



Constitution Committee

Corrected oral evidence: The appointment and dismissal of permanent secretaries and other senior civil servants

Wednesday 19 April 2023

10.15 am

Watch the meeting

Members present: Baroness Drake (The Chair); Lord Anderson of Ipswich; Baroness Andrews; Lord Falconer of Thoroton; Lord Foulkes of Cumnock; Lord Hope of Craighead; Lord Howard of Lympne; Lord Keen of Elie; Lord Mancroft; Lord Strathclyde; Baroness Suttie.

Evidence Session No. 3

Heard in Public

Questions 40 - 65

Witnesses

I: Dr Conor Casey, Assistant Professor of Public Law, School of Law and Social Justice, University of Liverpool; Yuan Yi Zhu, Assistant Professor of International Relations and International Law, Leiden University, Research Fellow, Harris Manchester College, University of Oxford, and Senior Research Fellow, Policy Exchange.

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witnesses

Dr Conor Casey and Yuan Yi Zhu.

Q40 **The Chair:** Good morning, everyone, and welcome. This morning, the Constitution Committee is taking evidence in its inquiry into the appointment and dismissal of Permanent Secretaries and other senior civil servants. We are taking evidence from Dr Conor Casey, assistant professor of public law, School of Law and Social Justice at the University of Liverpool, and Mr Zhu, assistant professor of international relations and international law at Leiden University, research fellow at Harris Manchester College, University of Oxford, and senior research fellow for Policy Exchange.

Thank you very much for coming today. We have a lot of questions, as you could anticipate, that we want to put to you, but I hope you have a flavour of what we want to ask and it will not come as a total surprise. Before I commence opening the questions, are there any introductory comments that you wanted to make? Do not feel that you have to. It is just a matter of courtesy, if you want to.

Dr Conor Casey: I would just say to the Chair and to the committee that it is a pleasure to be back before you again. I had a very nice and engaging experience last time and am looking forward to much the same this time.

The Chair: We will try to repeat that. Maybe I could open with a wide question that goes to the heart of our inquiry and ask you whether, in your view or on the basis of the evidence that you have, Ministers and/or Prime Ministers have become more closely involved in dismissing and recruiting Permanent Secretaries and other senior civil servants.

Dr Conor Casey: I would agree with the broad thrust of what previous witnesses before this committee have said on the question of dismissal and prime ministerial involvement. From the available evidence, based on several episodes that have played out in the tenure of the last several Prime Ministers, it is fair to say that there is perhaps a growing trend towards increasing openness to selective and quite public turnover of senior civil servants, so maybe a warming to public nudging or, in the case of Sir Tom Scholar, outright dismissal or replacement, with such changes presumably happening because the Prime Minister thinks that doing so is critical to advancing their core policy goals.

In the past the practice was, as Ms Rutter put to this committee a week or so ago, that you did not sack or move a Permanent Secretary on. Maybe you courteously sidelined them, or if transfers were done they were done very quietly. Maybe it was more internalised in the past; it was more of a big thing to move or transfer your Permanent Secretary.

We are at an inflection point because of the examples mentioned of Sedwill, Slater and Scholar. If things continue in this vein, that will be a change in how things are done. We are also at an inflection point because this debate around the proper scope of political considerations in senior

appointments is very visible now in a way that it might not have been a few years ago. I am thinking about the very fact that this inquiry is happening and about influential reports by Policy Exchange, the IPPR and the Institute for Government, and the work of Sir Francis Maude, all addressing this question.

This is an inflection point and there is a trend through these case studies that leads to the question of what we do going forward. I agree with Professor Grube and Ms Rutter: we have to make a definitive choice. We cannot just let things happen by stealth under the radar.

The Chair: When you say “inflection point”, there are two elements: whether there is more involvement, whether it is done, and then how it is done, in that it is done more publicly than maybe behind closed doors. Are you saying that it is an inflection point possibly on both elements: it is both public and with greater involvement?

Dr Conor Casey: Yes, I think so. The public element especially is quite a big change from the scholarly literature on this and the evidence from previous witnesses.

Yuan Yi Zhu: I endorse everything that Dr Casey said. I would just add that there is clearly a narrative that there has been a greater degree of executive involvement in appointments and dismissals, and perhaps more friction. It is true that the friction has been much more public than it has been historically, but I would not necessarily extrapolate from that some sort of quantitative change in terms of executive involvement.

What we know is that, historically and traditionally, when people were being pushed out, eased out, sidelined or passed over, those things tended to happen in secret or behind closed doors, because the system used to be much more opaque than it is today. It is not that the system today is much less opaque, but certainly the level of opacity has decreased, which means that a lot of this conflict, which traditionally would have been hushed over and which we would not have known about until somebody passed away and their obituary came out, is now taking place in the public eye.

Both Ministers and senior civil servants seem to be more willing to, for instance, go to the media, talk to journalists and hold briefings in private or sometimes in public—for instance, when Sir Philip Rutnam resigned and went directly to journalists waiting at Westminster. That would not have happened a generation ago. The culture would not have stood for it. Perhaps this reflects broader changes in British political culture as well as perhaps the fact that there are more underlying tensions in Civil Service-executive relations.

I would not necessarily extrapolate that there has been some sort of fundamental change. If we look at history, we have examples of civil servants just being frozen out or ignored for a year or two. One of your previous witnesses spoke about Sir Horace Wilson. Another example is of Sir Douglas Wass, who was PS at the Treasury in the 1970s and early

1980s. When Mrs Thatcher came in, they did not get along. He was frozen out and took his retirement a year or two later. None of this was reported and it only came to light a bit later. I would perhaps caution against this narrative that the last 10 years have seen some sort of fundamental change, although there certainly has been a move towards a more public airing of grievances and discussion of the process.

Perhaps one last point is that Permanent Secretaries are much more public figures than they used to be. Permanent Secretaries are not celebrities by any means, but nowadays they testify to the House of Commons and the House of Lords. They speak to journalists. They are on social media in a way that would not have happened before. That probably also has an impact on the level of public interest in and attention on the appointment and dismissal process.

Q41 Lord Anderson of Ipswich: On that last point, I was interested to read in your written evidence the sentence, "It has always been the case that the appointment of the officials like Permanent Secretaries has encompassed a greater level of political executive involvement", and you talk about Northcote-Trevelyan.

Taking a historical perspective, going back to the 1850s and looking at what happened in the remainder of the 19th century and the 20th century, how common was it for senior civil servants simply to be turfed out or redeployed when a new Administration came in? Do you have specific examples of that? We spoke at the last session of Sir Horace Wilson, Chamberlain's head of the Home Civil Service, who was redeployed very speedily when Churchill came into the office. Was that the way things were done in the past, albeit in a more opaque way? What historical perspective can you give us?

Yuan Yi Zhu: The historical evidence is quite hard to judge, simply because so much of it is anecdotal and biographical, and a lot of this stuff would not be aired until much later, if ever.

If we go back to the 1850s, we tend to see things perhaps going in different phases. First, the proposals were implemented in the 1870s by Order in Council under Mr Gladstone, and there was a transitional phase of a few decades when, if you read the biographies of the people involved, the level of executive involvement was quite high. There were instances of the Home Secretary or Secretaries of State simply going to their friends and saying, "Do you want to be Permanent Secretary?"

Several of the Home Office Permanent Secretaries at the turn of the century were recruited from fairly unusual backgrounds. One was a judge, and the Home Secretary simply said to him, "Do you want to be my Permanent Secretary?" There is another case where the first Permanent Secretary at the Ministry of Labour was a trade unionist and a Labour MP. They were recruited after being headhunted by Mr Churchill.

It is fair to say that, probably for most of the 20th century, there was a golden era of the Civil Service as an institution where promotions were almost entirely from within and where things tended to be regimented in

terms of appointments, but even then we saw attempts, especially in the Treasury, to fix and arrange successions, so that the Second Permanent Secretary would be groomed to become the First Permanent Secretary, although Ministers would sometimes push back. This is not the same thing that we have today, where there is a much more overt turnover after changes in government.

All of this goes to say that executive involvement has always been a feature of the system, but it has manifested in different ways at different times.

Q42 Lord Howard of Lympne: Dr Casey, I am rather curious about a phrase that I think I heard you say. You said that we cannot allow things to carry on under the radar. If I heard correctly, what did you mean by that?

Dr Conor Casey: What I meant by that is that if we are going to see a change in how transfers or dismissals happen, or if transfers or dismissals of Permanent Secretaries become formalised or regularised, that should not happen without careful reflection or, all things considered, questioning about where we want to go. Do we want to try to retrench the system that was there before these last few premierships, where transfer and dismissal was done very quietly and where dismissal outright was extraordinarily rare, or do we want to try to adapt? Let us not let it happen by accident or as a political incident; let us try to think about the best way to go forward.

Lord Howard of Lympne: That began with an “if”—if things are happening in a particular way and if we want to change them. Are you suggesting that we should?

Dr Conor Casey: My position is that the current recruitment guidelines are a fair balance between the interests of the Executive in having a say over the appointment of senior civil servants, who have a huge influence on policy advice and implementation, and upholding the importance of merit and impartiality and wholly avoiding the partisan hack patronage system that inspired the Northcote-Trevelyan report. Those are a broadly sound set of principles.

The one thing that I might change—I imagine that other questions will be concerned with this—is whether to formalise or regularise a system of transfer where there is a forced co-habitation between the Permanent Secretary and the Minister that is just not working out. Is that something that we should regard as constitutionally beyond the pale, or is it something that we should recognise already happens and try to regularise? That is one possible change that I would be open to, but, broadly speaking, the system already allows for a great deal of executive input. It is a fair balance.

