



## Public Administration and Constitutional Affairs Committee

### Oral evidence: Propriety of governance in light of Greensill, HC 212

Tuesday 28 June 2022

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Members present: Mr William Wragg (Chair); John McDonnell; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson; Beth Winter.

Questions 407 - 617

### Witnesses

**I:** Simon Case CVO, Cabinet Secretary, Cabinet Office; and Darren Tierney, Director General, Propriety and Ethics, Cabinet Office

### Examination of witnesses

Witnesses: Simon Case CVO and Darren Tierney.

Q407 **Chair:** Good afternoon and welcome to the Public Administration and Constitutional Affairs Committee. Today the Committee is continuing its inquiry into the propriety of governance in light of Greensill. We are joined this afternoon by the Cabinet Secretary, Simon Case, and the director of propriety and ethics at the Cabinet Office, Darren Tierney. Good afternoon. Would you introduce yourselves for the record, starting with the Cabinet Secretary, please?

**Simon Case:** Thank you, Chair. Simon Case, Cabinet Secretary.

**Darren Tierney:** Darren Tierney, Director General for Propriety and Ethics in the Cabinet Office.

Q408 **Chair:** Thank you.

Cabinet Secretary, the late Lord Heywood described the Cabinet Secretary as the “guardian of propriety and ethics, ministerial and Civil Service conduct”. At your last appearance, you told us you had been advised by predecessors that propriety and ethics matters most, and is sometimes the most difficult aspect of the Cabinet Secretary’s role. Have you found that this to be the case?



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**Simon Case:** Definitely, is my straightforward answer to that, and I am happy to expand on why—I am sure that will be of interest.

**Chair:** Please do, yes.

**Simon Case:** I am sure Darren, the man who spends 100% of his time on it, may want to comment as well.

I think that propriety and ethics issues are difficult for a couple of different reasons. The first is that some of the issues you deal with are very sensitive and highly personal, and you are dealing with matters that can define people's careers. At a human level, there is a real challenge to dealing with these issues and making sure that they are dealt with properly but also compassionately.

The second reason is a more structural question, which is that sometimes the propriety and ethics world involves managing what can be a juxtaposition in the Civil Service Code where the duty to support the Government of the day to the best of your ability and upholding the values can create challenges.

**Chair:** It is conflict rather than juxtaposition though.

**Simon Case:** It is not a permanent conflict. Let's not quibble about the language, but sometimes there can be a tension that you have to manage. I don't think it is a great secret to talk about the current circumstances. The Government of the day are not remotely afraid of controversial policies. They believe they have a mandate to test established boundaries. They take a robust view of the national interest and of how the Government should protect and focus very much on accountability to people in Parliament, not on the unelected advisory structures.

Q409 **Chair:** What are the established boundaries?

**Simon Case:** I think that there are all sorts of questions there, many that are being debated in Parliament all of the time, and many policy issues. The Northern Ireland Protocol Bill is one that is obviously receiving a lot of attention at the moment where, as I said, the Government take a very robust view of the national interest and how to go about protecting it, and Parliament is debating that fully at the moment.

Q410 **Chair:** Is it a question of policy or conduct though?

**Simon Case:** In most of these issues both questions come up. I think sometimes we can get a bit confused about the propriety and ethics and focus just on conduct, but actually conduct, as it reveals itself through policy decisions, is what matters. Is due process being followed? Are the right people being consulted in the right order? Are the decisions being taken in a way that fully accounts for all the obligations on the Civil Service, Ministers and so on?



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Q411 **Chair:** Do not all Governments not have a mandate, presumably through election, to test established boundaries though?

**Simon Case:** I think on election, yes, that is certainly true, but how they exercise it varies from Government to Government.

Q412 **Chair:** How would you characterise its current exercise?

**Simon Case:** I think I already have. It is a Government that are not afraid of taking on controversial policies and dealing with issues that cause proper debate in Parliament. The Government are not afraid of doing that.

Q413 **Chair:** Debate in the country?

**Simon Case:** Yes, which is, after all, the nature of a healthy democracy.

Q414 **Chair:** Indeed, and you maintain that it is predominantly on policy rather than conduct?

**Simon Case:** As I say, I think the two are intertwined.

Q415 **Chair:** Thank you. What proportion of your time do you spend on these issues of propriety and ethics, roughly? How often does it crop up?

**Simon Case:** It varies depending on the circumstances. If I guess, 10% or 30% of my time but it comes up in a number of different guises. For example, there are difficult policy issues where policy ambition raises questions around ethics or legality and in those instances you spend a lot of time with officials and Ministers on those processes. As I say, it is where propriety and ethics is intertwined with policy making and delivery. The second area is specific casework. It is mostly Darren and his team who deal with that, but there are times when that casework has to come to me because I need to take action.

Finally, an area where I have spent a lot more time recently is focusing on questions around training and culture. I think that this has come up over and over again in a number of issues that I am sure we will want to explore today. I have spent a good deal of my time recently with senior colleagues and the people we are charging with revamping how we do Civil Service training and induction to make sure that values and ethics are more fully embedded in the training and induction programmes.

Q416 **Chair:** Do you think that is where the issue lies within the Civil Service and with the need for training and induction programmes?

**Simon Case:** I think that there are lots of different aspects to propriety and ethics. The structures that you put in place are part of that, culture is part of that, and things like training are an important part of all of that.

Q417 **Chair:** Given that two independent advisers to the Prime Minister have resigned since you became Cabinet Secretary, do you assess your own performance in the role of Cabinet Secretary in the light of those resignations?



**Simon Case:** No, I do not. The issues that resulted in Alex Allan's resignation were largely before my time, so I am not so up to date on the details of those. Alex Allan and Lord Geidt are both very fine public servants who I have worked closely with over a long time. The IA job is undoubtedly a difficult one, especially in that context that I described, perhaps even more so now that I think more and more people are asking these advisory functions to take on the role of internal—well, a stronger internal challenge is not quite the right phrase, but there is certainly a lot more pressure on these roles than there was before.

Q418 **Chair:** Internal challenge. I think you have hit on something very interesting there and the delegation of that responsibility to others. Is that because of an absence of political challenge? You are Cabinet Secretary, aren't you? You are Secretary to the Cabinet?

**Simon Case:** Yes, that is right. Sorry, are you inviting me to comment on relationships between the Cabinet and within the Cabinet, because I am going to decline to do that?

**Chair:** I thought you might.

**Simon Case:** Thanks for the kind invitation, but that is not a space I—

Q419 **Chair:** Well, I thought I would change the subject slightly. Going back to the initial topic, whose decision was it to consult Lord Geidt about the prospective breach of World Trade Organisation rules? It seems a little odd to consult him on that, doesn't it?

**Simon Case:** I believe it was the Prime Minister's decision.

**Darren Tierney:** Yes, it was the Prime Minister who wanted to consult his adviser, as he said.

Q420 **Chair:** Mr Tierney, is it normal practice for the independent adviser to vet matters of trade policy or international law? If not, why was it deemed necessary on this occasion, if you know?

**Darren Tierney:** It is really about matters of policy. It would usually be, if that area of policy was going to create an issue for the code. As the PM said in his exchange with Lord Geidt, the decision that had not been made on that but that they were considering might conflict with the Government's obligations under WTO law and that is why he wanted to consult him.

Q421 **Chair:** Was he consulted on the Northern Ireland Protocol Bill?

**Simon Case:** No, because code issues didn't arise, because of the—I think they are publicly laid out, the AG has made—

Q422 **Chair:** I thought that was a piece of legislation that challenged the established boundaries though.



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**Simon Case:** Yes, it certainly did, but the code in the end was not in question, so there was no reason to—I don't think anyway. I don't believe Lord Geidt was consulted about the protocol.

Q423 **Chair:** Do you think it was just an excuse to resign?

**Simon Case:** Do you mean an excuse on Lord Geidt's—

**Chair:** Yes. It seems a rather obscure thing to resign over, doesn't it?

**Simon Case:** I think, as you said, Chair, on announcement, Lord Geidt is a very fine and decent public servant. I don't suspect it is a decision he took particularly lightly.

Q424 **Chair:** No, I don't think he did at all, and I stand by that entirely, but it was rather obscure, wasn't it?

**Simon Case:** I am not here to speak for Lord Geidt. I think he set out his reasoning in his letter to the Prime Minister and the Prime Minister responded. I would feel uncomfortable about putting words into Lord Geidt's mouth.

Q425 **Chair:** Quite. On the UK Internal Market Act, I think the quote was a specific breach of international law. Was the independent adviser consulted on that as well?

**Simon Case:** I don't know. It was before my time. We would have to check.

Q426 **Chair:** Would you mind? It would be very helpful if you could.

**Simon Case:** No, at all, yes.

Q427 **John McDonnell:** Did you advise the Prime Minister to consult Lord Geidt?

**Darren Tierney:** No, I think it was something he wished to do. I then advised him on the issues and I spoke to Lord Geidt before he spoke to the Prime Minister.

Q428 **John McDonnell:** Did you flag it up as an issue for further advice other than your own advice?

**Darren Tierney:** Did I flag—

**John McDonnell:** The World Trade Organisation breach. Did you flag that up as an issue?

**Darren Tierney:** Yes. I was involved in the process building up to the decision, which as I understand it still has not been made. I flagged to No. 10 that the decision, if indeed we depart from the WTO obligations, would raise an issue under the code and we would need to consider how do we engage with Lord Geidt—with the Prime Minister who wanted to do that.



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Q429 **John McDonnell:** I am trying to get this clear. You flagged up it could be a potential breach of the law, effectively. He didn't listen to you so he then wanted a second opinion, did he?

**Darren Tierney:** No, that would be to mischaracterise. In the policy-making process, the trade policy people had established that if we were to go where they were heading, that might breach the WTO rulebook.

Q430 **John McDonnell:** That became an ethical standard issue.

**Darren Tierney:** That became something—

**John McDonnell:** You advised that it is an ethical standard issue?

**Darren Tierney:** They came to me about obligations under the code, civil service and ministerial, and that is when I flagged the—

Q431 **John McDonnell:** You flagged that up. He didn't accept your opinion and he wanted a second opinion from Lord Geidt.

