the Government's objectives are to be delivered. The first group of projects to be carried out by the Unit will be announced in the Autumn. They will include studies of the Government's presence in Cities and the Regions, and of how older people can play a more active role in the community.

The white paper *Modernising Government*<sup>85</sup> referred to the PIU, stating that the Unit would examine the accountability and incentives framework for Government departments. The *Modernising Government Action Plan*, published in July 1999, promised that the PIU would before March 2000 'complete a report showing how we will reform current accountability arrangements and incentive schemes to help government departments work together to provide seamless services to their customers'(para 9).

Sir Richard Wilson addressed a civil service conference in May 1999, in which he gave further details on the PIU:<sup>86</sup>

We have also set up a Performance and Innovation Unit to tackle other areas selected by the Prime Minister where policies spread across a number of departments and where delivery mechanisms are similarly divided between different parts of the public sector. Their task is to assemble teams to pull together all the facts and options, and to come up with proposals for improvements. Their projects at the moment include policy towards the rural communities, the ageing population, electronic commerce and the delivery of Government services in the regions. They also have an important project on developing the concept of accountability, and devising incentives to encourage better working across departments and different parts of the public sector.

In response to a PQ on 21 October 1999, the Prime Minister announced a series of other projects for the PIU:<sup>87</sup>

**Mr. Kidney:** To ask the Prime Minister what future projects are planned for the Performance and Innovation Unit.

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<sup>84</sup> HC Deb 28 July 1999 c114w

<sup>85</sup> Cm 4310 March 1999

<sup>86</sup> *The Civil Service in the New Millennium* available from [www.cabinet-office.gov.uk](http://www.cabinet-office.gov.uk)

<sup>87</sup> c630w

**The Prime Minister:** The Performance and Innovation Unit (PIU) was established to improve the capacity of Government to identify and address strategic cross-cutting issues and promote innovation in the development of policy and in the delivery of the Government's objectives. The PIU project teams are drawn from both inside and outside Government, to ensure new thinking and a wide range of experience is brought to bear on the issues. Their reports make an important contribution to policy making.

Further to the work announced in December 1998, the Modernising Government White Paper in March 1999 announced that the PIU is undertaking a project aimed at identifying the long-term strategic challenges facing Government. I have now asked the PIU to take on the following further projects:

*The Pursuit and Seizure of Criminal Assets*

To consider the role that following the money trail and seizing criminal assets can play in the fight against crime and how to maximise the effective use of these tools. My right hon. Friend the Member for Makerfield (Mr. McCartney), Minister of State at the Cabinet Office is the sponsor Minister for this project.

*The Post Office network*

To identify the contribution made by post offices to the vitality of local communities, consider how the Post Office network can best contribute to the Government's objectives in the future and in the process formulate objectives for the Post Office network. My hon. Friend the Member for Norwich, South (Mr. Clarke), Minister of State, Home Office is the sponsor Minister.

*Social, Health, Environmental and Trade Objectives on the Global Stage*

To identify a coherent set of principles for comparing trade measures with other national and international measures for addressing social, health and environmental objectives. My hon. Friend the Member for Cunninghame, North (Mr. Wilson), Minister of State, Scotland Office is the sponsor Minister.

*The Use of Analysis and Modelling in Central Government*

To review Departments' capabilities for quantitative analysis and modelling in key areas of Government policy, including access to and the use made of data, to identify strengths and weaknesses and make cost-effective recommendations for change.

The aim is to complete the first three projects next spring and the last by the end of the year.

The task force approach is one illustration of how recent governments have become willing to seek advice on policy and its implementation from outside the civil service as well as within it. It is not clear how the work of these task forces is linked through cabinet committees.

## **B. Task Forces – Numbers and Role**

A total of 30 task forces were set up in the period from the election in May 1997 to July 1998 on subjects as diverse as disability rights and football. The number and extent of task forces has come under scrutiny recently. There are definitional problems over the use of the term 'task force' which mirror the debate in the 1980s and 1990s over quangos.<sup>88</sup> Tony Barker has listed 295 external groups formed in the period 1997-9, as

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<sup>88</sup> See Research Paper 96/xx *The Quango Debate* for details

task forces, reviews, forums.<sup>89</sup> He instanced examples of the different forms as ranging from the Cabinet Office Better Regulation Task Force, which grew out of an earlier task force set up under the Conservative Government to the Advisory Group on Education for Citizenship, and the Teaching of Democracy in Schools, which was directly inspired by the interests of the Secretary of State for Education and Employment, David Blunkett.