Q43 The Chair: Just staying with the regularising point, are you saying that, if there is evidence that dismissal or replacement of senior civil servants is done much more publicly, unless there is some procedural or process wrap around that, it impacts on the role or impartiality of the Civil

Service? Why do you say that we would need to put in some more processes and procedures if we are going to see a shift to more public dismissal? Why does what you perceive is happening take you to saying, "You need to regularise that with more principles laid out or strengthening the Civil Service Commission"? Take us to what the risk is if you do not do that, from your point of view.

Dr Conor Casey: The value of regularising the notion of transfer, if you choose to do that, is that it could be a way of very strongly signalling that dismissal is to be discouraged. Dismissal not only means severe consequences for the individual who loses their post and exits the Civil Service but might have a systemic impact on the ability to attract and retain top talent, if there is an element of that level of precarity around your employment. It might be a way to ward off a reliance on outright dismissal, which is much rarer than a transfer to another high-ranking post that shows respect for your level of tenure and expertise.

Another advantage for someone like me, who thinks that executive involvement in appointments is broadly benign as it currently is and that transferring is a legitimate tool for the Executive to rely on if the relationship is just not working, is that regularising it would remove the idea that this is some kind of badge of shame or personal failing on the Permanent Secretary's behalf. It is just an incidence of executive governing at that level. It might just be a case of, "I need someone with a particular basic alignment of viewpoint, and I just do not think that you are the person to deliver that. That is not to say that there is any kind of personal failing." Regularising that, and removing that sense of stigma and the possibility of outright dismissal, like the appointment level of influence in the Executive, would be a sound, prudent balance.

The Chair: The opening question was on the extent to which Ministers and Prime Ministers are becoming more involved in recruitment and dismissal. As a parallel trend, is there evidence that there is a trend for Permanent Secretaries and other senior civil servants to leave their post triggered by a change of Prime Minister or a Cabinet reshuffle? That is slightly different from the issue of trends in how Permanent Secretaries are dismissed.

Dr Conor Casey: I agree with the testimony of previous witnesses that we are miles away from any kind of system that you see in other constitutional arrangements, such as Australia, Germany, France or the United States. There is no presumption or expectation of leaving post on the Government and certainly no expectation on persons who are in post. I do not think that that has been something that has happened or is on anyone's radar.

Yuan Yi Zhu: I just want to add one or two small points to that. In terms of turnover, there are some very striking figures after the coalition years showing that every single Permanent Secretary had left office or been shuffled around within X number of years of the 2010 election. I appreciate that that is a very short period compared to the history of the current Civil Service arrangements but that is some evidence of greater

turnover. Compared to every comparable democracy in Europe or in the Commonwealth, the level of executive involvement in the UK in terms of senior Civil Service appointments and dismissals is relatively low.

I do not think that there is any appetite to move to a system that is much more like the American one, where, every four years, everybody sends a letter of resignation. I do not think that anybody is proposing that. Our proposals are for the maintenance of the current levels, perhaps with some tweaks at the edges, in order to really give Ministers the confidence they need in their senior staff and to make the process transparent, because there is still quite a lot of opacity involved, as I am sure we will discuss later.

Q44 **Baroness Andrews:** This is a slightly different question that I want to ask you as academics, because what you have been speaking about for much of the past few minutes is the nature of opacity and how difficult it is to establish past practice. Is there a reasonable expectation that you could do research that can trap the anecdotal, the informal or the invisible? You are the first people who we have heard to talk about the visibility of the process in those terms. What would it take to construct a research question that could be answered to enable you to tell us whether things had changed, either post-war or post-2010? We have been told that there are at least three different reasons why there is change. Some of it is to preserve continuity, or not, some of it is genuinely because people want to move on, and then there is this more difficult thing to do with personalities in politics. Can you answer that question?

Yuan Yi Zhu: Speaking as a social scientist, the research design would be fairly straightforward. First, we would need to know the numbers and to have a collection of data in terms of average length of service, looking at the timeline and whether departures or transfers correlate with changes in government. In addition, the anecdotal would need to be collected: somebody would need to go through the news archives for earlier periods to look at those things and conduct interviews for the more recent period. It is certainly doable; it is very straightforward political science research. Unfortunately, there simply has not been that much work done. There is a history of the Civil Service in two volumes, which is very good. It covers the whole breadth of the history of the Civil Service since the 19th century. The Institute for Government has done some good work, but there is scope for much more to be done.

Just to add to this, it is a difficult question not only for academics. Even for the actors involved, the degree of opacity seems to be quite extraordinary. I was reading the testimony of Caroline Spelman, who was a Secretary of State in the coalition, when she gave evidence to an inquiry on the same topic about a decade ago. She said that, when the Department for Environment, Food and Rural Affairs had to get a new Permanent Secretary, she was told that she was not allowed to ask questions to the potential candidates. Somebody else—a civil servant—testified that she was wrongly advised and that she could have asked questions. If even the Secretary of State and the Permanent Secretary do

not really know what they are allowed to do and what is going on in the process, the challenges for academics who are not in the system or in the room are so much greater.

That is really why I want to emphasise the point about transparency and having a process that can provide information to the public domain. As a rationale, so much of our understanding is based on little snippets that happen to escape behind the doors and make it into the public domain, but we certainly do not know as much as we should.

Q45 Lord Hope of Craighead: I would like to take you back to your written evidence, in which you express your view about the current level of political executive influence over these appointments. My understanding is that you are in favour of the current level and not recommending any particular change, but it gives rise some questions in my mind.

The first is what you mean by the phrase “a basic alignment of political views”. You give a bit of a definition in your written paper, but we need to understand more fully what you mean by it. A second and rather more important point is how you establish, in the course of the appointment process, whether that viewpoint is present in the mind of the possible candidate?

A third question is what happens afterwards. Let us assume that a good working relationship is established, and then there is a change of Secretary of State but the Permanent Secretary remains in post. What happens then, and how is the relationship to be reformulated and with what consequences?

Dr Conor Casey: We do not mean the phrase “political alignment” in the sense that the Northcote-Trevelyan report was very concerned about, which was where you get the appointment of men of “slender ability” and “questionable character” on the basis of party patronage or alignment. We do not mean it in that sense at all. It is wholly immaterial and wholly contrary to Civil Service values.

We mean it referring to a broad alignment of one’s basic views on some core economic and social questions, and the role of the state in these issues. Civil servants are, of course, supposed to submerge all of their own political viewpoints on questions and to deliver for whoever the incumbent Government are. But if you look more broadly at other constitutional systems, you will see countless constitutional systems that provide for greater political involvement in appointments at the top of the bureaucratic hierarchy.

When you get to the stage where officials have enormous influence over policy formulation and whether a policy will be successfully implemented, these systems take the view—reasonably, I think—that when you have officials who are committed to the basic worldview behind the policy agenda, and who think ideologically that it is tasteful, palatable and something that would be broadly good for the country, they might pursue its implementation and execution more passionately, especially in the face of obstacles.

Conversely, if the Minister is made to co-habit with a senior civil servant who is completely at odds with them on every moral or economic fundamental, the risk of foot-dragging or obstructionism will increase. This need not be in bad faith. It could just be that the civil servant thinks that the policy is bad. They might try to implement it, but they might not burn the midnight oil to do so.

Lord Hope of Craighead: I follow that point absolutely, but my problem is that it would be relatively easy in the course of the appointment process to establish what the party-political views are, but you are saying that that is not what you are discussing. The more it becomes a question more of moral values and so on, the more difficult it is to identify those with the element of precision at the beginning. Is this not something that has to be developed as the relationship goes on, rather than at the outset? If so, how does the political element play in the initial appointment process?

Dr Conor Casey: These views would be apparent during the application process, because, for a start, the criteria for appointment—the job description, the skills required, what is expected by the Minister and the core goals of the department—are agreed by the Civil Service Commission in consultation with the relevant Secretary of State and the Prime Minister so that they will be able to assess how a shortlisted candidate thinks they meet the relevant criteria, the ambitions for the department and the ministerial core goals. The answers to these criteria can be assessed by the Minister or Prime Minister themselves, because they can meet the candidates and question them on the roles, their suitability and why they think they can deliver these objectives.

Some substantive, basic political views will emerge from the process. If you have a Permanent Secretary post in the Foreign, Commonwealth and Development Office that is expected to spearhead a global Britain policy promoting free and open trade, but the Permanent Secretary thinks that bringing in open trade really would not be the best move for Britain, for whatever reason, this scepticism will probably emerge from the back and forth, unless the Permanent Secretary is not being candid. You can take from that example that, if there is a post concerning economics and the Minister is on board with supply-side economics but the Permanent Secretary thinks it is bunk, that scepticism will emerge. Through the appointment process and the executive influence in setting terms and engaging with the candidates, those basic worldviews and broad parameters will come to light.

Lord Hope of Craighead: My third point was about what happens if the Secretary of State moves on and a new Secretary of State comes in. There is no fresh appointment at that stage. What happens if it is plain, in your view, that the relationship is not as good as it was with the previous incumbent?

Dr Conor Casey: We are not suggesting that there should be automatic transfer. Ideally, there will be continuity. The lodestar is that you adapt to serve the incumbent Administration. It is more that it is a legitimate

option, where that relationship is not working, for whatever reason, that transfer is possible. We certainly would not recommend it becoming an automatic recourse. The starting point is that you should try to adapt to serve the current Administration, but, where it is not possible, that is where there is the option of transfer. The value of regularisation or formalisation of the process for doing so might be that it removes any sense that this is a personal failing on the Permanent Secretary's part; it is just an incidence of governing at that level.