**Darren Tierney:** It was not really a matter of opinion. I was flagging the risks to it, so he wanted to consult his adviser.

Q432 **Chair:** Going back to Lord Geidt and seeking to find a successor to him, what role are you playing in that recruitment exercise, Cabinet Secretary?

**Simon Case:** I think that the Committee will have seen that the Minister for the Cabinet Office set out how we are going about this at the Dispatch Box last week. Ministers are doing a quick review of the requirements of the role and Darren is leading on that with advice to Ministers, and the way to do the recruitment will be included in that advice. The decision has not been taken yet on the recruitment process.

Q433 **Chair:** Lord Geidt said in his post-appointment hearing with this Committee a year or so ago that his name was alighted upon. Will there be a clearer recruitment process this time? Do you envisage quite a few applicants?

**Simon Case:** As I said, Ministers have not taken the decision yet. I think we wrote to the Committee spelling out the process last time before you did your appointment hearing, where we set out criteria that we were looking for for the role, and then provided the Prime Minister with a list of names and the Prime Minister decided which of the list he thought we would like to talk to and offer the role to.

Q434 **Chair:** Will you be playing an active role in seeking that person?

**Simon Case:** Obviously it is a decision for Ministers to take on how they want to run it. I would expect so, but the decision—

Q435 **Chair:** Did you last time?

**Simon Case:** Yes.



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Q436 **Chair:** Did you ask him last time to do the job?

**Simon Case:** Did I talk to Lord Geidt before taking on the job? I certainly did.

Q437 **Chair:** Did you twist his arm?

**Simon Case:** Did I twist his arm? It is for Lord Geidt to characterise, but I don't think that is right. As I said, I have known Christopher Geidt a long time, and he is a very fine and committed public servant who has served in a number of different roles and seemed to have all the required experience for this.

Q438 **Chair:** It is peculiar, though, that so recently we had the terms of reference for the independent adviser, which were much trumpeted as apparently great reforms, and Lord Geidt is saying they are at the low end of ambition. Why is such a new review of the post deemed necessary now?

**Simon Case:** Some of this is to do with the factors that I have set out. It is now very clear that this independent adviser role is a much more public role than it has been before. There are questions about the right support that any adviser would need—I think genuine questions about whether it is a role that one individual can fulfil, and all those sorts of things.

Q439 **Chair:** What measures are in place to provide advice on ministerial interests and the Ministerial Code in a period when there is no independent adviser?

**Darren Tierney:** It is worth putting that question to the two roles—the two functions that the independent adviser has. The first is the auditorial function of giving advice on potential conflicts of interest and Ministers' interests. That can continue with Permanent Secretaries providing that advice to Ministers, as their interests might change, and they can seek advice from me and my team on that. That process culminates in a six-monthly publication of ministerial interests. We have only just done that, so we are still five or six months away from the next one. On the other function, which is the investigatory function, the Ministerial Code is clear that the Prime Minister can advise Simon or me to do fact finding on his behalf or to approach the independent adviser, so there is still a function there that can be done.

Q440 **Chair:** Are you taking on any outstanding investigations?

**Darren Tierney:** I have to give advice to the Prime Minister upon his return this week on how to handle the one live investigation that is going on. I don't want to speculate on what might happen with that because we have not told the parties involved about what might happen. The Prime Minister has not made a decision yet.

Q441 **Chair:** He will make that decision upon his return?

**Darren Tierney:** Yes.



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Q442 **Chair:** Mr Case, how appropriate is it for a serving civil servant, either you or Sue Gray—a name at random—to conduct investigations into the conduct of the Prime Minister?

**Simon Case:** Very difficult and to be avoided wherever possible. The role of the Civil Service is to support the Government of the day while upholding values. Its function is not to provide some sort of judicial function over Ministers. In fact, if you go back through history, the role of the independent adviser was created in part to deal with that tension.

Q443 **Chair:** Do you think that there is a lack of general political leadership? What would you have otherwise—

**Simon Case:** Again, you are inviting me to starting commenting on political matters.

Q444 **Chair:** That pressure on the Civil Service must come from somewhere for you to take on that role, which clearly is an invidious one to have. Where does that come from? It must come from somewhere.

**Simon Case:** In the end it is decisions for Ministers, and ultimately the Prime Minister, to take. The Civil Service advises and Ministers decide. That is how it has been and when decisions are taken we have to do our utmost to implement those decisions.

Q445 **Chair:** Do you agree that there is a legitimate concern for somebody to be investigating the people who are ultimately responsible for their immediate career prospects?

**Simon Case:** Yes, I agree. You said invidious. It is the challenge of asking the Civil Service to fulfil these functions. Some people use the language of the Civil Service being independent. That is not correct. The Civil Service is not independent. Impartiality is one of our four values, but the Civil Service is there to support the Government of the day and, as you say, asking civil servants to do these investigations puts them in a genuinely difficult position.

Q446 **Chair:** Did you advise the Prime Minister that the independent adviser—Lord Geidt at the time—would be the most appropriate person to investigate the alleged breaches of Covid-19 restrictions in Downing Street?

**Simon Case:** You will understand that by long-standing convention I am not going to go into the details of the advice given to the Prime Minister, but I point the Committee back to the original terms of reference that we published that made it clear that questions of ministerial conduct should be for the independent adviser—it is what the original terms of reference said.

Q447 **Chair:** But they weren't, were they?

**Simon Case:** No. As the Committee will know, I recused myself after a short period of investigation and was not involved in the decisions about





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the conduct of the investigation thereafter, so I can't talk personally to that.

Q448 **Chair:** No, but speculatively, what is the point of an independent adviser if not to investigate such matters?

**Simon Case:** I think the Committee addressed this with Lord Geidt—

**Chair:** No, your view on it.

**Simon Case:** —which was that there is a role that is spelt out in the Ministerial Code that the Prime Minister can ask the Cabinet Secretary or the Cabinet Office to establish the facts, but the decisions and the adjudication, and the advice about that on the Ministerial Code aspects, have to come through the independent adviser, and that was upheld. Sue Gray's report did not go into questions of the Prime Minister's conduct in relation to the code.

Q449 **Chair:** On that report, as you mentioned it, are you aware that Alex Chisholm asked Sue Gray to redact or indeed remove names from her report?

**Simon Case:** No. As I said, I recused myself from the process, but I will let Darren explain the process.

Q450 **Chair:** If you wouldn't mind, and Mr Tierney can have a go in a minute, you had no conversation with Mr Chisholm to ask Ms Gray to redact or remove names?

**Simon Case:** No. I will ask Mr Tierney to explain the process because, as I said, I was recused and very specifically did not involve myself in these matters.

Q451 **Chair:** Bearing in mind how you recused yourself, would it be appropriate for Mr Chisholm to have asked Ms Gray to remove names from her report?

**Simon Case:** I will ask Mr Tierney to explain the process.

**Chair:** I am not too fussed about the process. It is just on the principle.

**Simon Case:** There were legitimate roles that fell to the accounting officer of the Department that was responsible for publishing that report and Mr Chisholm took that responsibility seriously. I am very happy to ask Mr Tierney—

Q452 **Chair:** Mr Tierney, what are those legitimate roles?

**Darren Tierney:** As we did with Sue Gray's first report and as we would do with any other independent report when it comes to the Cabinet Office, the Cabinet Office publishes it. The accounting officer for the Cabinet Office, Alex Chisholm, runs through a series of tests before publication. It is not about the substance of the report, but it is about, for example, whether there are any ongoing legal proceedings that would



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mean we could not publish, has someone checked what is in the report for defamation or employment law issues, and thirdly—and importantly on this one—are there any staff welfare concerns that would get in the way of publication. It was on that basis that the accounting officer, Alex Chisholm, got involved and spoke to Sue Gray about staff welfare.

Q453 **Chair:** There was one staff member whose name was removed, wasn't there?

**Darren Tierney:** Yes.

Q454 **Chair:** Were there any others who requested to have names removed?

**Darren Tierney:** Not as far as I am aware, no.

**Chair:** Thank you. I will go to Tom Randall, please, with a change of subject.

Q455 **Tom Randall:** Looking at Nigel Boardman's inquiry, he noted the relative lack of resource dedicated to compliance within the Civil Service. To what extent do you agree with that and is it a fair comment?

**Simon Case:** First of all, I think that one of the things that Nigel Boardman usefully did for us was to bring his financial services expertise to these questions. He challenged us because at the moment I am not sure it is a lack of compliance resource. Inside government, compliance resource is split between a wide range of functions: human resources, finance departments and—Permanent Secretaries have obligations about managing public money—the accounting officer responsibilities. Private offices tend to be at the forefront of some questions. I am not sure it is necessarily a lack of overall resource, but it is a brigading question, which I know Nigel Boardman lit upon. Darren, do you want to add?

**Darren Tierney:** Yes. At the time I discussed this with Nigel Boardman and we were having the same kind of discussion. This is still a choice that Ministers have not quite made yet about whether you create a new function in government called "compliance" that does not exist in our terminology but, as the Cabinet Secretary was saying, it exists in various other places in our system. I think that the debate we are having in government is the extent to which you want to bring that large financial institution compliance mindset into a system that is not a bank and where there are already lots of checks and balances, including quite fundamentally the accounting officer role. I am a bit nervous that we don't undermine some of the quite fundamental compliance functions we have already in government by creating a new function. Rather what we could do is make sure the existing functions work better, and we have been doing some of that since Nigel Boardman's report.

Q456 **Tom Randall:** Can you say what the current size of the propriety and ethics team is, and broadly what your main tasks are?

**Darren Tierney:** There are about 20 people in the core propriety and ethics team. We are split across three main teams. The first is a casework



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team that does a lot of the reactive work. It is very demand-led. It depends what issues people are raising. I remain very encouraged that it gets so much incoming traffic from Ministers, special advisers and Permanent Secretaries, because they are asking about the right way to do stuff. That team spends a lot of its time advising people on the best way to get Government business done within the codes and rules.

There is another team that does a lot of the policy work. They also sponsor the Civil Service Commission and they are responsible for sponsoring ACOBA and some of the other wider policy considerations. Then there is a small team that provides direct support to the independent adviser when in post.