The issue was considered by the Neill Committee in *Reinforcing Standards*:

10.5 Since the election of the Labour Government in May 1997, there has been a dramatic increase in the number of such policy review groups. The figures below are derived from a series of Written Answers in the House of Lords:

- . In February 1998, there were 113 review groups and 37 task forces. .
- Between February and July 1998, 69 review groups and 18 task forces had reported, but 48 additional reviews and seven additional task forces had been announced (making net totals of 92 review groups and 26 task forces). .
- In April 1999, a list of 148 review groups and task forces was given with no distinction made between task forces and review groups.
- In November 1999, a list of 44 task forces established since May 1997 was given, showing that 11 had been wound up. Of the 33 still in being, several appear to be over two years old.

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10.6 As this list suggests, much of the debate so far has centred around numbers. Numbers are, however, meaningless if there is no agreement as to what is being defined.

The word 'task force' has become the buzzword. Yet in the absence of any definition, it is possible for the *Daily Mail* in August 1999 to quote a figure for task forces of 110, but for Sir Richard Wilson, in his evidence to us in July 1999, to say that there were 'around 30'. The 1999 academic analysis published in November 1999 and entitled *Ruling by Task Force* suggested that there were 295. Such wide statistical differences demonstrate the absence of any common starting point. One person's 'task force' is clearly another person's 'review'.

According to parliamentary answers in 1999, 38 task forces have been set up since May 1997, or 45 if each of the eight regional NHS task forces are counted. These were set up to support the waiting list action team.<sup>90</sup> Two deposited papers give further details.<sup>91</sup> In February 2000 Lord Falconer gave updated figures of 46 task forces and 270 ad hoc reviews and advisory groups.<sup>92</sup>

The Tony Barker study<sup>93</sup> noted that the 318 estimated task forces had 3,103 places, of which 2,459 were non-civil servants. He summarised the types of groups represented as follows:

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<sup>89</sup> *Ruling by Task Force: Politico's Guide to Labour's new Elite* Tony Barker with Iain Byrne and Anjuli Veall

<sup>90</sup> HL Deb 11 November 1999 cWA247

<sup>91</sup> HLDep 2007 Working Groups with External Members established since 1997; Dep 00/128 Task Forces Established since May 1997 Cabinet Office 1999

<sup>92</sup> HL Deb vol 610 c263

<sup>93</sup> *Ruling by Task Force: The Politico's Guide to Labour's New Elite* Tony Barker et al 1999 p26-27

It is, of course, the provenance of the invited outsiders, rather than different departmental operating traditions within Whitehall, which deserve, political attention. The combined total of 35 per cent of these 3,103 group memberships, having, been given to private (or privatised) business and their trade associations is striking. At more than one third of all places it is well ahead of other classes of membership. This 35 per cent which is the for-profit or commercial sector exceeds the 31 per cent of places held by not-for-profit public sector producer interests. The scale of the entire not-for-profit interest (producers plus the others) is striking, however. Their total comprises the public sector producer interest (31 per cent, as just noted), the voluntary/charity class (15 per cent): the trade unions (2 per cent): the academic/research class (nearly all university or public sector-based)(8 per cent); and the independents (4 per cent). Together, these non-commercial interests have taken up 60 per cent of all places, as against the commercial sector's 35 per cent - (only the mixed case of the professional associations (4 per cent) is excluded from this for-profit/not-for-profit bifurcation).

Beyond the 35 per cent private business share and the 60 per cent not-for-profit presence, the other striking profile is of producer interests as a whole (private and public sector) as against any consumer or user interest.

The study also drew attention to the fact that fewer than 30 per cent of task force members were women. The question of the accountability of task forces was raised in the Lords on 11 January 2000:<sup>94</sup>

**Lord Roberts of Conwy** asked Her Majesty's Government:

Whether, and, if so, how, task forces are held accountable to Parliament.

**The Minister of State, Cabinet Office (Lord Falconer of Thoroton):** My Lords, task forces are accountable to Ministers; Ministers are accountable to Parliament. Those task forces classified as non-departmental public bodies are accountable direct to Parliament through their sponsoring department.