Yuan Yi Zhu: I reiterate that we are not saying that redeployment every time there is a new Secretary of State should be the default. If anything, given the amount of turnover in the Cabinet, it would be very difficult, just in terms of numbers, to find new Permanent Secretaries every few months, which would have been needed at one point.

The option should be preserved to fundamentally reinforce the principle of political accountability, by giving Ministers the confidence that they are not being forced to work with somebody who they do not want to be working with. This is a very context-dependent exercise. Not every subject matter will be as controversial at any given time. There are matters that are less controversial in the broad political sense—moral, ethical, political or economic—and there are some that are more so, so we are certainly not laying down a general rule.

In the past, we had examples of Ministers and, indeed, Prime Ministers who worked very well with civil servants who they were known to disagree with. Very famously, Mrs Thatcher worked well with some civil servants who held very different views. There are other cases of civil servants who were sidelined as a result of their differences. There are other civil servants who are known to be very flexible in being able to work very loyally under different Ministers, delivering very different agendas.

This certainly happens and we do not want to discourage it, but there are cases where this does not happen. There are cases where, unfortunately, for one reason or another, the difference may be too big. It may be due to a clash of personality. Maybe the Minister really just needs to have a level of confidence. In those cases, we advocate the preservation of wiggle room and perhaps a slight extension of it at the edges, so as to reinforce the principle of political accountability.

At the end of the day, the Minister is constitutionally responsible for what their department does. If the Minister does not choose the Permanent Secretary, there is always a temptation to blame civil servants for being wicked and for sabotaging the Government, whereas if the Minister chose his or her top team that would increase the level of accountability and political commitment, and the Minister would not simply blame whoever is appointed. By having more flexibility, the system would provide for greater political accountability, which is a very good thing.

Lord Hope of Craighead: I see you nodding your head, Dr Casey, so you are in agreement on that point, are you?

Dr Conor Casey: Yes. It just came to mind that I had occasion to study the German approach to senior civil servant appointments. Those are done on a combination of whether they meet the merit threshold for suitability for the post and political considerations, which do come into it. That is regularised.

An academic commentator, Professor Werner Jann, from the University of Potsdam, said that one advantage of this in German commentators' minds is that you never see the blame game happening between the Civil Service and the Government. You never see the Government saying that it is the "blob" that has blocked, because the head of the bureaucracy is appointed by people who you trust and who you think can do the job well. There is no room to turn round and say, "I would have loved to have done this, but I was blocked by my civil servants". That just does not happen in German political culture.

Q46 **Baroness Andrews:** You have given us an idea of how you see political and moral values. I am struggling with the difference between what you see as a political set of values and a moral set of values. It disturbs me somewhat that you would think that anybody could test a set of moral values, let alone make some judgments about whether someone was employable and appropriate on the basis of it. Can you try to make that distinction for us in relation to the notion of merit as well?

Dr Conor Casey: We use the phrase compendiously to refer to one's basic views on the types of big policy questions that might concern the relevant department. If you are talking about the Foreign, Commonwealth and Development Office for example, the types of question that a candidate might be asked will be linked to what the Minister's priorities will be. Maybe it is making Britain a titan of free and global trade. It is relevant to delivering on that, whether the Permanent Secretary thinks that globalised free trade is broadly good or bad for the country.

You can extrapolate that to any policy question. If the Minister wants to really revamp the basis of the UK economy or reduce the role of the state, but the Permanent Secretary involved thinks that the state has a very valuable role to play, those types of viewpoints will emerge in the interview process, unless the candidate is not being candid. In that sense, we mean, "What is your basic worldview on these very important questions that you will be expected to deliver on?" If you think that the root and branch of the particular priorities of a department are silly, you might not be the best person to help deliver them.

Baroness Andrews: Are those not political rather than moral values? Would you, for example, say that anyone who had applied to be Permanent Secretary in the Home Office at the time when Pinochet was in this country should have been asked whether they would be in favour of the extradition of Pinochet?

Dr Conor Casey: We use the term just to refer to views on basic questions linked to the specific work of the department that they are

applying for or working with, and the priorities that they have. It certainly would not be the case—I imagine that it would be very improper, as you imply—that a Minister would just ask random questions that pertain to moral issues. Views on free trade, globalised trade or supply-side economics are political views. We mean it in that sense, not Ministers asking random trolley problem questions to candidates.

Yuan Yi Zhu: Ultimately, most political contestation is moral. I would say that the separation between the political and the moral is not one that can be drawn. Of course, there are things that are more political than moral. For instance, your capacity to deliver a policy can perhaps be assessed without reference to moral frameworks, but most politics are ultimately about moral contestation in the broadest sense—not moral in terms of whether you are an egalitarian, a consequentialist or this or that, but moral in the broad sense that policy decisions almost always refer back to some basic moral worldview.

Q47 **Lord Howard of Lympne:** I would like to challenge your view, although you have somewhat modified during the course of your evidence, that some kind of political alignment is necessary to make things work. On the basis of my experience as a Minister, I strongly suspected that many of the civil servants who I worked with had political views that were very different from mine—although I never asked them what their views were—and probably disagreed with lots of things that I wanted to do.

The key question was not whether there was any political alignment between us, but whether, once I had made the decision, they were prepared to work hard to implement it. Some of them were and some of them were not, but that was the only thing that mattered, not whether there was any degree of political alignment between us. It is a rather unhelpful criterion to introduce into these matters.

The Chair: That is a direct pushback, so what do you say?

Yuan Yi Zhu: Just to reiterate, there are clearly many examples where Ministers and their civil servants work in harmony without either side knowing anything about the other side's political views. This does happen. We are saying that, like everybody else, civil servants are human; they are not automatons. I am sure that almost all civil servants strive to fulfil their legal and contractual duties all the time, but there is a degree to which we are not always the best judges of our own motivations. Civil servants can work very well in good faith, but also, because of differences, be less effective than they would wish to be.

For instance, just to go back to a point that Dr Casey made, if you, as a civil servant, fundamentally think that what the Government want to do is silly, you may still work hard to deliver it but you may also, subconsciously or otherwise, try to steer the Minister in a different direction. You may slow things up or try to put a different interpretation or spin on what the Minister wants because you fundamentally think that what the Minister wants to do is bad for the country.

This does not happen all the time, but there are times of greater political and societal contestation. Arguably the UK has undergone a phase where contestation has been higher, where those things become much more salient. It is in those circumstances especially that there is a need for some Ministers to feel confident about the basic alignment between them and their civil servants. It is not always the case that it is needed, but there are times when it is. During Brexit, some civil servants simply resigned because they thought that Brexit was going to be harmful to the UK, as a matter of principle. That was a perfectly honourable view, but this shows the danger that we are talking about here.

Lord Howard of Lympne: If a Minister is worth his or her salt, they will make sure that things are not slowed up and that things are done.

Yuan Yi Zhu: Ideally, yes, but Ministers ultimately depend on their civil servants. There is only so much that a Minister can do, at the end of the day, to micromanage various aspects of his or her department. The principle of ministerial accountability is quite interesting, because it arose at a time when government departments were very small and Ministers could personally have direct input into the direction of the work of their staff, whereas now, with the size of government, you inevitably end up having to delegate, which is why people to whom you delegate have to be, in some circumstances, people who you can trust to share your sense of what should be done.

Dr Conor Casey: In response to Lord Howard's remarks, first of all, if the relationship is going well and there is confidence, that should be the lodestar. The question is what happens in the "if" and "when" kind of situation: what happens if there is a lack of confidence and when there is a sense that it stems from a lack of alignment on fundamentals? Should the Minister be stuck or should there be a facility to unstick the situation?

The second response concerns the appointment process. It is reasonable for Ministers, if they set out the criteria for appointment, to say, "Here is my vision, here are my goals"—and you can discern the worldview that underpins them from these criteria—"Are you the man or woman for the job? Are you the one to passionately help me drive this through obstacles?" It might be relevant at that point if they think that the flagship programme for the department is silly, but the ideal should be that if you come into office and things are working—

Lord Howard of Lympne: Just to answer your questions, if a civil servant is not doing their job properly and is not implementing their Minister's decisions then of course action needs to be taken, but that is the issue. It is nothing to do with their political alignment. The question is simply whether they are doing their job and doing whatever they can to implement the decisions that the Secretary of State, who is politically accountable, has made. It is nothing to do with political alignment, and it complicates things rather unhelpfully to introduce that as a criterion.

Yuan Yi Zhu: If a civil servant is not performing then something has to be done but, given the pace of political life, if, 18 months into your time

in a department, you find out that people have been working slowly on policies, that is, in many ways, too late, so I would push back and argue that there is an advantage in looking at these issues sooner rather than later and before any potential problems arise. I would also emphasise that we mean “political” in the broader sense, not political in the party alignment sense. I do not want this to be misunderstood. We are not saying that people should be appointed on the basis of who they vote for. That would be entirely wrong.

Q48 Lord Falconer of Thoroton: I 100% associate myself with what Lord Howard said in his questions. My experience as a Minister is exactly the same. I was, quite honestly, disturbed by your suggestion in your written evidence that political considerations should apply. I became more disturbed as I listened to the evidence that you have just given in relation to Lord Howard’s question.

Professor Zhu, you said that, even though you could be trying as hard as you could as a civil servant, there might be subconscious reasons that made you unsuitable to hold a particular office as a Permanent Secretary. Dr Casey, you said that, in Germany, there are political considerations that apply in relation to the appointment of civil servants, and you seemed to imply that that was a good thing.

Could I test your evidence by reference to Brexit? Is it either of your positions that if a senior civil servant—for example, the Permanent Secretary at the Treasury—had been against Brexit and that then became the policy of the Government, he or she should have resigned or been replaced by the Government? If not, why not?