Q457 **Tom Randall:** As you noted, Boardman recommended that a cross-Government compliance function be created. I was going to ask whether any steps had been taken towards creating that but, from your previous answer—

**Darren Tierney:** We have not taken any steps towards creating it. We have started debating with Ministers about whether or not we want to create this function, as I said earlier on. In the interim we have started improving some of the processes and procedures that Nigel Boardman flagged, particularly around managing outside interests for civil servants, which I am sure we might come on to. We have been focused more on addressing some of the problems that Nigel identified rather than doing big structural changes.

**Simon Case:** I think the question here is whether if you create a single compliance function, do you somehow look like you are removing the function of a very large number of people to uphold standards and values? For me, that is at the heart of the question about whether that is the right way to go.

Q458 **Chair:** Could I clarify one of the previous questions and the answer? Was the advice sought from Lord Geidt minuted anywhere—the request or anything?

**Darren Tierney:** I am not sure about that. The Prime Minister and he had a conversation. I don't know if it was minuted.

**Simon Case:** We can check; we can find out.

Q459 **Chair:** That is very kind. A last sort of question about all things Lord Geidt, on the issue around the Prime Minister's personal phone and the error that occurred with some messages not being supplied to Lord Geidt when he carried out that particular investigation. For the record, can you explain what on earth happened with the Prime Minister's phone?

**Simon Case:** There are limits about what we can say in open session. I think the Prime Minister put what we could into the public domain in his exchange of letters. I think that there was a well publicised security breach around the Prime Minister's phone that put that phone very



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largely beyond use, and the Prime Minister explained that in his public exchange.

Q460 **Chair:** Do you know if the messages were wiped from his phone and, if so, from which period that covered?

**Simon Case:** I am afraid I don't.

Q461 **Chair:** Would you be able to furnish us with that information?

**Simon Case:** If that information is available, we will furnish you with it.

Q462 **Chair:** Further to that—if you can't answer now, I will understand but, if you can, furnish us with it again—were any officials' phones wiped similarly, or indeed those of Ministers who had received messages and had exchanges on WhatsApp with the Prime Minister?

**Simon Case:** I don't know. I will have to go away and check the extent to which that breach affected others.

Q463 **Beth Winter:** When you last gave evidence to this Committee, you were able to confirm that Lex Greensill was not employed as a special adviser but it was unclear as to what his status was. It has subsequently emerged that he was employed as a consultant even though Boardman considered his role to be more an unregulated ministerial appointment. Who decides whether an appointment is a consultant rather than a special adviser or an unregulated appointment?

**Simon Case:** Darren is at the front of these conversations so I will let him answer.

**Darren Tierney:** Ministers decide on what basis they want to bring in people. I think it is important to remember that Nigel Boardman's actual finding, although it was still unclear, was that he thought that Lex Greensill was more like a direct appointment, in our language, so not a consultant or a contractor, but more like a direct appointment. Since the Nigel Boardman report, we have clarified, and HR teams have sent out across Whitehall some new guidance on routes into government so that we can make it much clearer how one gets employed in government. That was one of the big issues with Lex Greensill's status. We have clarified that now and broadly speaking we have sent out some guidance that is clear that you are either a civil servant—that includes temporary civil servants in the form of special advisers—or you are a ministerial appointee, a direct appointment or public appointment or a non-executive, and then broadly speaking there is a commercial bucket where we would procure services from consultants or contractors.

**Simon Case:** I think one of the main lessons that is very clear on reading Boardman is that Lex Greensill's employment status was not ever as clear as it should have been, which is why we have taken these actions to bring absolute clarity.

Q464 **Beth Winter:** Do you think that it will bring clarity into the guidance?



**Simon Case:** That is certainly the intention behind it, but we will have to keep monitoring.

Q465 **Beth Winter:** Mr Case, what rules, if any, define the scope of the work that a consultant can undertake in government? In particular, is there anything to prevent a consultant acting as a de facto SpAd?

**Simon Case:** The work of consultants will be spelt out in the procurement contract: the scope of the work, how long they are asked to do it for and how they dock into the permanent system. That is how consultants mostly work. They are brought in for specific projects, which is obviously different from the role of special advisers, who are temporary civil servants brought in to—

Q466 **Beth Winter:** How does the management of conflicts of interest differ between consultants and SpAds?

**Darren Tierney:** Broadly speaking, for a consultant whose services we are buying through a procurement process, they are obligated to tell us up front what they think any political, social or financial conflicts might arise with the work that we are trying to employ them to do. They are responsible for resolving any potential conflicts that arise. It is a different process for special advisers, but since 2020 we have had a single model contract for special advisers, which includes the process by which they declare their potential conflicts of interest. Relevant Permanent Secretaries in Departments look at those declarations and they decide how to resolve any conflicts. Once a year we publish a report on special advisers, which includes any relevant conflicts that should be disclosed to the public. That is in annual reports every year. The next one is due out next month.

Q467 **Beth Winter:** Lex Greensill's position—his status—was unclear, so in dealing with any conflicts of interest at the time—

**Simon Case:** I believe that steps were taken.

**Darren Tierney:** I think Nigel Boardman said in his report that it was unclear what his status was, but he thinks, if he had to come down on it, it was more like a direct appointee than anything else, although it was unclear at the time. Lex Greensill declared some interests when he was initially appointed and at subsequent reappointments, but the Boardman report highlights the fact that those conflicts, while declared, might not have been particularly well managed throughout.

Q468 **Beth Winter:** Thank you. Greensill was told to consult the Cabinet Office before taking new work for three months after leaving. Is that length of time sufficient, in your opinion?

**Darren Tierney:** With the nature of his, frankly, slightly unclear status at the time, he was not a civil servant or a Minister or a special adviser, and they are the people caught by the ACOBA rules. It is clear what has to happen to them. It was not clear what should have happened to Lex



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Greensill. Now if you are a direct appointment, it is clear, and if you are a direct appointment, upon appointment, you are told that you have to abide by the code for good conduct for board members of public bodies, and in that there is a much more prescribed way of managing conflicts, including how you exit.

Q469 **Beth Winter:** Are conflicts for those who are remunerated managed differently from those who are receiving a fee or salary?

**Simon Case:** Remuneration or otherwise is not the determining factor about conflict of interest management. It is to do with the route that you come by, as Darren said: civil servant, Minister, SpAd and so on. That is what determines; it is not remuneration.

**Darren Tierney:** It was helpful insight from Nigel Boardman to make clear, because I think there was a tendency at the time that if someone was unpaid, you should treat them slightly differently. He was clear in his previous report that he did for the Cabinet Office, and the one he did for us, that paid or unpaid is totally irrelevant and should be subject to the same rigour.

Q470 **Beth Winter:** The last one from me is about the fact that non-government executives are reported to have been involved with Greensill Capital or its subsidiary. Given the apparent importance of their roles, are you satisfied that the management of NEDs' real or potential conflicts of interest are robust enough, Mr Case?

**Simon Case:** Do you want to talk through the approach?

**Darren Tierney:** When non-executives are appointed, they are told that they are subject to the code of conduct for board members of public bodies. In that there is a prescribed process for declaring their conflicts. Upon appointment, they will declare their interests to the relevant Permanent Secretary. They will then work out if any of those are an actual or perceived or potential conflicts, and they will put in place mitigating factors to manage that.

Q471 **Beth Winter:** Mr Case, do you feel that they are robust enough?

**Simon Case:** Various issues have come up around non-executive directors that we have been looking at. We have gone back through the conflicts of interest process. Ministers also going to take on the recommendation of the Committee on Standards in Public Life that non-executive director appointments are done through the standard public appointments process. I think that those things together should mean that we have a much more robust approach to the appointment of non-executive directors and then the management of them when they are working.

Q472 **Beth Winter:** Whose responsibility is it to ensure that NEDs' conflicts of interest are stringently managed and—



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**Simon Case:** First and foremost, it is a job that falls to the Permanent Secretaries in the Department. They can come to Darren and his team for advice if they need to, but it is very much a role that sits within the Department.

Q473 **Beth Winter:** Why aren't non-executives subject to the business appointments rules or ACOBA?

**Darren Tierney:** The rules only apply to civil servants, Ministers, special advisers or other Crown servants. Non-executives are none of those. They are also a bit more distant from decision making by their nature. They are non-executive, so they are not subject to the same kind of approach upon exit from government.

Q474 **Beth Winter:** Should they be subject to those?

**Simon Case:** I think that there is a balance in this. As Darren said, these are non-executive roles, so they are a bit more distant from decision making. Non-executive directors are a useful way of getting in outside expertise to help to challenge Departments and to move them forward. I think that we need a proportionate approach. If we put in place the full business appointment rules, ACOBA, we would find it very difficult to recruit the sorts of people we want, but we need to keep it under review.

Q475 **Beth Winter:** You don't feel that they should be subject to the same rules?

**Simon Case:** As people who are working full time in government, no. I am not sure at the moment that would be a proportionate response.

Q476 **Lloyd Russell-Moyle:** I will follow up on that. What rules do you think they should have to follow?

**Darren Tierney:** It will depend on which body they are sitting on. The code of conduct that I mentioned that they are subject to has a provision in it that talks about their having to abide by the exit conditions of whichever body they are sitting on, and some of those will have conditions on what they can do afterwards.

Q477 **Lloyd Russell-Moyle:** You are saying that business appointment rules are too stringent. Which of those rules are too stringent?

**Darren Tierney:** I am not saying the rules are too stringent. I suppose what I am saying is that if you have been the Defence Secretary and you want to leave and go and work in the defence industry, the process is much more stringent because you were involved in the decision making. That is more rigorous than it is for non-executives.

Q478 **Lloyd Russell-Moyle:** Are you saying that no rules should apply at all to non-executives, or that there should be a slightly different set of rules to reflect their different roles? If it is the latter that you are nodding to, what rules do you think should not apply to them and which rules should apply to them? You are saying it should be a different threshold, I get



that argument, so practically which ones are you talking about?

**Simon Case:** Non-executive directors by their nature are non-executive and they are very part-time figures. It would not be proportionate to stop them from taking—what you don't want is non-executive directors taking any of the information that they have gathered by sitting on departmental boards and commercialising that. That is the one thing in any of these things that we are trying to stop. It creates a very clear conflict of interests. But the business appointment rules and the process that Ministers, civil servants and special advisers go through is a much longer process. As I say, I think it needs to be a proportionate approach.