There is no standard requirement for the reports of task forces to be published.<sup>95</sup>, but Lord Falconer of Thoroton stated that of the 46 task forces, 21 had published reports, and that the vast majority of forces which had completed their work had reported their findings.<sup>96</sup>

There have also been concerns about appointments to task forces and reviews. The 'Nolan rules' on appointment do not apply to such bodies<sup>97</sup>, as they are not permanent public bodies. The Tony Barker study commented:<sup>98</sup>

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<sup>94</sup> c525

<sup>95</sup> HL Deb 25 January 2000 cWA190

<sup>96</sup> HL Deb vol 610 c268

<sup>97</sup> See Research Paper 96/72 *The Quango Debate* for details. The rules have been reviewed in the most recent report from the Committee on Standards in Public Life *Reinforcing Standards* Cm 4557 January 2000

An outside critic pressing for more open government may well reason that external appointees to all government policy review groups (whether 'task forces', royal commissions, departmental committees or technical and expert working parties, etc.) should have to answer an advertisement for members and be formally selected in competition. This would oblige, the selectors to consider a wider range of opinions and backgrounds than secret, informal invitations from ministers or (much more often) their officials, would achieve. A temporary committee to study and report is no different from a standing advisory body or, indeed, an executive body (the advisory or executive quangos). Representativeness and therefore democracy would be served and useful experience or expertise not previously known to the rather narrow channels of informal recruitment by senior civil servants or ministers' party contacts would at least be given a chance to impress with their application details.

In a Lords debate on task forces on 23 February Lord Warner, a special adviser, defended the principle of task forces as follows:<sup>99</sup>

I believe the document, *Ruling by Task Force*, is rather misleadingly entitled, probably so named as a way of boosting sales. Task forces do not rule; they make proposals to Ministers, who take decisions, announce those decisions and then answer publicly for them. The Democratic Audit report goes on to talk of people being, "invited to the party". That is pretty loaded language. My experience of task forces is that not a great deal of partying goes on. They are constructed to do a time-limited job of work. The Democratic Audit report appears to suggest that they should be set up to be representative. I would suggest that task forces should be judged by whether they are fit for purpose and whether they deliver a good product at the end of their labours, not whether they are representative or conform to Nolan/Neill-type rules for quangos in their appointments

The minister, Lord Falconer of Thoroton, said:<sup>100</sup>

The second complaint relates to accountability. Ministers receive advice from a whole series of sources, including task forces and civil servants. The Minister is ultimately accountable for the decisions he makes and the advice he takes into account. It is right that the advice should be given not to Parliament, but to the Minister or Ministers who are to make the decision. Once the Minister has made a decision, he will then have to determine his policy and account for it to Parliament. If any objections to the people from whom he takes advice are made, the position in relation to task forces, ad hoc reviews and the like enables Ministers to be questioned in Parliament about from whom they are taking advice because, unlike any previous government, we are publishing the names of task force members and so on. Noble Lords and honourable and right honourable Members of another place are therefore able to raise such issues with Ministers.

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<sup>98</sup> *Ruling by Task Force* 1999 p29

<sup>99</sup> HL Deb vol 610 c240

<sup>100</sup> c268

The Public Administration Select Committee report on Public Appointments in February 1998<sup>101</sup> noted that although the new Government had extended the Nolan rules to advisory NDPBs this would not cover bodies established since the election to advise on policy in particular areas; it concluded:

7. Departments seem to be free to select members of such bodies as they wish, despite the fact that they may have considerable influence and prestige. We believe that this is an anomalous and unacceptable situation. There should clearly be rules and guidance for these appointments as well. We recommend that the Government bring all advisory bodies, groups and task forces within the remit of the [Public Appointments] Commissioner.

The Government response stated:<sup>102</sup>

The Government is currently consulting on proposals to bring all Ministerial appointments to advisory NDPBs within the Commissioner's remit. This would include appointments to those "task forces" classified as advisory NDPBs. The Government does not, however, propose extending the Commissioner's remit to cover appointments to other types of advisory bodies. Such bodies generally fall into two main categories: time-limited bodies such as the majority of task forces, set up at short notice to report quickly on matters of particular concern, where it would be disproportionate to apply the Commissioner's Guidance to what are effectively short-term, "one-off" appointments; and departmental working groups composed mainly of career civil servants, who are themselves recruited by fair and open competition under the rules established by the Civil Service Commissioners.

The Select Committee's report on Quangos in November 1999 commented further on task forces:<sup>103</sup>

### **Task Forces**

16. Recently, the debate about NDPBs has become further complicated by the proliferation of a number of other bodies which report to Ministers and are appointed by Ministers, but which are set up on a purely temporary basis. These "Task Forces", or "working parties" have existed in the past, but the present Government appears to have created more than its predecessors have done. The Cabinet Office describes them as "typically ad hoc, short-term advisory groups of experts brought together to look at a particular problem with a view to reporting (and being wound up) within 12 months or so of being established". The definition, however, fails adequately to cover the full range of Task Forces that exist. The New Deal Task Force, for example, was appointed initially for two years ; it was, however, reclassified as an advisory NDPB in December 1997, as

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<sup>101</sup> HC 327 1997-8

<sup>102</sup> HC 723 Appendix 2, para 7

<sup>103</sup> HC 209 1999-2000

were a number of other Task Forces. A list of Task Forces established since May 1997 is attached at Annex 2.