Yuan Yi Zhu: This is very much not what we are saying. I really want to push back against this characterisation of our evidence. Of course civil servants who vote one way or another should not be expected to resign, but there were cases—this was aired quite publicly at the time—of some civil servants who, for instance, thought that Brexit was an act of national self-harm and that they could not, in good moral conscience, serve a Government who were committed to delivering it, and resigned. That is a perfectly reasonable position to take.

If you feel that what the Government are doing is so beyond what you consider to be in the interests of the country, that calls into question your ability to deliver it, because, at the end of the day, civil servants are human and we should not expect them to entirely ignore their personal moral or political views if they believe that such views dictate them not serving the Government in delivering their flagship policy.

Just to reiterate, we are not saying that there should be some sort of political litmus test in the sense that you describe in terms of, “Who did you vote for? If you did not vote for X or Y, you have to leave”. That is not what we are saying.

Lord Falconer of Thoroton: Define for the committee what Dr Casey described as a fundamental economic or moral disagreement and which you both describe as “a political consideration”. Give us your definition,

Dr Zhu, of what is a relevant consideration that would debar you or lead to it being justified to be sacked as a Permanent Secretary.

Yuan Yi Zhu: This is entirely context-dependent. I am not ready to enter into a specific list of views. It will largely depend on the party-political context. The example of Brexit was one where some people felt that was an issue of fundamental disagreement under which they could not serve. I am sure that there are other examples when it comes to economics, for instance. The salience, one would expect, would shift over time, depending on the broader political landscape.

Dr Conor Casey: On the first question, it would certainly not be on that Brexit point. Professor Grube guessed that most civil servants may have voted against Brexit, but they went hell for leather to deliver the aims of the Government. That is what they do.

Secondly, these considerations are context-dependent. If there is a Permanent Secretary job going, for example, it depends on what the Secretary of State's priorities are. It depends on what the flagship policies will be and where they want to help steer the country. When you get to that stage where the Minister might probe these types of questions, you have already passed the appointable-on-merit threshold that the independent panel of the Civil Service Commission has determined.

It then comes to the question about whether you are the best person for the job, part of which is, "Do you think this is a good objective? Are you passionate about this idea?" If you are fundamentally not, I cannot see how that is not relevant to whether you are the best person to deliver. It may be a clincher in hard cases, but this is after everyone has met the merit threshold. It is relevant in the Minister's eyes, because it is their final say as to whether you are the right person to work with them and to lead the department to deliver on these priorities. I mean it in that more refined sense, certainly not crudely in terms of, "Did you vote this way or not?" That is totally beyond the pale.

The Chair: What we are testing in this exchange is not an argument against the current level of executive involvement in the appointment, but the premise for that involvement. What you have introduced through your paper is that shared moral vision can be an explicit premise for making a decision on appointment, and you are seeing the resistance.

Lord Hope of Craighead: I have an observation. I just wanted to point out that, when you talk in your written evidence about the basic alignment of political viewpoints and so on, you use the word "might"—for example, "This is something that might involve". You say that a good working relationship is critical, and we would all understand that, but it is a relatively low-level point. I am going back to Lord Falconer's point that you are not pitching it as high as saying that this is crucial, and that opens up the opportunity for us to test this in the light of the points that have been made by Lord Howard and Lord Falconer. The word "might" is rather important there.

Q49 Lord Foulkes of Cumnock: I certainly have a bit more sympathy with the witnesses than Lord Howard and Lord Falconer. When I was a Minister at the Development for International Development, the thought of having as our Permanent Secretary someone who thought that international development should still be run by the Foreign Office would have made it very difficult. We need to take account of that, but there is another factor—religion—that has come up recently, not in respect of civil servants but in respect of Ministers in Scotland, and I wonder if it applies to civil servants.

Does religion create any problems if someone, for example, was a member of the Free Church of Scotland and was appointed to be in charge of a department where, therefore, there might be difficult decisions to be made about abortion or other aspects that were not approved of by members of that church? One of our former colleagues in the House of Lords was kicked out of the Free Church of Scotland because he attended a Roman Catholic colleague's funeral. Does that ever arise at all in appointments or dismissals of civil servants? Have there been any instance that you know of where religion might have played a part? "No", might be the answer.

Dr Conor Casey: I cannot think of any examples. To ask questions of someone's religion would be the type of moral question that is not appropriate at all. It points back to what I mentioned to Baroness Andrews. I cannot see how it would ever be relevant. If it was a Department of Health appointment and the Government planned to liberalise abortion, for example, and the Minister said, "This is my flagship policy. You are shortlisted. Are you passionate about this?", and the candidate said, "I have a huge objection to all of that and I won't be able to do it", that may be relevant, not because of their religion but because of their attitude towards the Minister's flagship policy and their ability to do it. Religion per se would not be relevant at all.

The Chair: Their religion has to influence their moral vision of the ends and values that politics, economics and society should be oriented towards, but there we are.

Just to try to summarise it, what we have not been debating and were not challenging in terms of the current level of executive involvement was how you had defined how far the premise for that involvement could go. The personal chemistry issue is recognised by the Cabinet's own guidance. The issue that Lord Howard raised is that if you have made a ministerial decision and meet a Permanent Secretary who is resistant to or unhelpful in delivering that decision then that is a known ground for straight poor performance.

If you are inviting us to say that you could introduce moral vision, you start to beg a fundamental issue of the Civil Service in the UK, which is impartiality and an absolute obligation to serve the elected Government of the day, whatever your personal views. Once you start introducing a moral dimension, people's pitching will be adapted, but that is probably as far as we can take the discussion today. It probably helped us to test

the boundaries.

- Q50 Lord Strathclyde:** In your written evidence, you observe, “The ability of the political executive to dismiss—usually more accurately transfer—senior civil servants is critical to enable it to govern effectively”. Would you, therefore, support greater formalisation of the dismissal or redeployment process in something akin to the Civil Service Commission recruitment principles? Would this be a desirable way to go ahead, or would you leave things very much as they are?

Dr Conor Casey: In some measure, formalisation might be a good thing if done carefully, and it should only follow a proper government review with proper parliamentary input in these types of inquiries. It is not something that I have settled thoughts on, but I have some provisional thoughts, one of which is that outright dismissal should be very rarely used and only in cases where the person is unfit for office. I cannot think of a modern example where that has happened. As I mentioned, resorting to dismissal has systemic effects on the Civil Service, because, if there is a sense that your job is precarious and if you have a disagreement you will be dismissed outright and lose your livelihood, what impact will that have on attracting and retaining top talent and people coming from the outside who want to go for that type of job?

I would be keener on formalising the process of transfer, where, in doing so, you make it clear that it is not a matter of personal failing or of having fallen down on the job in any way. It might just be that there is no longer a meeting of minds, such that the Minister has no confidence. Instead of crudely dismissing, as happened to Sir Tom Scholar, you could offer a route to another appointment commensurate with their experience and tenure. That might be of benefit in formalising it, rather than staggering from episode to episode, as we are seeing at the moment.

Yuan Yi Zhu: I do not have much to add on this point. The important thing is to avoid the perception that redeployment reflects a personal or professional failing on the part of the person being redeployed. It is really to make it clear that it is part and parcel of what happens when you have very senior people who are very experienced and who have very strong views on certain things: they may not work well together. A Permanent Secretary who works terribly with one Minister might well be a great success with another. If it is formalised, it has to be done in a way that is very careful to emphasise the exact nature of what is happening.

- Q51 Lord Strathclyde:** Is it your sense that dismissals have become more public in recent years? If so, would you like to suggest why that is the case and what impact it has had?

Yuan Yi Zhu: This is a difficult one. Dismissals have become more public. If you look at previous cases, real dismissal in the sense of what happened to Sir Tom Scholar is vanishingly rare. The closest example that I can think of within the past 50 years was when Mrs Thatcher abolished the Civil Service Department, which ended the careers of the Permanent Secretary and his deputy. Both were due to retire in about a

year, but they had to retire early because their department disappeared literally overnight. Certainly, the tradition of formal dismissal has not been a feature of the system. It is a bit more common now but I would not say that it is endemic as it is in Australia or Canada, as we will be discussing.

As to why this is happening, the fact that civil servants have a much more public profile probably leads to a situation where, because they are so much in the public view, they are perceived, in many ways, as quasi-political figures, despite the fact that we do not really want this to happen. As such, that affects the level of visibility of how they are pushed out, from a system where it was done very informally and perhaps behind doors to a system where it is very much in the public view and you send a press release out and so on.

Dr Conor Casey: I do not have firm thoughts on why it might be the case. The plausible observation has been made by previous witnesses that it might have been done to show virility and decisiveness and to flex the new Administration's muscles, but that quickly backfired. It is very rare to have that kind of blunt dismissal, and that is a good thing.

Q52 Lord Keen of Elie: This part of your written evidence refers to the political executive ability to dismiss as being critical to effective government. That would incorporate effective government at a UK level as well as at a devolved level. Following the Calman commission in 2009, the Prime Minister's role in making senior Civil Service appointments in the devolved Administrations was delegated to the Cabinet Secretary. It was then confirmed that the only political input into the senior Scottish and Welsh appointments should come from the First Minister. If we are concerned about the ability to dismiss as being critical to governance, that must apply at both a devolved level and a Westminster level. Would you agree that the Prime Minister should be able to recommend to the Cabinet Secretary the removal of a Permanent Secretary in Scotland?