Q479 **Lloyd Russell-Moyle:** Is that proportionate approach in place at the moment, or is there no approach in place at the moment?

**Simon Case:** Darren set out what the conflicts of interest management process is. Afterwards, I have to look to Mr Tierney on this.

**Darren Tierney:** It varies depending on which public body the non-executive was sitting on. There are rules in place on some bodies.

Q480 **Lloyd Russell-Moyle:** Each body is different. There is no standard set of rules for non-executive directors and you can't quite tell me what standard should be set. Am I summarising that right?

**Darren Tierney:** It is a very disparate group of bodies and non-executives are subject to the code of conduct that I mentioned, but it will depend on which public body they are in and what restrictions are placed on them.

Q481 **Chair:** If there is such a path, for example, and there is a non-executive director being appointed, do they have to make a declaration of being a connected party perhaps?

**Darren Tierney:** Yes, upon appointment they have to declare all relevant interests and then the Permanent Secretary will work with them, if there is a conflict, to mitigate those conflicts as far as possible.

Q482 **Chair:** Is that mitigated in the Department of Health?

**Darren Tierney:** Which interest are you referring to?

**Chair:** The former Secretary of State and his non-executive director.

**Darren Tierney:** I am not sure what interests she would have declared at the point of her appointment. She did make a declaration of interest. Are you referring to Ms Coldangelo?

**Chair:** Indeed.

**Darren Tierney:** At the time, from memory, she did make a declaration of interests and she had some commercial arrangement, which I think we put mitigations around.





Q483 **Chair:** I am less interested in the commercial arrangement and more about whether a connected party or not.

**Simon Case:** I am not sure that was declared to us, Chair.

**Chair:** That is fair enough. Sorry to interrupt you, Mr Russell-Moyle.

Q484 **Lloyd Russell-Moyle:** I should make some progress, but thank you very much.

Mr Tierney, following the reports on Bill Crothers's role in Greensill, you instructed Permanent Secretaries to ascertain whether other senior officials had second jobs. Shouldn't this information already have been held and is it now routinely collected in an organised way?

**Simon Case:** As I think I spelt out to the Committee in the letter, it should have been collected before, but it now is being regularly collected and will be published annually in the departmental annual report and accounts.

Q485 **Lloyd Russell-Moyle:** What level does that go down to? It is senior civil servants. Does it go down further?

**Darren Tierney:** All senior civil servants that we have asked.

Q486 **Lloyd Russell-Moyle:** What is behind the decision to not make that go down further to any civil servant involved in policy making?

**Darren Tierney:** To be clear, the declaration still has to happen. If you are not in the Senior Civil Service and you want to take on an outside job, you still have to get approval for that from your line managers—that still has to be declared. We are saying that we will make that an annual return within the public and annual reports only for the SCS on the basis that Senior Civil Service is more involved in decision making.

Q487 **Lloyd Russell-Moyle:** Could there not be a case where a team of civil servants is working on a policy—junior civil servants—and if they all have outside interests in a particular area, that might provide a conflict that would need an assessment beyond just the line manager, and would need a wider purview to see that pattern? Do you understand what I mean? If it is just agreed case by case, there is no one who can step back and see that all these people have a particular interest, or that all these people in numerous Departments seem to have a network of interests that we are not quite ascertaining.

**Darren Tierney:** I think it is a very unlikely scenario, if I am honest. Line managers would know because junior civil servants would have to seek their approval. I would like to think that the kind of thing you are describing would be picked up, but I am struggling to see quite how such a scenario would emerge.

Q488 **Lloyd Russell-Moyle:** Why not record it centrally?



**Simon Case:** I think a lot of it will just be about the reporting burden that we place on Departments. They need to keep it themselves—they need to be doing this—but reporting everything centrally is another reporting burden.

Q489 **Lloyd Russell-Moyle:** Why not ask the Department to report?

**Simon Case:** Internally. We have asked them all to assure—as part of the letter that the Committee saw, we have been clear with Departments that although we were setting the bar for them reporting into us of the Senior Civil Service, we have asked them to make sure, working through their audit committees, that Permanent Secretaries and audit committees are satisfied that throughout the Department they have proper processes in place for managing conflicts of interest.

Q490 **Lloyd Russell-Moyle:** There is not a compilation of that departmental—

**Simon Case:** Not at junior levels.

Q491 **Lloyd Russell-Moyle:** In your letter to the Committee of April 2021 you outlined new measures to address these conflicts of interest, and you have just mentioned some of them for senior officials and for other board members. Have any of the new disclosures revealed any concerns that you were previously unaware of?

**Simon Case:** Nothing concerning. What it has proven is it is quite rare for civil servants to have outside employment. Where it does—as we have said to the Committee before, but I will ask Darren to correct if this is wrong—it is largely people working in other parts of the public estate—doctors; reservists—where people have got remunerated outside work. It is coaching and that sort of thing.

**Lloyd Russell-Moyle:** This might be something to celebrate as well.

**Simon Case:** Charitable involvement—that sort of thing. I am not aware of anything that has come up through the process.

**Darren Tierney:** I think that is right. To your point about celebrating, we are talking about paid outside interests here, but of course we do want civil servants contributing in their societies. They do on governing boards, trusteeships and the like, and we don't want to get in the way of that.

**Simon Case:** If we step back from the broader questions and the issues involved—I know that the Committee has talked about this before—the prize we are looking for is making sure we can bring the outside expertise into government that we need to help to modernise the way we deliver public services. Also we want civil servants who have varying—we want civil servants who are out there making broader contributions to society. I think Nigel Boardman himself said in front of the Committee that the circumstance of Lex Greensill is very rare. I think he said he had not found any other example like it, and he asked and we had not either. But



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I don't think that means that we should be complacent about these processes.

**Q492 Lloyd Russell-Moyle:** You are confident that the current conflicts of interest regime that is now place will prevent any other nasty surprises coming along the way?

**Simon Case:** I think it is a step forward. It is early days. We are not through a full cycle of doing it. I think once we publish the first set of annual report and accounts—this is the importance of transparency on this—other people will be able to judge whether we are getting it right about the sorts of things that civil servants can do outside. I think it is too early to say we have absolute confidence, but let us allow the process to run through a couple of times and then reflect on whether it is good enough.

**Q493 Lloyd Russell-Moyle:** It is difficult to ascertain whether the fact that you have not received any information that you were unaware of is because you are asking the right question, or whether it is because there was nothing else there. I am trying to ascertain how confident you are that your net is now wide enough to get all the issues.

**Simon Case:** I think because of the focus that there was on Greensill I have a pretty high degree of confidence that, across the Civil Service, Permanent Secretaries are very seized of the importance of getting this right. There are real reputational issues behind this—potentially substantial ones—and we have to get that right. I think that people are taking it seriously but, as I said, we have to let this run through and then let's judge.

**Darren Tierney:** I will add that it is not just the annual process. It is a dynamic process. To bring that to life a bit, I had a case recently where a senior civil servant had suddenly inherited lots of shares that he didn't have before. He declared those interests. They were relevant to the job he was doing, so we advised with Permanent Secretaries on how to manage that, including disposing of some of those shares. People find themselves in a situation that they didn't declare because it was not real and then we manage it in—

**Q494 Lloyd Russell-Moyle:** If your team is involved in that day-to-day role of assessing case by case, what needs to happen?

**Darren Tierney:** In that instance, and in many instances, the first port of call is the Permanent Secretary. If some advice from us is needed, we give it daily.

**Q495 Lloyd Russell-Moyle:** How often do Permanent Secretaries have to come to seek advice from you?

**Darren Tierney:** Quite a lot. It varies by Department and issue, but I get quite a lot of incoming from senior colleagues. As I say though, it is because they are trying to find the right way to do something.



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Q496 **Lloyd Russell-Moyle:** Are there some Departments that don't ask your advice?

**Darren Tierney:** I am pretty confident that in the 15 months I have been in this job I have spoken to every single Permanent Secretary about something.

Q497 **Lloyd Russell-Moyle:** Everyone has come to you on something. Mr Tierney, how are Boardman's recommendations about pre-appointment restrictions to prevent external hires to the Civil Service from potentially benefiting from their former employers managed at the moment? In the light of the priority given to further openings in the Civil Service to external hires, is the process of managing conflicts of interest robust enough to guarantee propriety in this area?

**Darren Tierney:** It is a good point and, again, I am very grateful to Nigel Boardman for illuminating that. We have changed the conflicts of interest process to take that into account. When civil servants or direct appointees are making their declaration, there is a bit in the form that explicitly includes relationships with previous employers so that the system can see if there is still a live relationship or something that we need to keep an eye on. For example, if someone leaves one of the big four consultancy firms and joins as a civil servant, we know that that relationship existed, so we will make sure that they are not involved in procurement with that previous employer. That is the sort of thing that Nigel Boardman was worried about, and we built that into the new conflicts of interest process.

Q498 **Lloyd Russell-Moyle:** Who is made aware of that? Is it just the line manager who is made aware of that, or is it other people in the Department who may be made aware of that?

**Darren Tierney:** It is the line manager in the first instance, although if it is about procurement, for example, they will also notify the commercial teams so that they know there is a potential conflict in the system.

Q499 **Karin Smyth:** Mr Tierney, when we heard from Lord Pickles as ACOBA Chair, he suggested that the Government were dragging their heels with introducing measures enforcing the business appointment rules. Is that a characterisation you recognise?

**Darren Tierney:** We have been busy working with Lord Pickles and his secretariat on a whole range of policy areas for business appointment rules. We have put advice on all that to Ministers, and they are rightly considering it. Some areas are particularly complicated, but advice is with Ministers.

Q500 **Karin Smyth:** He suggested that he had had support from Ministers, but it was actually the civil servants who were somewhat dragging their feet on the reforms. Do you think that is not fair?

**Darren Tierney:** Yes.



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Q501 **Karin Smyth:** Okay, that is fine. Do you also agree with him that there are non-legislative steps that could be taken to make the appointment rules enforceable?

**Darren Tierney:** Yes, that is our primary area of focus, if I am honest. Rather than seeking to put the rules into statute, we are looking at different ways in which we can improve the sanctions regime and the operation of the rules without using statute, for example using contracts or employment law.