The Neill Committee made the following recommendations:

R39. An agreed definition of a task force should be established by the Cabinet Office, key elements of which should be that such a body has significant and plural outside membership and operates within a time frame of not more than two years.

R40. Using the agreed definition, a review should be conducted by the Cabinet Office to establish the number of task forces in existence and their current status and longevity.

R41. If it emerges that some task forces have been in existence for longer than two years, a decision should be made by the Cabinet Office, in conjunction with the commissioning department, as to whether the task force should be disbanded or reclassified as an advisory NDPB.

In a Westminster Hall debate on non departmental public bodies, the junior Cabinet Office minister, Graham Stringer, commented:<sup>104</sup>

A new Government clearly needs advice from new sources. However good the civil service, it is not the repository of all the wisdom in the world. Indeed, that is impossible. Pertinent to the appointment of task forces are remarks made by my noble Friend Lord Falconer of Thoroton in a debate in the House of Lords on 23 February. He said:

What are the problems which need to be addressed? First, transparency. We should name the people on the task forces. We do. We should state their focus and remit. We do. We should keep that information up to date. We update it every six months. We should publish the reports of task forces. Twenty-one have already reported, and many others will be published or are in the process of being published. I cannot say that there will not be good reasons why advice should not be published.--[*Official Report, House of Lords*, 23 February 2000: Vol. 609, c. 268.]

Some of those reasons will be self-evident.

## **XII The *Government Powers (Limitations) Bill*<sup>105</sup> and Confirmation Hearings for Appointments to Public Bodies**

This bill was introduced by Iain Duncan Smith after he obtained sixth place in the ballot. This part examines those sections of the Bill which are relevant to the paper's subject

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<sup>104</sup> HC Deb Westminster Hall 16 March 2000 c115-146

<sup>105</sup> Bill 17 of 1999-2000

matter. Further background is available from the Parliament and Constitution Centre (PCC) in the Library. Earlier parts of the paper cover the background to the clauses examined below.

**Clause 1** limits the number of ministers of the Crown to 82 at any one time, of which 63 can be ministers of state or parliamentary secretaries. A briefing giving background is available from PCC.

**Clause 2** limits the number of special advisers to 38 at any one time and introduces the notion of prior approval of appointment by select committees:

2. - (1) There shall be not more than 38 special advisers at any one time, of whom not more than 8 shall be expert advisers.
- (2) The Secretary of State may by order amend a maximum permitted number in subsection (1).
- (3) A proposed appointment of a special adviser shall be approved by the relevant select committee of the House of Commons before it is made.
- (4) No Minister shall appoint a special adviser after the passing of this Act until both Houses of Parliament have approved a code of conduct for special advisers.

The first Nolan Committee on Standards in Public Life report<sup>106</sup> recommended that, although responsibility for appointments to public bodies should remain with ministers, appointments should be made on the basis of merit.<sup>107</sup> A Public Appointments Commissioner would regulate and monitor the public appointments process and produce a Code of Practice for public appointment procedures. The main weakness in the system of public appointments was seen as a lack of external scrutiny and the remedy recommended was the use of advisory committees for departments to include some element of independence.

Sir Leonard Peach was appointed Commissioner for Public Appointments (CPA) in November 1995, and was succeeded by Dame Rennie Fritchie in March 1999. The Commissioner's [website](#) has full details of the office and the related Codes, [reports](#) and activity. 274 executive Non Departmental Public Bodies were put under the CPA's remit together with 641 NHS bodies, and guidance on appointments was published in April 1996.<sup>108</sup> It incorporated a Code of Practice for Public Appointments. A further edition was published in July 1998, and in October 1998 the Commissioner's remit was extended to public corporations, nationalised industries, utility regulators and advisory NDPBs.

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<sup>106</sup> Cm 2850 May 1995

<sup>107</sup> For background see Research Paper 96/72 *The Quango Debate*

<sup>108</sup> *The Commissioner for Public Appointments' Guidance on Appointments to Executive Non Departmental Public Bodies and NHS Bodies* April 1996



The Neill Committee on Standards in Public Life has recently reviewed the first Nolan committee proposals, but did not consider afresh the question of responsibility for appointments.<sup>109</sup> See above for its recommendations on task forces.