Yuan Yi Zhu: The current state of affairs regarding the Civil Service in Scotland and in Wales is, to put it mildly, fairly abnormal, but this is a result of the fact that the whole of the devolution settlement, as it exists today, is abnormal, not necessarily in a bad sense but in the sense that it does not really fit traditional political arrangements of federalism. It is a bit of a compromise between the UK being a unitary state constitutionally and there being a push to move toward a more de facto federal system. The position of the Civil Service in Scotland and in Wales reflects this abnormality.

To what you have said, I would not want to commit myself to a rationale, but this reflects the fact that the nature of devolution in the UK remains very much contested. Any question as to the future shape of the Civil Service in regard to the devolved Governments has to be considered within the broader context of the future of devolution: what sort of devolution do we want? What sort of federal arrangement, if any, do we want? Only the answer to that can give the answer to the more specific

question of who calls the shots at the level of Permanent Secretaries in Scotland and in Wales.

Lord Keen of Elie: Do I infer that, at the present time, your answer to my question is neither yes nor no?

Yuan Yi Zhu: Essentially, yes.

Lord Keen of Elie: Can we take this up again with you, Dr Casey? Would you like to express a view on that point?

Dr Conor Casey: Although I am from Northern Ireland, devolution is not an area in which I have any expertise. Any remarks would be of no assistance to this committee. My apologies for that.

Lord Keen of Elie: Again, neither yes nor no.

Q53 The Chair: Just before we leave this question, in your written evidence, you used the phrase, "The ability of the political executive to dismiss—usually more accurately transfer—senior civil servants". It is probably a little unfair, because we have had the Cabinet Office submission of evidence, which we have to go through and will be going on the website soon. Its evidence is that, in the last 10 years, there have been 105 Permanent Secretary appointments, of which 30 involved reassignment and 64 involved departures.

Would that figure, as well as the evidence that we had that there could not have been due process on the removal of Sir Tom Scholar, because there simply was not enough time for any due process, influence your view that there should perhaps be more formalisation of due process around the dismissal or removal of a Permanent Secretary, particularly where it is before the end of the 10-year period?

Dr Conor Casey: Could I ask you to clarify the question? In that submission made to the committee by the Cabinet Office, did it include any dismissals?

The Chair: It does not use that distinction.

Dr Conor Casey: Given those numbers, as with the level of involvement in the appointment process that formalised what was already happening, a measure of formalisation here would be beneficial to point out that it does happen. It is not a badge of shame that it happens. It is an incidence of governing at this level. That is the appropriate recourse where there is a feeling that the relationship cannot proceed to the Minister's satisfaction. That is, of course, not dismissal like we saw with Sir Tom Scholar.

The Chair: That word is probably never used in certain circumstances, but may in effect happen.

Lord Falconer of Thoroton: The corollary to what you are saying, Dr Casey, is that you support the dismissal of Sir Tom Scholar. You say it was done publicly and that that was the right way to do it—not opaque

but public—and that, therefore, Mrs Truss and the Chancellor of the Exchequer of the day did the right thing and that the way that Douglas Wass was treated was wrong. Is that what you are saying?

Dr Conor Casey: No, Lord Falconer. Sorry, I might have not phrased it correctly. Dismissals should not happen, save in circumstances that, to my mind, have never happened. Being unfit has just not arisen in the British Civil Service. I am more in favour of a transfer to a position commensurate with their expertise and tenure. It just reflects the fact that the Minister no longer has confidence in the relationship, but that it is not a personal feeling. Dismissal should be a nuclear option for cases of behaviour that have not really manifested in the British Civil Service.

Lord Falconer of Thoroton: I am not sure what you are saying about the Tom Scholar situation. Are you saying it was the right thing or the wrong thing, or are you saying that you do not know?

Dr Conor Casey: It was wrong that he was dismissed outright and that there was no offer to transfer someone of that ability somewhere else.

Lord Falconer of Thoroton: Are you saying he should have been offered the job of Defra Permanent Secretary or something like that?

The Chair: We do not know the circumstances of what exchange took place. We just know that he left that Permanent Secretary position in a matter of two or three days. That is the issue. That is why I said, whether you use the phrase “dismissal” or “departure”, who knows? We do not know the personal circumstances. I was just asking whether you accept that, in certain circumstances, there is a need for more formalisation of the process. Tom Scholar is an example where there could not have been any due process in his removal, because there just was not any time for due process.

Yuan Yi Zhu: Civil servants have statutory protections as to their tenure. That is not in question here. I do not think that anybody has a right, moral or otherwise, to be Permanent Secretary at the Treasury at any given time. The specific assignment given to Permanent Secretaries is necessarily affected by a number of considerations. Going back to Lord Falconer’s point, I would not like to pass judgment one way or another as to the specific policy decision being made. This is something that, in the absence of complete information, none of us is in a position to judge at this level.

Q54 **Lord Falconer of Thoroton:** How does the level of executive involvement in the appointment and dismissal of Permanent Secretaries and other senior civil servants in the UK compare that in with other countries?

Dr Conor Casey: We have prepared for this with a division of labour. I will deal with some parliamentary examples from Europe, and Yuan will talk more about Commonwealth countries.

I would say that executive involvement is at the lower end of the scale. The closest comparator is probably Ireland, where there is a very similar process for our Secretary General—the equivalent of the Permanent Secretary. We have a top-level appointments committee akin to the Civil Service Commission, made up of secretaries general in other departments, the secretary to the Irish Prime Minister and a few independent externals. They recommend three appointable candidates and shortlist them in alphabetical order, and the decision is at the discretion of the Government. They serve for seven-year terms.

The Government have the power to dismiss outright, but that is rarely, if ever, used. There may have been one or two occasions in the history of the state. Transfers, where there is a breakdown in relationship, are much more common. As is the situation in the UK at the minute, they are not formalised. They are very quiet and under the radar, but they do happen. That is the closest comparator.

Countries with more moderate levels of political involvement would include Germany and France. In Germany, the top 160 civil service posts in the federal Administration are political appointments, but there is a very strong political culture there that this is not appointing people just because they are in the same political party. They have to be excellent at their job, because German Ministers rarely rely on spads for their policy advice. They rely on those people who they appoint, so they must be excellent, or it will rebound on them if they appoint hacks who are not able to do the job. In the German system, there is rarely backbiting between the political Executive and the senior civil service.

In France, there are two layers of appointment. Each Minister has their own *cabinet*, which is a mixture of pure political appointees from outside the civil service and selective appointments of people who the Minister really wants to work with from within the civil service. Those are discretionary at appointment and removal.

At the higher levels of the bureaucracy, there are roughly 700 Permanent Secretary-level appointments co-signed by the President and Prime Minister. Again, political considerations come into this, but the French civil service culture puts a premium on excellence. The French civil service are rockstars in political culture, so there is an expectation that they will be well trained and able for the post, as well as politically basically aligned with the Minister. They are subject to discretionary dismissal, but, if they are dismissed, they return to the civil service post that they were in before.

Those are similar to the UK and more political. At the other end of the scale, which is the system that no one really wants, for good reason, is the United States, where there are about 3,000 political appointments to be made by the President. There is an expectation of a total rollover at the top when a new President comes in. Comparatively, the UK is probably at the less executive involvement level.

Yuan Yi Zhu: You have already heard evidence from Professor Grube about Australia, so I will not repeat that. As to Canada, the picture is fairly complicated, because every province has its own independent civil service, but the general picture is that there is much greater executive involvement in appointments and dismissals than in the UK, although the extent to which that happens varies enormously between jurisdictions.

At one extreme are places like the province of Saskatchewan, where there was an election a few decades ago and half of the deputy Ministers, who are the permanent secretaries in Canada, were dismissed for political reasons. That would be at one extreme of the Canadian case.

At the other extreme, at the federal level, this does not really tend to happen that much, although deputy Ministers who are seen to be closely associated with the previous Government are sometimes transferred or given suitable retirement posts as ambassadors and so on to get them out of the way. There is a lot of regional variation, but, on the whole, in every province and at the federal level, the Prime Minister appoints the deputy Ministers. There is no system whereby they are forced to select from a shortlist. Deputy Ministers serve at pleasure, like in the UK. Compared to Canada, the UK has a fairly minimal level of executive involvement.

Another thing that I would add is that the Canadian and UK situations are not necessarily comparable because, in Canada, there is much greater use of special advisers who are known as exempt staff. An average Minister might have some 20 to 25 staff in their office, which means that, in Canada, spads do things that, in the UK, would be done by the Civil Service. In that sense, Canadian civil servants are probably more on the managerial side and play less of a role in policy formulation than would be the case in the UK. This does not affect the picture of Canada having a much more hands-on approach to executive appointments, even though, if you look at it on paper, Canada and the UK are very similar because the Canadian civil service system was largely modelled on the British one from a legal point of view. In practice, there is much greater ministerial involvement.

Q55 Lord Anderson of Ipswich: Thank you for those very helpful answers. The impression that I have of the Westminster systems—correct me if I have this wrong—is that there are some, such as Australia and Canada, with very strong ministerial involvement in both appointments and dismissals, albeit constrained by a pretty constant practice of appointing only career civil servants to top jobs. There are others, such as New Zealand and Singapore, where much more control is given to an independent body—the State Services Commission in New Zealand, and the Public Service Commission in Singapore.

Q56 We have seen a report from the Institute for Public Policy Research, which describes these approaches in detail and seems to conclude that they are all perceived in those countries as working very well, which is nice but not a lot of help to us. Can I ask you, as academics, whether there is any research or even any workable metric that might enable us

to say which of those systems makes for more effective governance, or is that an entirely subjective judgment?