Q502 **Karin Smyth:** Is that what you will be doing?

**Darren Tierney:** Those decisions still have not been taken by Ministers, but that is what we are looking at and that is what we are advising them on.

Q503 **Karin Smyth:** That is the Civil Service recommendation and we are waiting for Ministers to confirm agreement to that?

**Darren Tierney:** It is one of the recommendations that was a mixture of CSPL and Boardman. As I said, there is quite a complicated area—

Q504 **Karin Smyth:** Sorry, but to be clear, that is something that you have taken forward and put forward to Ministers as your recommendations?

**Darren Tierney:** We have put forward options on how best to do it and they are with Ministers.

Q505 **Karin Smyth:** Any idea when we might see that? When are you expecting a decision, Mr Case?

**Simon Case:** We have not had a timeline from Ministers. I think that Lord True has recently been in touch with Lord Pickles to provide him with an update. I think that Ministers want to move this forward. They recognise the need to get on with it, but we have not had a timeline from Ministers.

Q506 **Karin Smyth:** Weeks, end of recess or months?

**Simon Case:** We have not had a timeline from Ministers.

**Karin Smyth:** It is normally “soon”. Not even soon?

**Darren Tierney:** In due course—in the fullness of time.

**Karin Smyth:** Or in due course. No, nothing? A year, a year and a half, two years? What would you expect realistically? I didn’t expect to get an answer on this.

**Simon Case:** These things are pressing. They have been there—as we say, I think the options are clear and I hope this comes quickly.

Q507 **Karin Smyth:** Quickly being quicker than soon perhaps. Right, we might follow that up.



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The Committee on Standards in Public Life recommended that the business appointment rules be extended to cover employment where the applicant has had regulatory contracting or policy experience as well as a direct relationship. Mr Case, as head of the Civil Service, do you think that it would be fair to stop officials from making use of their expertise in the private sector to this extent?

**Simon Case:** I think this comes back to the proportionate approach. We have to stop people making direct personal financial gain from the privileged information that they have gained in government. That should not be happening and I think we would all agree on that. On more general expertise, I worry that if we end up in a world in which once you have joined the Civil Service it is almost impossible for you to get another even vaguely relevant job afterwards, we will find ourselves very quickly with talented people not wanting to join the Civil Service. A proportionate approach is required. People taking up jobs that directly draw on the expertise that they have had is a problem—subject matter expertise—but with broader skills and so on, it feels to me to be imbalanced to rule out people from working in that same sector afterwards.

Q508 **Karin Smyth:** If they had regulatory, contracting or policy. Do you disagree with the committee?

**Simon Case:** There are lots of things that come under the rubric—lots of different roles. You can work in a regulatory body and not be at the forefront of the interaction with whichever sector you are regulating. A blanket rule that because you have worked in a regulator meant you could not go into something would not feel proportionate.

Q509 **Karin Smyth:** Will there be pushback on those recommendations?

**Simon Case:** Those are decisions for Ministers to take.

Q510 **Karin Smyth:** Is that the same decision making as the “quickly” or “soon”?

**Simon Case:** Yes.

Q511 **John McDonnell:** I will come to direct ministerial appointments again, and you have dealt with a bit of this. I want you to explain the process through which these direct ministerial appointments are made, the level of discretion that Ministers have, and then this issue of how conflicts of interest are managed and mitigated. Is there a provision to just prevent the appointment if the conflicts of interest are significant?

**Simon Case:** I will get Darren to do the detail. On the conflicts of interest, there are cases where we have turned down direct ministerial appointments. There are some conflicts of interest that would be perceived conflicts of interest rather than actual ones, and you can put in satisfactory mitigation maybe, but where there are actual conflicts of interest we have turned those down. Mr Tierney can do the process.



**Darren Tierney:** Direct appointments are not new. They have been used for decades. I think what is new is that we have now put in place a standard process for making them that was not in place, and that is a direct result of Nigel Boardman's work. To set that out briefly, now we have a best practice note that has gone around Whitehall and the Permanent Secretaries now know how to do this. The main features of direct appointments are that there will be terms of reference drafted or a remit for the role will be created. As far as possible, depending on speed, there will be as open and fair a selection process as possible against some criteria for the role. All of them will have to be authorised by a Minister and all of them will be subject to the Nolan principles and to the code of conduct on board members of public bodies that I mentioned. They also then have a standard conflicts of interest process where they will declare their interests. Permanent Secretaries will assess them and then mitigate them if possible.

Q512 **John McDonnell:** Do you have the ability to veto an appointment?

**Darren Tierney:** It is rarely me who vetoes. It will be Permanent Secretaries usually who will assess the interests, and if there is a conflict that can't be managed, it is for the Permanent Secretary to say no. If they want to test that with me, based on precedent or if there is any other way of mitigating it, they will, but it is for Permanent Secretaries to do that with their Ministers.

Q513 **John McDonnell:** Is that the process that was used when Boris Johnson was Foreign Secretary and trying to appoint his girlfriend, subsequently his wife, to become his chief of staff?

**Darren Tierney:** I was not in the Foreign Office then and I was not in this job, and I am afraid I cannot comment.

**Simon Case:** No knowledge at all of these allegations.

Q514 **John McDonnell:** Have you investigated those allegations?

**Simon Case:** No, we have not investigated those allegations.

Q515 **John McDonnell:** Why not? Lord Geidt, who you have praised to high heaven today, has said that this is ripe for investigation.

**Simon Case:** Has he said that? I have not seen it.

**John McDonnell:** He has.

**Simon Case:** I have not seen a direct quote on that.

Q516 **John McDonnell:** The direct quote is in inverted commas in *The Times*, so it must be true, "Could be ripe for investigation".

**Simon Case:** I am not sure there was a direct quote.

Q517 **John McDonnell:** It is certainly in inverted commas here. Shall I read it to you? "Lord Geidt believes allegations that Boris Johnson tried to



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appoint his future wife to a leading government job 'could be ripe for investigation' *The Telegraph* can reveal". Sorry, I apologise to *The Times*.

**Simon Case:** I am not sure that that necessarily is a direct quote from Lord Geidt.

Q518 **John McDonnell:** It is certainly in inverted commas. Whether it was a direct quote or not—

**Simon Case:** It is a matter of public—

**John McDonnell:** Is this not sufficient for you to—does it not warrant an investigation?

**Simon Case:** This is where we get into the processes that exist. An investigation under the Ministerial Code under the current rubric can only be authorised by the Prime Minister.

Q519 **Chair:** Is he not keen?

**Simon Case:** These are questions that need to be directed to the Prime Minister.

**Chair:** Sorry to interrupt.

Q520 **John McDonnell:** I just want this for the record really. You are the Cabinet Secretary. Here is a potential flagrant abuse of power, and you are resting on the argument that you are not permitted by the Ministerial Code, by the Prime Minister, to investigate this matter?

**Simon Case:** I do not have an independent right of initiation of investigations.

Q521 **John McDonnell:** Have you discussed this matter with the Prime Minister—suggesting that this is something for you to investigate, at least the facts of it?

**Simon Case:** I am not going to go into the conversations that I have with the Prime Minister.

Q522 **John McDonnell:** Do you not have any responsibility, as one of the most senior civil servants in government, to uphold standards at all?

**Simon Case:** I am very aware of my responsibilities under the Civil Service Code and I take them very seriously.

Q523 **John McDonnell:** Yet here we have the potential breach of basic standards by someone in high office and a former ethics adviser advised that this is ripe for investigation, but you have not even raised it with the Prime Minister?

**Simon Case:** That is not what I said. I said that I am not commenting on my private conversations with the Prime Minister. I have also told you that I take my responsibilities very seriously. I have throughout my career and I continue to do that.





Q524 **John McDonnell:** I am interpreting that as that you have had a conversation with the Prime Minister.

**Simon Case:** I am not going to get into confirming or denying conversations with the Prime Minister about anything. It is absolutely vital to maintain the trust that needs to exist not just between the Prime Minister and me, but between the Civil Service and Ministers that conversations we have remain private.

Q525 **John McDonnell:** You can understand, though, can you not—

**Simon Case:** I absolutely accept the point that you are making.

**John McDonnell:** Let me finish the sentence. You can understand that there is some contradiction between the statement that you are making about you upholding in the fullest manner the standards of the Civil Service, and yet not having a conversation with the Prime Minister about this matter. I think that that would be generally interpreted as something of a contradiction and therefore I am interpreting that you have had that conversation.

**Simon Case:** I refer back to the conversations that I had at the opening. There are juxtapositions and there are challenges that we have to manage. I say again that I take my responsibilities very seriously for upholding the Civil Service Code. I am not going to go into the private conversations that I have had with the Prime Minister.

Q526 **John McDonnell:** We all have a cross to bear. Let's just go into more detail. Are there any restrictions on the use or the types of work that direct appointments can undertake?

**Darren Tierney:** Yes. They are not executive; they are advisory. They cannot direct the work of the Civil Service, for example. They will mostly just be in advisory or championing-type roles. The remit will be set out in their terms of reference.

Q527 **John McDonnell:** Have you a set of parameters between what you would expect to see by a civil servant as against a ministerial appointment?

**Darren Tierney:** Yes, it would be quite clear what civil servants can do. They can spend money within their delegation, they can run their organisations. Direct appointees are almost certainly advisory and will not be able to do that.

Q528 **John McDonnell:** A final point. The former Commissioner for Public Appointments, Sir Peter Riddell, told us that he thought that Departments should be required to publish a list of all unregulated ministerial appointments. Can you see any reason why this could not or should not be implemented?



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**Simon Case:** We have completed the survey. Obviously it is a decision for Ministers about the decisions being transparent, but it would seem like a very obvious thing to do, yes.

Q529 **John McDonnell:** That will be subsequently published?

**Simon Case:** It is very difficult to see why that would not be done.

**John McDonnell:** That would be helpful, thanks.

Q530 **Chair:** A brief change of subject before we go to Beth Winter. Something that has been brought to my attention—and I ask in that spirit, Mr Tierney—is about whether Ministers or No. 10 have ever sought advice, recently or whenever, from the propriety and ethics team on whether Ministers should declare loans or donations to one another?