The Public Administration Select Committee has argued for hearings by select committees in relation to public appointments to non departmental public bodies:<sup>110</sup>

**92.** The Government in its evidence to us has stood by the rejection by the Committee on Standards in Public Life of the idea of such "confirmation hearings" by Select Committees, seeing the appointment of the Commissioner as an alternative. However, this is to misunderstand the role that is usually being proposed for Committees. As Professor Bogdanor argues, Committees could not hope to be given the "advise and consent" powers of congressional committees in the US; but nevertheless, he says, "they could exert a salutary effect in raising standards of public service in Britain. An adverse report on a particular candidate would receive much publicity, and deter the Government from making the appointment. Fear of an adverse report could do much to persuade candidates to make sure that they had thoroughly absorbed the public service ethic". It would be up to individual Committees to determine how they wished to approach this: many Committees would perhaps only wish to take evidence from a candidate in the case of actual or possible controversy. Nevertheless, **we recommend that, in order to permit Committees to take evidence from the person nominated by Ministers to lead an executive NDPB, departments should, as a matter of routine, inform Select Committees that the Minister is minded to appoint a certain individual to be Chairman or deputy Chairman of the NDPB, and when the proposed appointment would take effect. It would be understood that the Committee would have a certain period (perhaps a month) before the appointment took effect during which it could take evidence from the prospective appointees if this seemed to be appropriate and useful, and comment on the appointment if it wished to do so.**

In its response,<sup>111</sup> the Government rejected the concept of confirmation, stating that Ministers were responsible for the appointments that they made, and that Ministers should account to Parliament for those appointments. There was a debate in Westminster Hall on the report and the Government response on 16 March 2000,<sup>112</sup> in which the junior minister, Graham Stringer, defended the Government response. He argued that confirmation hearings would blur the lines of responsibility<sup>113</sup>

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<sup>109</sup> *Reinforcing Standards* Cm 2850 January 2000

<sup>110</sup> HC 209 1998-99

<sup>111</sup> HC 317 1999-2000

<sup>112</sup> HC Deb c117-155WH

<sup>113</sup> c143-144WH

The recent Liaison Select Committee report on the operation of select committees<sup>114</sup> considered confirmation hearings to be an example of innovative practice:

....holding "confirmation hearings" for major public appointments. Select committees have as yet no formal role in appointments, but hearings of this sort, and the exposure they involve, are proving increasingly influential. We will be seeking statutory acknowledgement of this process in new legislation

**Clause 4** seeks to limit the number of task forces at any one time to 44 and requires appointments by ministers to be approved by the relevant select committee. It also provides for the Prime Minister to lay six monthly reports before Parliament on the exercise of the power of appointment by ministers.

**Clause 5** provides for declarations of political affiliations from appointees to non departmental public bodies and to task forces and requires appointments of one particular political persuasion not to exceed the proportion representation of that party in the Commons.

The Commissioner for Public Appointments recently published a report on appointments to NHS bodies which was critical of the role of political association in appointments:<sup>115</sup>

From the evidence presented to the Scrutiny Group, it is clear that there have been instances where a person's political association has been a decisive factor in the consideration of their candidature and that appointments to the NHS have not always been on merit. It is also clear that there are a number of weaknesses in the selection process which have led to poor outcomes, delays and confusion for candidates. The public need to know that people who are appointed to run NHS Boards are there on merit and are fit for purpose. I believe the implementation of the recommendations in my report will go a considerable way to strengthening public confidence in the process.

**Clause 6** requires reports from ministers to be laid before Parliament where an appointment will lead to a real terms increase in expenditure. **Clause 8** requires the approval of the relevant select committee to any appointment not otherwise covered by clauses 2,3,4 or 7. **Clause 9** provides for the Liaison Select Committee to decide the relevant select committee for the approvals process. **Clause 7** prohibits the appointment of a non-civil servant to the post of a press officer and would therefore affect the position of Alastair Campbell as Chief Press Secretary.

**Clause 10** introduces new procedures for the passage of subordinate legislation. A separate briefing on this clause is available on request from PCC.

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<sup>114</sup> HC 300 1999-2000 para 24

<sup>115</sup> *Public Appointments to NHS trusts and health authorities* OCPA March 2000

Iain Duncan Smith set out the context to his bill in the *House Magazine*,<sup>116</sup> drawing attention to the Neill Committee recommendations on special advisers and task forces. He said:

This is a challenge for all Members of Parliament, including government members, to ignore the official line and to support a bill which will make a start at improving the working of government and the legislative process of Parliament. April 7, when the Bill gets a second reading, is a time for pagers to be left at home.

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<sup>116</sup> 31 January 2000 'Private Member's Bills'