Yuan Yi Zhu: People have attempted to quantify governance using various criteria. Speaking as a social scientist, I am always somewhat sceptical, because metrics are a gross oversimplification of everything into one number, which is not always helpful. For instance, in Singapore, there is a very strong Public Service Commission, but there is also a lot that is not captured, for instance in terms of how civil servants are chosen through an extremely elitist system, which might not pass public muster in the UK. There is a long tradition of civil servants in Singapore going into government as Ministers after their tenure, or into the private sector or the equivalent of Crown corporations.

I would be fairly sceptical of drawing any conclusions and of saying that the Singaporean model can be directly imported to the UK. Fundamentally, it is one thing to look at these arrangements on paper, but the institutional culture varies enormously, as was also discussed in the context of Canada, where, if you looked at the statutes, you would think that they are very similar systems. If you look at how things work in practice, there is really very little in common, so I would be fairly careful about an approach of saying that there are certain ways of doing it.

Fundamentally, the UK has a very long history, and things have been done in such a way for a very long time. You cannot simply discard all this baggage, cultural or institutional, overnight.

Dr Conor Casey: I would not call myself a small "c" conservative or Burkean across the board, but if something is working well, there could be good reasons to keep it. I agree entirely with Yuan that transplanting rarely works well. It is trite to say, but it is true all the same, that what works in one country might not in another. The UK system of parliamentary sovereignty would work in few other countries without its unique history and political culture.

Broadly, the status quo effects a good balance between the need for the Executive to govern effectively and the Civil Service values that have been central to how our bureaucracy operates since the Northcote-Trevelyan report. Overall, it is a prudent balance that works well for this country.

Q57 **Lord Mancroft:** You have suggested that there may be a good reason to increase ministerial involvement in senior Civil Service appointments. How should this be done?

Dr Conor Casey: It is more of a tweak, because it would involve clearing up an ambiguity that exists in the current process. There is a very good report from the IPPR from 2013 about ministerial involvement. Parts of that report talk about evidence that they have from the Cabinet Office about how appointments work. They mention in this report that the system was that commissioners shortlist the appointable candidates and the Prime Minister gets the final say, but, if the Prime Minister does not

think that anyone is suitable to be appointed, they can request a do-over, veto the shortlisted candidates and start the competition again. That report was in 2013, and they said that they got that evidence directly from the Government.

The current 2018 guidelines are not explicit but seem not to permit a do-over if the Prime Minister does not think that anyone is suitable for appointment. They make no mention of a veto possibility and the way that it is phrased seems to be mandatory. They say that the Prime Minister “must take the final selection decision from the appointable candidates”, and this imperative wording seems to suggest that the Prime Minister cannot veto the shortlist. They have to choose, and there is no chance of a do-over.

Regardless of what you think, it would be good to clarify what the position is on this, especially if, only a few years ago, the Government were saying that this was something that they could do. It would be reasonable to give the Prime Minister authority. That would not be to denigrate the importance of merit, because anyone who is appointable would have to go through the appointment process, or must be shortlisted as appointable on merit according to the criteria by an independent panel, so there is no getting around that process. The candidate will always go through that independent process before being picked. Clearing that up would be good, and there are reasonable grounds to say that it should be cleared up in favour of giving the Prime Minister a veto authority.

Yuan Yi Zhu: I entirely agree with that. The fact of having this power confirmed formally is more important than whether the power is exercised, because, at the end of the day, what is really important is for the Minister to have confidence that they have people who can deliver and that they have the option. Whether that option is exercised in practice is a different question.

Given the generally very high calibre of people at this level, it is perfectly possible that this option is not exercised very often. In the coalition years, there was one case where Mr Cameron vetoed a potential Permanent Secretary. There are rare cases where Ministers feel that they should act. This option should be available, but it is not that the option will be used willy-nilly or recklessly.

At the end of the day, Ministers, like everybody else, have an interest in getting the best people for the job and to make things work, so there is no risk of abuse or a return to the 18th century, when people appointed their nephews to sinecures paid a few hundred pounds a year. That is not on the books, but to have this point cleared up would be very helpful indeed.

Lord Mancroft: Can I just ask you to go on a bit further? Should there also be greater ministerial involvement in the dismissal of senior civil servants?

Dr Conor Casey: As I mentioned, I would not be in favour of regularising outright dismissal without a proper process. I am in favour of transfer. The current level of ministerial involvement is suitable because it will arise only if there is a breakdown of relation. I do not see any need to change that.

Yuan Yi Zhu: Yes, I would broadly agree. Given the very special nature of the position, there is a good reason to have the Prime Minister in the loop as opposed to individual Ministers.

It would not be desirable to normalise dismissal. Dismissals should be maintained as something that is relatively rare. There does seem to be a bit of confusion about what exactly we mean by "dismissal". There is outright dismissal and there is soft dismissal. That is probably something to keep in mind as well when we are talking about dismissal writ large.

Lord Mancroft: What I am hearing is that you think the present system is pretty much okay. You assume that the present system does not particularly affect the constitutional independence and political impartiality of the Civil Service or the principle of appointment on merit. If that were to change in any way, would that have a detrimental effect or not?

Dr Conor Casey: Yes, it is a very carefully calibrated system that tries to balance the constitutional responsibility of the Executive to govern through the systems of the Civil Service with the Civil Service values of impartiality, integrity and so on.

It is a process that has the filtering mechanism of the independent panel, which really prevents any risk of partisan or patronage appointments. Candidates have to be appointable on merit, but it gives the Executive discretion to help set the criteria and the characteristics they want in a candidate. It lets them feed their views into the committee, meet the candidates and ask questions. It is quite a carefully calibrated process.

If, for example, you were to remove the independent panel, that might tilt the balance too far. If you were to say that the panel could nominate only one candidate and the Prime Minister must accept them, that would tilt the balance too far in the other direction. The current set-up is quite well calibrated. I would not recommend much by way of serious change.

Yuan Yi Zhu: I agree with that. I do not have much to add.

Q58 The Chair: Just staying with this issue of greater ministerial involvement, there is the issue of how far you can go with ministerial involvement before it moves across the boundary into patronage and politicisation. This is a question in two parts. What action or change would tip it across that boundary into patronage or politicisation? Secondly, if the recruitment, redeployment and dismissal process involved greater politicisation or personalisation, how might that impact Permanent Secretaries discharging their roles as accounting officers?

Dr Conor Casey: To address the first question, it can work perfectly well to have direct discretionary appointments to senior Civil Service posts. It is not something that is automatically going to lead to an abuse of authority. It works perfectly well in Germany and France. However, it would be a big change here. It does increase the risk that would happen. If you were to facilitate direct discretionary appointments, it might work well, but it would increase the risk of patronage appointments.

The current system has this filtering mechanism of the independent panel of Civil Service Commissioners. They must be satisfied—they are the ones who make the call—that the candidate is appointable on merit based on the appointment criteria. If you were to remove that panel, for example, and make it a direct discretionary appointment, that would increase the risk of patronage appointments. That is not to say it could not work, but it would be very different to what we have. It works well in other systems, but it does increase the risk.

The Chair: The role of the Civil Service Commission is more limited when it comes to selections that involve only internal candidates, is it not? It does not necessarily have the powers to pick up issues if things were going wrong in a selection process which involved only internal candidates.

Dr Conor Casey: This is why it is beneficial that the Government moved in May 2022 to make all appointments open competitions with external candidates by default.

That is something I wanted to raise with the committee because there is an element of ambiguity over whether competitions are external by default. The documentation currently on the website of the Civil Service Commission is outdated. The senior appointments protocol of 2011 says that the decisions about how a competition will be advertised will be made by the Senior Leadership Committee. That is no longer the case. They are by default, except with ministerial consent. That would be worth clearing up on the website.

For the most part, all appointments will have to go through this merit bar or filtering system with the independent panel.

The Chair: What about the impact on the discharging of accounting officer duties either formally or informally? If you go back to your point about there being an inflection point and more public hangings, will that have a chilling effect on Permanent Secretaries discharging what is a public sector duty? It is a duty in the interest of the public for them to exercise their responsibilities as an accounting officer, particularly on propriety.

Dr Conor Casey: Professor Grube mentioned in his testimony that there is an inherent tension in the Permanent Secretary role between being a faithful servant of the Executive or the Government of the day and fulfilling this statutory role of constitutional importance to make sure that public and parliamentary monies are spent with propriety. There is

always going to be that tension. How much that tension is exacerbated will depend on whether the dial moves on politicisation. If it stays roughly where it is, that allows for the tension to be managed.

Look at the recruitment process we have for Permanent Secretaries. Yes, the Prime Minister has the final call on who to appoint, but they can select only a candidate who has passed through the shortlisting process, who is seen as being up for the job based purely on merit and who is perceived to have the ability and character to handle the brief and manage the department. Those are the only candidates who will get to the stage where they could be appointed so they will be fit to discharge this very taxing push-and-pull.

This panel system is a very effective filter to make sure those who are appointed will not just be patronage appointments and will be more likely to be able to discharge the very difficult tension in the role. If you remove that mechanism, the risk of patronage or partisan appointments will go up. You may get people who are less able to manage this tension and who will bend towards making things easier for the Executive. The current system helps us manage it pretty well.

Yuan Yi Zhu: As the committee may already be aware, there is a Policy Exchange report from 2021 or 2022 by Benjamin Barnard in which he advocated putting in place an oversight process for internal appointments or promotions by formalising the Civil Service Commission's oversight of internal appointments by statute. That is very reasonable.

If we are moving to a model where all top positions are advertised openly by default, it makes sense to have a system whereby internal and external candidates are put on the same footing in terms of the oversight of the Civil Service Commission and so on. That is another change that would be fairly easy to do, but it would be commensurate with the changes that have already been made in terms of levelling the playing field and increasing the level of scrutiny from the Civil Service Commissioners.