**Darren Tierney:** I have certainly been asked. I will not name individuals, but I have been asked a question about loans between Ministers before—not recently, I have to say.

Q531 **Chair:** What is the general guidance on that?

**Darren Tierney:** My general advice is that it is probably not a good idea. As a minimum, it would need to be transparent, but it would go to the independent adviser, who will advise on the extent to which the interest needs to be declared and then made public.

Q532 **Chair:** But we do not have one of those at the moment, so who deals with it now?

**Darren Tierney:** They would seek advice from me.

**Chair:** Who was that, sorry?

**Darren Tierney:** In this hypothetical situation, they would come to me for advice.

Q533 **Chair:** It would be similar, would it not—although it was of course before their time in government—to Geoffrey Robinson and Peter Mandelson, potentially?

**Darren Tierney:** I am not aware of the specific thing that you seem to have in mind, so I am not sure that I can comment any further.

**Chair:** I am only posing hypothetical questions, so do not worry too much about that.

**John McDonnell:** Just for the record, I would not want to upset our journalistic comrades. The original report was in *The Times*, but the Geidt quote was in *The Telegraph*.

**Chair:** I am glad that you are reading both of them closely.

Q534 **Beth Winter:** Moving on to Downing Street parties now, it has been reported that 126 fines were issued. How many of those were civil



servants, please, Mr Case?

**Simon Case:** The Met has not released the information either publicly or to us about who was fined. I think that it was 83 individuals. We do not have a full picture about who they were, not least because many of the people have left government employment.

Q535 **Beth Winter:** Can you request that information?

**Simon Case:** Yes, the police are clear that they will not be providing us with that information.

Q536 **Beth Winter:** If people's attendance at these parties warranted a fixed penalty notice, were they also in breach of the Civil Service Code or the Civil Service Management Code, in your opinion?

**Simon Case:** This is something that will be considered as part of the disciplinary process that is now under way that the Prime Minister has said that we will do. It is not automatically a breach of the code. Receiving a fixed penalty would not automatically be a breach of the code, but it could indicate a breach of the code, and that needs to be gone through as part of the disciplinary process that is now under way.

Q537 **Beth Winter:** The next question is regarding disciplinary measures. What disciplinary measures are being taken, or is that in train at the moment?

**Simon Case:** It is in train. There is a full process. You will understand that I am not going to comment on individuals as part of this process, but the Prime Minister said in the House that a disciplinary process is under way. That will take into account the information from Sue Gray's report, anything that we know from the police—which is no more than you know publicly—and individuals will be considered against a number of different criteria. That process is now under way.

Q538 **Beth Winter:** That is individual disciplinary investigations. What are the timescales for those?

**Simon Case:** First I should say that I am not involved. I continued my recusal in this. The disciplinary process needs to be overseen by, and is being overseen by, independent figures who were not anything to do with the events. I know that they are trying to get it done as quickly as possible. We are only talking about weeks here that we want to get this done. There are huge levels of uncertainty hanging over individuals who are a part of this. Obviously there is significant public interest in us resolving these questions as fast as possible.

Q539 **Beth Winter:** Do you think that this whole saga has highlighted failure in the application of the Nolan principles to officials, Mr Case?

**Simon Case:** I can only echo some of the words that the Prime Minister has used. Mistakes were made; boundaries were not observed. Some of the conduct that is described in Sue Gray's report would be horrifying in any setting. I think that people have let themselves down and people have apologised. It is a very difficult. I have worked in and around



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Downing Street for a good deal of the last 15 years. I have always been very proud to work in those organisations. Through a lot of this period in Covid, I still remain deeply proud of—some of the people who were caught up in these events are those same people who worked unbelievably hard in the national interests during the pandemic.

**Q540 Beth Winter:** Sue Gray has clearly stated that people in senior positions must bear responsibility. Who do you think she was referring to when she said that?

**Simon Case:** She did not specify names and it would be wrong for me to go into that, not least because of this disciplinary process that is now under way. The Prime Minister said that he ultimately takes full responsibility. All of us who were in senior leadership roles at the time must bear our share of the responsibility for the failures of culture.

**Q541 Beth Winter:** What would that mean in bearing responsibility?

**Simon Case:** The biggest responsibility that we have is to make sure that this never, ever happens again, and that this sort of behaviour is never seen at the heart of government again.

**Q542 Beth Winter:** What constitutes bearing responsibility, in your opinion, from your experience?

**Simon Case:** It can mean a whole range of things. As I said, I am not going to get into the details of the disciplinary process. That process and how people are held to account needs to be—there are huge amounts of public interest in this. We have an ongoing duty of care to the people who are caught by the events and caught up in Sue Gray's report. We must make sure that the following processes, the disciplinary processes, are fair and that we follow due process.

**Q543 Beth Winter:** Do the disciplinary processes under investigation include people in senior positions?

**Simon Case:** Of course.

**Q544 Beth Winter:** You appear to have escaped a fixed penalty notice. Would you have been able to remain in post if you had had one?

**Simon Case:** It is something that I discussed with senior colleagues and predecessors. There was a range of advice. The majority of people thought that receiving a fixed penalty notice should not automatically mean that I had to step down, but as you said, it is a matter of public record that I did not receive one. I did not expect to receive one and I did not receive one, so it remains a hypothetical that I never had to conclude.

**Q545 Beth Winter:** It does, but if disciplinary procedures are being followed—we are not talking about individuals, and I can understand why not—that may have outcomes for senior people as well as other staff. It does not preclude people like yourself.



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**Simon Case:** Absolutely not. In fact, I think that it works inversely. The more senior you are, the more closely your actions will be scrutinised.

Q546 **Chair:** Are you aware of a piece of work conducted in the Cabinet Office that discussed that if you had received a fine and you resigned, the Prime Minister receiving a fine would also have to resign?

**Simon Case:** Am I aware of a piece of work in the Cabinet Office?

**Chair:** A piece of work conducted internally within the Cabinet Office.

**Simon Case:** No.

Q547 **Chair:** Will you make inquiries to see if a piece of work was conducted?

**Simon Case:** A piece of work in the Cabinet Office that if I had had to resign—

**Chair:** Officials within the Cabinet Office.

**Simon Case:** If I had resigned, would the Prime Minister have to?

**Chair:** Indeed, yes.

**Simon Case:** Mr Tierney is more likely to know than me.

**Darren Tierney:** I am not aware of any such work, no. I certainly have not done it.

**Chair:** No, okay.

Q548 **John Stevenson:** I think that it is commonly acknowledged that there was a failure of leadership in No. 10, and it is by managers and by leaders and managers at different levels. You have mentioned that there is an ongoing disciplinary review carrying on. Has anybody at any level offered to resign?

**Simon Case:** Yes, a number of people have left their posts.

Q549 **John Stevenson:** Did they offer to resign?

**Simon Case:** Yes.

Q550 **John Stevenson:** Have they resigned from the Civil Service—from their jobs?

**Simon Case:** Yes.

Q551 **John Stevenson:** Thank you. What about the prospects of individuals being moved to Departments who held managerial and senior positions and then subsequently being promoted? Do you think that that is a good example to set?

**Simon Case:** I am not going to comment on individual cases. I am not aware of any such thing happening so far, but I am not going to get into



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individuals. As I say, and as I said in response to Ms Winter's comments—

Q552 **John Stevenson:** As a matter of principle. Not going into any individuals, but as a matter of principle, would it be a good thing to be seeing people getting promoted elsewhere when clearly there was a failure at the very top of government?

**Simon Case:** If people are found under disciplinary processes to have fallen below the standards expected, clearly it would not be right for them to be promoted and so on, but we have to let these processes run through.

Q553 **Karin Smyth:** I have been to Downing Street and it is really not that big. I have heard the Prime Minister now say how he did not know what was going on, and take big pauses and do big breaths and be shocked about the Sue Gray report. I have just heard you do similar: that this seems to be shocking and you did not know what was going on. How is it that Sue Gray's report is a shock to you?

**Simon Case:** We did not know—obviously, by definition, there are things in Sue Gray's report that I and I am not sure— Well, other people must have known if they were involved, but these things were brought to my— were not ever brought to my attention. That is one of the things that I find most difficult and I am most determined to address—that people obviously did not know. There are indications that some people said that what was going on was wrong and they did not feel able to come forward. That is something that we have taken forward very quickly inside Downing Street, in cultural and structural terms, by making it easier for people to raise their concerns about the behaviour that they see.

Q554 **Karin Smyth:** The clinking bottles in the suitcases and the rest of it all seemed to escape you. What does that say about your leadership approach if you had no idea that this is going on in a fairly small business in an organisation that you lead?

**Simon Case:** As I said, what it says is that people did not bring this to my attention and it is a matter of deep regret.

Q555 **Karin Smyth:** Where were you?

**Simon Case:** Obviously I do not work in Downing Street, but people did not bring this to me.

**Karin Smyth:** You walk the floor.

**Simon Case:** I do walk the floors, yes. Obviously through quite a lot of this period we were extremely busy in meetings on Covid. It was an incredibly intense period and we were very present, but we did not know. Some of the most unbelievably difficult things in this report we did not know. If we did, of course, we would have acted on them.

Q556 **Chair:** Hypothetically—because we are not going to name individuals, of



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course—if a very senior person at No. 10 was going to become the ambassador to Saudi Arabia, would that be a promotion or exile?

**Simon Case:** I am not commenting on individuals, and I would suggest that others do not based on media speculation that they have seen.

Q557 **Lloyd Russell-Moyle:** Your Department—or the Cabinet Office and you—invited this Committee, during the middle of Covid, for an in-person get-together, did you not?

**Simon Case:** Sorry, say that again?

**Lloyd Russell-Moyle:** During covid, the Cabinet Office and you invited this Committee to meet in person for a get-to-know-you chat, when all the activities were being done on Zoom. This Committee declined that invitation of the Cabinet Office because we believed that while at the time it might not be illegal, because the laws were changing back and forwards, it would have been unwise to have met in person. Was the fact that that invitation was sent to this Committee an indication that there was a culture of ignoring the common sense of social distancing during the pandemic in your Department?

**Simon Case:** No, I do not believe it was.

Q558 **Lloyd Russell-Moyle:** You do not believe what was?

**Simon Case:** I do not believe it is an indication that common sense was being ignored.

Q559 **Lloyd Russell-Moyle:** Why did it take this Committee to decline that invitation, because we felt that it would not be wise to meet in person in the middle of a pandemic? Were you issuing these kinds of invitations here, there and everywhere?

**Simon Case:** I am not sure that that is our recollection of the facts and I think that officials at the time had a discussion about it and agreed between them that it should not happen. I am not aware of what conversations took place within the Committee; those are private.

Q560 **Lloyd Russell-Moyle:** Even the fact that you are having discussions about considering inviting people during the pandemic to in-person meetings seems a bit strange to me. You mention that it had never been brought to your attention, any of the behaviours—

**Simon Case:** No, I said some of the behaviour.

Q561 **Lloyd Russell-Moyle:** Some of the behaviour. Why did you recuse yourself again, can you remind me?

**Simon Case:** There were media allegations about an event that took place in my office that was in breach of the regulations.

Q562 **Lloyd Russell-Moyle:** That did not happen?



**Simon Case:** No, no fixed penalty notices were issued for that event. The police found that it was not a breach of the regulations and the circumstances are set out in Sue Gray's report.

Q563 **Lloyd Russell-Moyle:** It was not a breach, but an event did happen?

**Simon Case:** An online quiz. The facts and details are set out fully in Sue Gray's report. There were no FPNs issued for that event because the police did not believe that it was a breach of the regulations.

Q564 **Lloyd Russell-Moyle:** On the disciplinaries for civil servants, are you only disciplining civil servants who have been issued with a fixed penalty notice?

**Simon Case:** No.

Q565 **Lloyd Russell-Moyle:** No. Is there any discussion about disciplinary towards you?

**Simon Case:** Of course seniority is not—nobody should be excluded from the disciplinary process.

Q566 **Lloyd Russell-Moyle:** How does your disciplinary process operate?

**Simon Case:** That is obviously a good question. It is being managed independently through the Civil Service Commission.

Q567 **Lloyd Russell-Moyle:** Will there be a moment when you will be able to report the outcome of that to us—not going into huge detail, but report when that is over?

**Simon Case:** When it is concluded. We will let you know when it has been concluded. I will obviously have to discuss that with the Civil Service Commission, but I certainly think that it would be in the public interest for me to spell that out.

Q568 **Lloyd Russell-Moyle:** On civil servants who may have got a fixed penalty notice and are no longer in the service, will there be a black mark against their name if they were to apply to rejoin the Civil Service in future?

**Simon Case:** This is difficult. With people who are no longer civil servants, by definition we cannot put them through our employment process, which means that we do not get to test the evidence against them and listen to their argument, so it would be difficult. However, given the experience of some people, I suspect that it is very unlikely that they would want to return.

Q569 **Lloyd Russell-Moyle:** Finally, is it a requirement for all civil servants who have received a fixed penalty notice to inform you?

**Simon Case:** It is not a requirement. Obviously we encourage it and many civil servants have revealed it to their line managers so that line managers can consider it. I would expect that they would reveal that as part of any disciplinary follow-up, but it is not a contractual obligation.





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Q570 **Lloyd Russell-Moyle:** There may be civil servants who have received a fixed penalty notice and who have evaded any sort of disciplinary.

**Simon Case:** That must theoretically be possible.

Q571 **Lloyd Russell-Moyle:** What would happen if, at a later stage, it comes out that they had not informed you, but they had been issued with a fixed penalty notice?

**Simon Case:** We would deal with that through the disciplinary process.

Q572 **Lloyd Russell-Moyle:** It would be a disciplinary matter.

**Simon Case:** It could be. It depends on the circumstances. It is dangerous to get into hypotheticals, but in those sorts of circumstances, we would look very closely and consider whether it warranted disciplinary action.

Q573 **Lloyd Russell-Moyle:** But there is not an expectation that it would be a disciplinary matter in itself not to declare that you had been issued with a fixed penalty notice.

**Simon Case:** I think that that is correct. It would not automatically be a disciplinary matter, but obviously we expect people to be open and honest in their conversations with their line managers and any disciplinary action.

Q574 **Lloyd Russell-Moyle:** Have you considered making it a requirement for people?

**Simon Case:** Yes, we have, and we took extensive legal advice on this and were told that we could not request it under contracts.

Q575 **John McDonnell:** Are the staff of the Downing Street press office bound by the terms of the Civil Service Code and, if so, given that the Prime Minister's spokesman apologised that they misled the press, are they in breach of that code?

**Simon Case:** Yes, everybody who is a civil servant, as the majority of people in the Downing Street press office are, are bound by the Civil Service Code; they are civil servants. As you say, the spokesperson offered a full apology. It is not automatically a breach of the Civil Service Code. There is a professional point here. I think that the reason why he apologised, although it is not an easy relationship between the press officers and the media, is that it is important that there is a degree of trust, which is why he apologised.

Q576 **John McDonnell:** What consequences have there been for people who are in that—

**Simon Case:** As I say, I am not going to go into the ongoing disciplinary.

**John McDonnell:** Have there been any consequences?

**Simon Case:** As I say, there is now an ongoing disciplinary process.



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Q577 **John McDonnell:** Members of the press team are involved in the disciplinary process for misleading the press.

**Simon Case:** All conduct in relation to these events will be considered.

Q578 **John McDonnell:** I just want it for the record. Members of the Downing Street press office are now being disciplined for misleading the press.

**Simon Case:** That is not what I just said.

Q579 **John McDonnell:** That is why I am asking the question. Are they?

**Simon Case:** I said that the disciplinary process has to consider all the conduct on this. The outcome of that we have to wait and see.

Q580 **John McDonnell:** When will we know whether members of the Downing Street press office have been disciplined for misleading the press?

**Simon Case:** I do not think that you will know because we do not ever comment on disciplinary processes for individuals.

Q581 **John McDonnell:** We can have a situation where the Civil Service Code applies, which is upholding the standards of the Civil Service, and part of that is about honesty and trust. They can mislead the press and they can accept and acknowledge that they have misled the press, so they have not upheld those standards, but we will never know whether or not they have been held to account and disciplinary action has been taken.

**Simon Case:** For a very long time it is—

**John McDonnell:** It is just like the Prime Minister, isn't it?

**Simon Case:** You said that to me last time I was in front of you. It has been long-standing practice for Governments for a very long time that we do not comment on individual disciplinary cases. That is for very good reasons.

Q582 **John McDonnell:** Let's not talk about individual cases; let's talk about them as a collective. You can have a situation where you can have lying toads within the Downing Street press office—

**Simon Case:** We should be careful about language here, Chair.

**John McDonnell:** All right: people who mislead; people who mislead the press. We can have them within that press office, but we will never know whether any action has been taken against them for not upholding the standards that we expect them to be maintaining?

**Simon Case:** I am not committing to giving you that information. I will take it away, because I recognise the point that you are making about public interest. As I say, it has been a long-standing position. I should also indicate that I am not the one who will take these decisions, for the reasons already set out. It is important that these decisions are taken independently. I will take that away. I am not committing to give you that information. I absolutely recognise the point that you make, but also



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I think that starting to put disciplinary processes and actions and consequence into the public domain is something that we should all be very careful about doing. Trade unions would start to have a very real problem with us if we did.

**Q583 John McDonnell:** I am a trade unionist and I have been all my working life, so do not tell me what trade unions are about. Okay? What I am saying to you is that we have a responsibility on this Committee as well of upholding standards in government and administration overall. All we are asking you for is if, within that collective group, there has been a breach of standards—a breach of the code that involves misleading the press. We want to know, and to hear assurances from you, that action is being taken. Somehow those standards have to be upheld, don't they?

**Simon Case:** I can give you assurance that action is being taken. What I cannot give you is a categorical assurance that we will give that information to you about the consequences of that disciplinary action.

**Q584 John McDonnell:** Let me say this to you. The reason why we would like at least some understanding of the consequences is because this misleading of the press is quite a serious matter. Therefore, we need some assurance that this matter is being taken seriously by the Civil Service itself and that therefore there are serious consequences as a result of that. Otherwise, we will never, ever get back to upholding decent standards in government, will we?

**Simon Case:** I apologise; I am not trying to fall out with you on this at all and frustrate the Committee. That is not right, apologies. I will give you the information that I can. I can give you an absolute assurance that a full disciplinary process is under way. As I have said, I will take away and will have to pass on to colleagues the question of what information we can give the Committee. We may have to talk about particular arrangements. I am almost certain that there is no way that we could be fair to individuals and start commenting publicly on the outcomes of disciplinary process, but I take your point. I recognise the assurances that the Committee is looking for. I will take that away and see what we can do.

**Q585 John McDonnell:** Let me reassure you that I am not about hanging people out to dry, but somehow somewhere we have to restore standards in public life when it comes to relationships about communication that is honest and trustworthy.

**Simon Case:** I absolutely recognise your point. For the record, it is of course why the spokesperson himself has apologised to the media for the mistakes that were made in the initial handling of this between the press office and the lobby.

**Q586 John McDonnell:** The Prime Minister apologised and that was meaningless.

**Simon Case:** No, the official spokesperson.



**John McDonnell:** Yes, I heard what you said.

**Simon Case:** It was reported at the time.

Q587 **John McDonnell:** Yes, I heard what you said but I am giving the comparison with the Prime Minister's apologies, which are not worth the paper that they were dictated to.

**Simon Case:** Those are matters for you, Mr McDonnell.

Q588 **Chair:** Right, but you are recusing yourself, so who is making the decision? That is the only thing that I am lost on.

**Simon Case:** The person who is overseeing the overall process is—the policy decisions is Alex Chisholm. The decision takers are different depending on the circumstances.

Q589 **Chair:** In this one, not to dwell on it any further—the No. 10 press office—who is doing that decision on disciplinary matters, if they are civil servants?

**Simon Case:** That will come under Mr Chisholm.

**Chair:** Thank you very much indeed.

Q590 **John Stevenson:** Moving on to a slightly different subject, as you know there have been discussions about reducing the Civil Service by 20%—91,000 civil servants. What discussions have you had with Ministers about this or, more importantly, did you have?