To the point about the discharge of accounting officer functions, I agree with Conor. We should not expect that people at this level who are appointable would risk their reputation and career for the sake of partisan advantage. I understand that there is some concern about the issue of value for money specifically. It seems to me that the solution to that is through the use of ministerial directives, which are still very rarely used. In 2020, there were 19; that was a record. In 2021, there were three ministerial directives. It makes sense to increase the use of those as well.

Finally, I would make a very broad point. We talk a lot about patronage appointments. Permanent Secretary appointments are not nearly as desirable as pieces of patronage as they used to be when the Northcote-Trevelyan report came out, when Ministers freely gave Civil Service appointments, which were very few in number, to favoured relatives and partisan friends. In terms of what patronage appointments exist, I am not sure whether somebody who is looking for a political favour would

necessarily want to be a Permanent Secretary as opposed to any number of other things that might carry as many benefits with a much lighter workload. Those are very tough jobs, and we simply do not see a return to the system of abuse that Northcote-Trevelyan eliminated very successfully.

Q59 Lord Falconer of Thoroton: The Senior Leadership Committee is referred to in Policy Exchange's November 2021 report entitled *Open, Meritocratic and Transparent: Reforming Civil Service Appointments*. Could you tell us what role the Senior Leadership Committee plays in the appointment and dismissal of senior civil servants? Is there a case for reforming this role?

Dr Conor Casey: It is fair to say that little is known about this committee. The Policy Exchange report you are referring to noted that "its exact terms of reference, rules of procedure and the frequency with which it meets are all unknown. No minutes of its deliberations have ever been published".

From what we know from the 2011 senior appointments protocol, it is chaired by the Cabinet Secretary, and the First Civil Service Commissioner is also a member. The big role it used to play, as I understand, was to set the selection route for any appointment to the senior Civil Service. It had a big say over whether an appointment would be internal, external or a managed move.

This has all changed or been made redundant since last May, when the Government made the decision that all senior Civil Service positions will be subject by default to external competition, save with ministerial permission to make it internal. It is hard to know what influence it now has over appointments, if that was its primary function under the appointments protocol. It is something a parliamentary committee could play a very useful role in ascertaining because it is very hard to find any information about it.

Lord Falconer of Thoroton: That is very interesting. Since the announcement in May that you refer to, which you describe as perhaps making the senior appointments protocol in 2011 redundant, what evidence have you seen, as an academic, of there being a change? To what extent are many more or all of the very senior appointments in the Civil Service externally advertised?

Dr Conor Casey: I have not seen statistics since May 2022, but I would be very interested to see whether Ministers generally have insisted on external roles or whether they have caved to the business case for an internal appointment. I do not know.

What I can say is that the website of the Civil Service Commission should be updated to reflect this change. The outdated protocol is still there, and the only evidence that the Government have made this decision is the government statement or press release. There is no actual document or supplementary protocol. It would be good to see that clarified and not

have this ambiguous situation where we are piecing together what the actual process is.

Lord Falconer of Thoroton: We came across this problem a few weeks ago in evidence. There appeared to be a suggestion that there had been the change to “external as the norm unless...” but we could not find it reflected in any formal document. You are saying the same thing.

Dr Conor Casey: Yes. The only evidence I have of the decision is the government press release from the former Chancellor of the Duchy of Lancaster, Steve Barclay. That is all I have seen to suggest that it has changed.

Yuan Yi Zhu: I would just add that it is very undesirable if the House of Lords Constitution Committee is as confused as anybody else on the topic of which document, if any, governs appointments.

Q60 **Lord Foulkes of Cumnock:** Lord Keen raised this earlier on, and Dr Casey said that, although he is from Northern Ireland, he does not know much about devolution. Of course, the situation in Northern Ireland is different because there is a separate Civil Service in Northern Ireland.

Q61 We have this note from the Cabinet Office, and I wondered whether either of you wanted to comment on it. It says, “The permanent secretaries to the Welsh and Scottish Governments are accountable to their First Ministers for the delivery of their priorities and, to the Cabinet Secretary as Head of the Civil Service for the leadership of their departments.” Does it raise a conflict of interest if they are accountable to two different masters, in effect? Would either of you like to comment on that? “No” is the loud response.

Yuan Yi Zhu: In addition to my earlier comment, there is obviously a tension here. One former Permanent Secretary to the Scottish Government was accused of “going native” because they worked to deliver the agenda of the Scottish Government for independence, and there were very regular discussions as to whether this was an acceptable use of UK Civil Service resources.

It is a very hard question simply because, from the point of view of the Scottish Government, the delivery of the priorities means delivering a blueprint for independence. The conflict is here, but, again, I would like to emphasise that this is a reflection of the fact that the devolution settlement as a whole is anomalous by international and UK standards. Some would say it is unfinished business; some would say it has already gone too far. The question of the Civil Service’s position is one that really has to be addressed within the broader context of devolution and what devolution should or should not look like.

Lord Foulkes of Cumnock: You have put your finger on it, Professor Zhu. If they were implementing a policy of the Scottish Government in relation to education that happened to be different from the policy in England—it has been different for decades—there would be nothing wrong with that. If they were implementing a policy to break up the

United Kingdom, that does raise questions that the Cabinet Office might have a responsibility to take account of. I agree with you. It is something that really needs to be resolved. My good friend Gordon Brown is trying to do that and make suggestions in relation to it.

This does not arise in Northern Ireland then, does it, Dr Casey? Of course, they do not do an Executive at the moment.

Dr Conor Casey: I was going to say that my only settled views on the devolved Administrations and the Civil Service is that I wish the Civil Service in Northern Ireland did not have to run the country. I wish it did not come to that. Aside from that, it would not be in my area of expertise.

Lord Foulkes of Cumnock: It will be difficult now for the Permanent Secretary in Scotland to work out what the policy of the Government there is.

Lord Keen of Elie: Just to develop that a little further with these witnesses, the Permanent Secretary in Scotland, for example, must be answerable or accountable to the First Minister for the delivery of devolved matters.

In addition, surely the Permanent Secretary in Scotland is also there to monitor and maintain the sometimes debatable boundary between devolved competences and reserved matters. In that regard, constitutionally, surely it is only appropriate that that Permanent Secretary should be answerable to Westminster in regard to the matter of whether that boundary of reserved matters is being properly respected by civil servants in Scotland. Would you agree?

Yuan Yi Zhu: I would very much agree. I realise this is not a view that would necessarily find favour in the Scottish Government, but the fact is that the UK is still one country and, the Civil Service being a UK-wide institution, it is one of the roles of the Permanent Secretary.

Incidentally, I am interested to note that there has not been a pattern whereby Scottish Permanent Secretaries, especially the Permanent Secretary to the Scottish Government, have been drawn exclusively from Scotland. The people who have been appointed have been from England and Northern Ireland. The UK-wide nature of the UK Civil Service is something that is quite desirable to maintain.

Dr Conor Casey: I do not have much to add. As an academic, this seems to be a very interesting question. It is a very difficult position for the particular civil servants who have to ride two horses to some degree. I am surprised there is not more commentary on it that I am familiar with.

Lord Keen of Elie: I would note that the British Civil Service encompasses England, Scotland and Wales. There is a separate Civil Service in Northern Ireland.

Q62 Lord Strathclyde: We all know the examples of Alastair Campbell and Dominic Cummings. More generally, are special advisers more involved or more influential than they were in the recruitment and dismissal of Permanent Secretaries and other senior civil servants? What is your sense of the extent to which that has changed in recent years?

Yuan Yi Zhu: Again, this is a really difficult question, simply because we have very little publicly available evidence. Alastair Campbell and Dominic Cummings are the ones who everybody thinks of if asked the question. Whether they are representative examples is a more equivocal question.

Certainly, the question of whether special advisers should be involved in this process is an important one. At a formal level, special advisers are simply the creatures or extensions of Ministers. They have no formal place in the process, and I do not think they should. Of course, special advisers are appointed because Ministers trust them to provide advice that they may not necessarily be able to get from other sources. One would generally assume that there is a degree to which Ministers do ask for information from special advisers, and they are entitled to do that. Ministers are entitled to draw from any source of information available to them.

To that extent, there is nothing constitutionally improper about a Minister asking a special adviser, who perhaps has more experience of Whitehall, if they have heard anything, or have a sense, about a particular person. They should not have a formalised role. I do not think there are any suggestions that they should be given one or that they will be given one.

Dr Conor Casey: Yes, I agree with that entirely. The recruitment principles are very clear that Ministers and the Prime Minister get to meet the candidates, if they choose to. They do not send a spad to interrogate the candidate, and that is proper.

Q63 Baroness Suttie: Given the recent rather public examples where special advisers have at least claimed some involvement with the dismissal of Permanent Secretaries, should the code of conduct for special advisers be revised? Is it just a matter of enforcing fully the existing code of conduct?

Yuan Yi Zhu: I would probably tend towards the latter. Just to be clear, you are probably referring to Mr Cummings and his public statements in this regard. Without knowing anything more about the specifics, I would perhaps be careful about relying on one source of information or one blog post. What happens in government is that people tend to overestimate their importance. Just because you say you have done something does not mean you indeed were the person who did it.

Generally speaking, I would treat his claims with a bit of scepticism. As I said, Ministers are certainly entitled to ask the opinions of anyone who they consider fit to provide information. Beyond that, special advisers should not be a formal part of the process. I would assume that, with rare exceptions of especially prominent spads, this rule is generally respected.

Dr Conor Casey: I have nothing to add. I agree with Professor Zhu.