**Simon Case:** The discussions about the right size for the Civil Service went back to last year in the run-up to the spending review that was concluded in the autumn. We talked about the size of the Civil Service and announced at that point that there would be some reductions—about 20,000. That was made clear at that point. More recently, in light of the changing economic circumstances, Cabinet decided to go further. We were looking at those reductions for the following spending review but Ministers decided to bring them forward. The question of the right size of the Civil Service goes back to the spending review last year.

Q591 **John Stevenson:** Where did 20% come from? Was that arbitrary?

**Simon Case:** The Civil Service expanded significantly by around 20% after 2016, first for managing Brexit and subsequently for managing the pandemic. Brexit by this point has become largely business as usual and the pandemic is over, and there are the external economic pressures on the Government. Ministers concluded that we have to get the right size for the Civil Service for that new reality.

Q592 **John Stevenson:** What discussions have you had with Permanent Secretaries to achieve this target?

**Simon Case:** A very large number. We are talking about it all the time. We have multiple meetings a week on it. I have said that this is



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undoubtedly challenging for us to do. There is a lot of work that is being done, co-ordinated by a team across the Cabinet Office and Treasury. Each Department is responsible for producing at the moment its own assessments of how it could achieve the goals set out by Cabinet. My colleagues and I are talking about this nearly constantly.

**Q593 John Stevenson:** You mentioned “challenging” there. You said that it would be exceptionally challenging to achieve this total. In the early 2010s, it took four years to get a reduction of 70,000. You are trying to achieve 91,000 in three years. How are you going to do that?

**Simon Case:** There are three routes that we are looking at for this. First is efficiency. Everybody will understand that all organisations can be more efficient. We also know about removing duplication or whatever. We should also be clear that efficiency is not going to remotely deliver this scale of reduction.

The second thing is transformation—genuine transformation—in how we deliver services. This will particularly be about the adoption of technology to see whether we can achieve savings there. Finally, there are honest conversations to have about prioritisation. There will be choices that may well need to be made about what is going to get done in what order. We have a thorough process to do this. It is being overseen by the Chancellor and the Cabinet Committee. We were very clear that we need robust assessments that underpin these decisions.

**Q594 John Stevenson:** Your three points I completely get and the first two are obvious. The third one is an interesting one. Do you envisage, therefore, that there will be an impact on the quality of service delivered by the Government?

**Simon Case:** Ministers are pretty clear that they would not accept a fall in standards of service to the public and recognise huge challenges in recovering public services post-pandemic. These are decisions for Ministers to take; I would be very surprised if they accepted a drop in standards in service to the public.

**Q595 John Stevenson:** How are you going to square the circle?

**Simon Case:** There is other relevance beyond the front line that the Government do that are not—they are further back in the process of public service delivery. Transformation is the key thing in the front-line public services. Transformation, if it is going to make any difference, will be there.

**Q596 John Stevenson:** Transformation is an interesting point. In the modern world we now have working from home. Is working from home part of that transformation?

**Simon Case:** Working from home has been part of the way that the Civil Service has operated for the last decade or so—I think that it was when Francis Maude was Minister in the Cabinet Office—as part of our savings



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effort to reduce the cost to the taxpayer of the offices that we were using. Working from home has come in; it has been part of the way the Civil Service works for a decade.

**Q597 John Stevenson:** Do you think that the views of some Ministers may be a little out of touch with working practices?

**Simon Case:** I am not going to comment on individual Ministers. There are a few things that are important. First, the Government spend very significant money on the estate for government. It is absolutely vital that we make best use of taxpayers' money in full use of those. There is also a point, which is that the Civil Service does lots of different things, including using technology. It is also a human organisation and there is real value in people spending time face to face. As Jacob Rees-Mogg said in an article that he wrote, hybrid working is intended to be part of the system and it is here to stay. As I say, we must make full use of the offices that we have, we must have people working face to face, but hybrid working is part of the system.

**Q598 John Stevenson:** There has been a long-term view that we should be moving civil servants out of London and the south-east. Is this not an opportunity to do so? Rather than having 20,000 moving out, should we not be having 100,000 moving out, particularly as they can potentially work in their areas in a more efficient way than they are doing at present and that would be transformational?

**Simon Case:** Without wanting to pre-empt the decisions that Ministers take, I am very sure that there will be some who will be more ambitious in getting more civil servants out of London in particular and getting them into towns and cities across the country as part of this.

**Q599 John Stevenson:** Reducing the number of civil servants is a very big policy decision and it has an impact on services and so on, and civil servants themselves as individuals. Do you think that it is right that comments should be in the *Daily Mail* prior to going through your good selves?

**Simon Case:** These sorts of announcements create enormous uncertainty for our staff. It is vital, and I have been very clear with them after Cabinet took the decision, that whatever mistakes have been made in communication, there will be full and transparent communication with the Civil Service about this. It is absolutely right and proper that we talk to the Civil Service. In fact, we need many civil servants to contribute to these processes. The ideas around efficiency and transformation and prioritisation will come from within the Civil Service. People are uncertain and it is only right that we get through this process as quickly as we can and give our colleagues certainty about it. Part of that is proper and transparent communication.

**Q600 John Stevenson:** Communication is an important thing in all organisations and getting it right does matter because it affects individuals. Do you think that the way that was communicated has had a



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negative impact on the morale of the Civil Service?

**Simon Case:** The Civil Service has been struck—certainly as I go around the country talking to civil servants, this news has created real concern. Most of all, they want to hear about and be involved in the process. I have gone around the country being very clear with civil servants that the communication will be open and transparent because this involves them all.

Q601 **John Stevenson:** Does it make your job more difficult?

**Simon Case:** The reduction?

**John Stevenson:** No, the way that it is communicated.

**Simon Case:** What I have to do is talk openly and honestly to the Civil Service about the challenges ahead and that is what I am determined to do.

Q602 **John Stevenson:** Are you relaying those frustrations to Ministers as well?

**Simon Case:** I am not going to comment on my private conversations with Ministers.

Q603 **Chair:** Are you going to lead by example? Are you going to have a 20% reduction in your private office and do you think that Ministers will do the same? Can you earmark those within your office who you could dispense with?

**Simon Case:** The centre of government must lead by example on this. It would be totally wrong for the centre of government to be in the driving seat for demanding reductions elsewhere and not follow through itself.

Q604 **Chair:** A 20% reduction in SpAds as well, perhaps?

**Simon Case:** That will be a decision for Ministers. I am sure that Ministers will be very conscious of their obligations and leadership duties.

Q605 **Chair:** They are not paid anything, but PPSs as well?

**Simon Case:** I am very pleased to say that appointment of PPSs is not something for the Civil Service.

Q606 **Chair:** Can I ask you about the Cabinet Manual?

**Simon Case:** Of course you can, Chair.

**Chair:** Thank you very much indeed. What status does it have and, as Cabinet Secretary, how often do you consult it?

**Simon Case:** I have given evidence before to a Lords Committee on this. It is an important reference document. I and my team, particularly in the Cabinet secretariat, refer to it a good deal and quote it in our advice



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about the right way to do it. It does have continuing value. As we have acknowledged, it is outdated and needs to be updated.

Q607 **Chair:** When was it last updated?

**Simon Case:** It was updated in the early coalition era.

**Chair:** In 2011.

**Simon Case:** Yes, that is right.

Q608 **Chair:** Are you in the process of updating it now?

**Simon Case:** We are, yes.

Q609 **Chair:** I know that timing is a difficult concept sometimes, but roughly speaking when do you think that we will have an updated copy of the Cabinet Manual?

**Simon Case:** I hope to be able to share something with the Committee later this year. I know that this is something that the Committee will be interested in and I hope that we will be able to have some discussions about this. I should be very clear that the decisions on what goes and how it changes are a matter for the Executive, but views of this Committee and others will be important in that.

Q610 **Chair:** On that, with repeal of the Fixed-term Parliaments Act and the restoration of a prerogative on Dissolution, are the Lascelles principles still in the working draft of the Cabinet Manual—when it would be in order for the monarch to decline a request to dissolve from the Prime Minister of the day?

**Simon Case:** They are not in the current published Cabinet Manual. I will correct this if I am wrong, but I believe that during the passage of the Bill to repeal the Fixed-term Parliaments Act, we set out those principles. Ministers set them out, I think, during the Lords stages of the Bill. Others may know. We have referred to those in public and they are now the principles—that is a very good example of something that would need to be incorporated into the Cabinet Manual. It does not refer to the fact that we have left the EU, changes in the devolution settlement and so on. Those are all things that need to be brought in.

Q611 **Chair:** I do not wish to conflate your time at the Palace and your time in the current role at all, but what is your understanding of Lascelles principles and how they came about? Our viewers would be intrigued.

**Simon Case:** I am not sure how they originally came about, if I am honest. Would you allow me to take this one away? I would love to write you a short essay of the sort that I used to write for Peter Hennessy on this subject.

Q612 **Chair:** Peter Hennessy as well, but “The Crown” episodes I found quite sufficient.





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**Simon Case:** I would remind you that a good deal of those are in fact fiction. I do not wish to be rude to Netflix and the writers of “The Crown” but it is not a documentary.

Q613 **Chair:** It is hugely disappointing, in which case. However, when Tommy Lascelles wrote to *The Times* under the pseudonym Senex in 1950 or 1951, he outlined three.

**Simon Case:** He did, yes.

**Chair:** Do you know what those three are?

**Simon Case:** I think that we updated them as part of the—

Q614 **Chair:** There are two now. What are they?

**Simon Case:** He set out the economic circumstances; there was the capability for an alternative person to command a majority in Parliament. The third one does escape me.

Q615 **Chair:** The second one is an interesting one, though, isn’t it—the ability to command a majority in Parliament? Do you think that the Lascelles principles will be stated in a revised Cabinet Manual for publication?

**Simon Case:** The Government set them out as part of the passage of the Bill—I think that it was during the Lords stage—as the principles that would be followed.

Q616 **Chair:** You would be uncomfortable if a Prime Minister capriciously requested of Her Majesty a Dissolution, wouldn’t you?

**Simon Case:** I am not sure my comfort on this would be the main issue.

Q617 **Chair:** What would be? Constitutional propriety?

**Simon Case:** It would be quite wrong for the Prime Minister to put the sovereign in a difficult position constitutionally.

**Chair:** Thank you very much indeed, gentlemen.