Baroness Suttie: You said in the evidence you gave that it is a human nature thing and that Ministers are inevitably going to turn to their special advisers perhaps because they are people who they have appointed personally and therefore they know them rather better.

With the exception of the rather public example we were talking about earlier, is the role of special adviser an important one in ensuring that government works effectively, including how Ministers get on with their civil servants in their day-to-day professional existence?

Yuan Yi Zhu: I believe so. The evidence is in plain view. For a long time after they were introduced, people regularly grumbled about their very existence. People said, "This or that Prime Minister is relying too much on his special advisers. When we are in power, we are going to return to the old model." Somehow that never happened, which suggests to me that special advisers are useful and play a role in the governance of the country that is probably here to stay.

The UK's use of special advisers is very minimal compared to most peer countries. I have already referred to the example of Canada; Conor has referred to the example of certain European countries. In the UK, the Civil Service is, by and large, still the dominant force. I do not really see any evidence of that changing. If you look at the number of special advisers, they peaked under Mr Johnson. They came down under Liz Truss, and they are still lower than the peak under Mr Johnson. There is no prospect of the Civil Service being edged out by special advisers.

Special advisers, at least the good ones, will play an important role in mediating between Ministers and the Civil Service and making the relationship work as well. It is very much a mutually constitutive process, which works to everybody's benefit when it works well.

Dr Conor Casey: It is interesting to flag up one other thing. I am sure the committee is familiar with it, but there was an experiment tried in the early days of the coalition Government, sparked by an IPPR report and then adopted by Sir Francis Maude, which was the idea of an extended ministerial office. This was a *cabinet*-lite experiment that gave Ministers more discretion to appoint of wider personal staff to help them formulate policy, develop expertise in particular subject areas and get access to particular types of expert analysis to drive a particular type of programme or reform. That was drawn from whoever the Minister wished, from in the Civil Service and elsewhere.

That died a death. It fizzled out. People do not know why it fizzled out. It was in the *Cabinet Manual* for a while, but to take advantage of this you had to get permission from the Permanent Secretary, the Prime Minister and both parties in the coalition. Most Ministers did not avail of it and it dropped off. The fact that it was floated, that people tried it and that some people think you should try again speaks to the desire of Ministers and public policy commentators to give greater autonomous ability to

formulate and develop policy to Ministers. That suggests they might want to go further than just a few spad.

Q64 **Lord Hope of Craighead:** Historically, based on your own knowledge and resources, has the duty to appoint civil servants on merit on the basis of fair and open competition been applied differently in the case of very senior civil servants?

Q65 As background to that question, the principles that are set out by the Civil Service Commission as to recruitment say it is a legal requirement that the appointment should be on the basis of merit and fair and open competition. As far as merit is concerned, the principles state that the appointment must be offered to the person who would do the job best. I will go back to the question. Have these criteria been applied differently in the case of appointments to very senior positions as opposed to people who are entering the Civil Service at the very bottom level?

Yuan Yi Zhu: If we look at the history of the past 150 years since Northcote-Trevelyan, there has been a tendency to treat the most senior appointments differently. The principle of merit has always been overriding, but merit, especially at this level, is perhaps a more multifaceted notion than at the lower levels. For instance, traditionally the way for normal entry was to make people take a very hard exam about the geography of Scottish rivers and so on, and whoever ranks the highest goes to Treasury. That is one version of assessing merit.

At the Permanent Secretary level, the process has always been different. I have already pointed out two historic examples when people were recruited from outside the Civil Service, from trade unions, the Bench and academia, to fill very senior roles, which was a practice that persisted well into the 20th century. That did happen.

This is an acknowledgment not that merit is somehow secondary but that it is a very complicated notion. If you look at the Australian statutory definition of merit, for example, it has several criteria, some of which have to do with general competence and some of which have to do with the specific role involved. In the UK there is not a statutory definition of merit. A single statutory definition of merit could not capture all the complexity of the notion of merit, especially when we are talking about the higher levels.

In summary, the higher we go, the more we expect our civil servants to do. For that reason, the notion of merit becomes harder to operationalise as a single metric, such as, "Did this person do well in the exam or not?" That has always been the case.

Lord Hope of Craighead: Could one perhaps put it this way? The word "merit" has to be tailored to the level of appointment you are considering. In the case of the very senior civil servants, there is a huge background of experience and performance to look at in testing merit and looking as to the public criteria for the level of office you are considering.

Would it be right to say the word "merit" has to be looked at in the whole

context of the level of appointment you are considering? Does that fit with what you have just been saying?

Yuan Yi Zhu: Yes, you have put it much better than I could ever hope to. This is exactly what I would have said, had I been more eloquent.

Dr Conor Casey: Yes, I agree entirely. It is a concept that has to be tailored to the particular position you are looking at. At a lower level in the Civil Service, where the focus is on direct policy implementation, merit can be based on mastery of a particular technical subject matter or high-level theoretical knowledge. As you ascend, merit might incorporate more amorphous concepts such as prudence, wisdom, judgment and people management. When you get to the very highest levels, it might also include an ability to work with the particular Minister you are going to be working with. I totally agree: it needs to be tailored to the particular position and given content. Otherwise it just becomes an empty placeholder.

Lord Hope of Craighead: The overriding criterion is whether the individual is the best person to do the job. It depends on what the job is.

Dr Conor Casey: That is exactly it. Depending on the job, the person who would be best placed might change. The skill set required to do the job best will depend on where in the Civil Service we are talking about. Perhaps a more limited and narrow skill set is better at the lower level, if you are doing this particular job with this particular skill set, but it might become more demanding and multifarious, as my colleague said. It is very much contextual.

Lord Howard of Lympne: Alex Thomas told us there are certain human resources rules that suggest that a recruiting manager should not have a performance report available to them for someone internal whom they might be recruiting. Would you agree that past performance should be a rather important matter to be taken into account when assessing whether someone is, to quote Lord Hope, the best person for the job?

Yuan Yi Zhu: Past performance is not always a predictor of future performance. In management it is known that there are cases where people are better at one level and, if you move them upwards, they are going to be less effective. Certainly, the past record of somebody is a very relevant piece of information when it comes to appointments and should be taken into account alongside all the available evidence.

Generally speaking, in social science, as with everything else, the more evidence you have, the better you can make a reasoned, good judgment.

Dr Conor Casey: Yes, absolutely. It is akin to how an external candidate will be assessed by their references and their track record of achievements. It is very important.

Baroness Andrews: I feel as though the concept of merit is dissolving in front of our eyes. It is going the way of the "good chaps" theory of government. What you are saying suggests that it is no more than a

bundle of competences that possibly change according to the level at which you are operating them.

I asked a question earlier about where the notion of a moral imperative or a moral compass came into your notion of merit. Should we scrap the contemporary notion—we cannot easily define “best” anyway—and start again from scratch? Should we try to redefine merit in terms of a pragmatic assessment of what we want Permanent Secretaries to do bearing in mind that, in the course of this morning, we have not defined the job?

Dr Conor Casey: The concept still retains some merits, even if it is amorphous. The fact it is context-dependent does not render it empty. If you are an accountant in a department, it may be that the skill set required to do the best job will revolve around mastery of technical subject matter. As you go to Permanent Secretary level, the definition of merit may encompass a wider range of things. To be the best at that role will involve people management, project delivery and having expertise to give policy advice that is accurate. By necessity, the concept requires context to fill it out. By its nature, it is a little bit amorphous. That does not mean it is devoid of value.

Lord Hope of Craighead: Could one say that it concentrates your mind on something different from the good chap, the person with whom you like to play cricket or golf, go for walks or whatever? You have to look at merit in deciding what to do.

Baroness Andrews: I am slightly worried by the notion that, if you prioritise technical competence, as you must if you have a scientific or professional Civil Service, from what you implied, there is less of an emphasis on being able to make the right judgment call. We expect a technically competent Civil Service around nuclear authority or whatever, but we also expect them to give first-class political and moral judgment. I would say it should be moral in that case. That leads me to think we should start again and have a look at the whole notion of merit. Should we deconstruct it or reconstruct it?

Yuan Yi Zhu: There is certainly scope for a more first-principles re-examination of the notion of merit. If we look at the ways in which the notion of merit has been operationalised by the Civil Service Commissioners throughout history, there has been an evolution. There has been a move away from classical academic exams of the 19th century toward a different model.

The notion of merit, as Conor said, is a bit amorphous, but being amorphous does not mean it is pointless. It does mean we have to keep in mind that merit is a notion that is perhaps not as straightforward as it first seems. When we repeat the core principles of Northcote-Trevelyan as a mantra, we tend to forget the real complexities involved with this set of principles.

Dr Conor Casey: One way to salvage it would be, while not being parsimonious on the criteria we want candidates to meet, to say, “For this role, these are the criteria you require, and merit will be satisfied by the person who meets these criteria”. Those may be more or less rich and extensive and may require a mixture of technical and prudential decision-making, et cetera, depending on the type of role.

It could just be that merit is the shorthand for the person who best meets the criteria we have associated with this particular position, whatever it may be.

The Chair: Are you saying that the problem is not with the concept of merit—because “merit” means the person who is best able to meet the criteria you have set—but the setting of the criteria itself?

Yuan Yi Zhu: Yes.

Dr Conor Casey: Yes, which may just move the problem downstream a little, but that might be one way to go about it.

The Chair: Yes, and then you have a ministerial overlay. Those are all our questions. We have taken you over time, but hopefully not by too much. That was rich in content. We certainly had a good debate about the circumstances in which it is reasonable to separate a Permanent Secretary from their Minister. That was good. Thanks very much indeed.