



Public Administration and Constitutional Affairs Committee

Oral evidence: The work of the Cabinet Office, HC 950

Wednesday 12 July 2023

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Members present: Mr William Wragg (Chair); Jo Gideon; Mr David Jones; John McDonnell; Damien Moore; Tom Randall; Lloyd Russell-Moyle; Karin Smyth; John Stevenson.

Questions 324-454

Witnesses

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

Examination of witnesses

Witnesses: Simon Case and Darren Tierney.

Chair: Good morning, and welcome to the Public Administration and Constitutional Affairs Committee. Today the Committee is joined by the Cabinet Secretary and head of the civil service, Simon Case, and the Director General of the Propriety and Constitution Group in the Cabinet Office, Darren Tierney. Good morning to you both, gentlemen. I wonder if you might introduce yourselves for the record, starting with Mr Case.

Simon Case: Good morning, Chair. Simon Case, Cabinet Secretary and head of the civil service.

Darren Tierney: Morning. I am Darren Tierney, DG for Propriety and the Constitution in the Cabinet Office.

Q324 **Chair:** Thank you. The first question is to Mr Case. There have been numerous cases of senior officials taking up politically sensitive roles in the past. Do you regard Sue Gray's move as different from those, and if so, why?

Simon Case: As you say, there have been some examples in the past of civil servants moving into political roles. There are two features that



HOUSE OF COMMONS

distinguish Sue's case. The first is seniority, and the second is proximity to Government employment—seniority because, as far as I am aware, we have not had a case before of a permanent secretary going into a senior political appointment; and proximity to Government service because where we have seen former senior civil servants going into political roles, in most cases there has been quite a significant gap between them leaving their civil service job and going into the political role. I think seniority and proximity are the two points that have distinguished this one.

Q325 Chair: The ACOBA report noted that the Government had provided no evidence that Ms Gray had breached impartiality rules through her conduct after her initial contact with the Leader of the Opposition's team last autumn. Can you confirm that that is your understanding of the situation?

Simon Case: Yes, I absolutely can. Obviously I am not responsible for ACOBA's words, but I can be clear that we found no evidence that, while employed as a civil servant—or at any point, but especially at that time—Sue's advice was coloured by party political views or such factors. As the Committee will know, Sue has had a long and successful career as a civil servant over 40 years or so, and has served Governments of all colours. Throughout the process we went through, we discussed the matter with officials and Ministers, and nobody produced any evidence that could suggest that Sue's advice was ever coloured by party political views.

Q326 Chair: In the light of that, what is your view of the former Prime Minister's suggestion that Sue's partygate investigation was politically motivated, and that "it is no coincidence" that she went to work for the Leader of the Opposition?

Simon Case: Obviously, I do not speak for the former Prime Minister, but I refer back to the point that we found no evidence that Sue's report was affected by party political considerations, and actually I am not sure that the timeline, as we now understand it from the material in the ACOBA judgment, quite works. I think Sue's report was produced early in 2022; her first contact, as we understand it from the material that she has provided to ACOBA, was in October 2022, so there seems to be a time gap as well.

Q327 Tom Randall: Mr Case, the Paymaster General made a statement on 3 July, in which he said that an internal investigation found that there had been a prima facie breach of the civil service code. Could you say more precisely what the breach was?

Simon Case: The key issue was this question about the declaration or otherwise of the contact that Sue had had with LOTO and, as is spelled out in the ACOBA material, subsequent contact with members of LOTO's team between October '22 and March '23. The fact that Sue did not declare those contacts is obviously open to misinterpretation—was there a conflict of interest, or at least a perceived conflict of interest? I think that in the material given to ACOBA, Sue confirmed that she did not accept the role until March '23, but we have not been able to test that ourselves. The



HOUSE OF COMMONS

Minister for the Cabinet Office felt that “prima facie” was fair language to use in his statement.

Q328 **Tom Randall:** What are the consequences for those found to have committed a prima facie breach of the civil service code?

Simon Case: In this case, there is none. Sue is no longer a civil service employee, so there is no ability, even if we wanted it, for there to be a consequence. In the theoretical instance that perhaps one day Sue wanted to return to an official civil service career—as a full-time civil servant, as opposed to as a temporary civil servant, which she would be if she was a special adviser—that might be taken into account, but it is difficult to judge. At the moment, as the Minister said, it is only a prima facie breach.

Q329 **Tom Randall:** Who conducted that investigation, what was its remit, and how was it conducted?

Simon Case: The remit for the investigation was set out by the Minister for the Cabinet Office in the House on 6 March—I think in answer to an urgent question that had been granted by the Speaker—and it was made clear that we would look into the circumstances leading up to Sue’s resignation. The approach taken was proximate to the informal process that we would have initially followed had Sue still been a civil servant at the time.

The work was carried out by Darren’s team in PET, and it reported to a panel, which was made up of: Sue’s line manager, who was the permanent secretary at the Department for Levelling Up; a senior legal adviser; a senior HR adviser; and an independent senior permanent secretary. The team checked electronic records and interviewed serving officials and Ministers. Sue was offered the opportunity to make representations as part of that process but, as is her right, she declined to do so—I think principally because she was going through the ACOBA process—and Sue’s line manager, the permanent secretary for DLUHC, was the decision maker in this case.

Q330 **Tom Randall:** Whose conclusion was it that there had been a prima facie breach?

Simon Case: The prima facie language obviously belongs to the Minister; it was in his statement. The judgment about the conduct was the judgment of the line manager, on the advice of the work that PET had done.

Q331 **Tom Randall:** There were ministerial inputs.

Simon Case: Ministerial input into the written ministerial statement—obviously.

Q332 **Tom Randall:** Are you satisfied that the civil service code and the management code provide sufficient clarity to officials considering similar offers of employment?

Simon Case: I think the civil service code, as a foundation document that sets out the four values, is clear on impartiality. That stands, and it has



HOUSE OF COMMONS

stood the test of time. There is an issue around the civil service management code and the guidance that sits underneath it, because I think it was predominantly written with other things in mind. I do not think that anybody anticipated this particular set of circumstances.

The management code, particularly where it talks about people going into political roles, really anticipates people going into elected roles. It talks about how you would have to stand down before you sought election and that sort of thing. It does not really anticipate going to work in a special adviser type of role. A lot of it is around financial conflicts of interest. Obviously, it is impossible to anticipate all the circumstances you would face, but we have recommended to Ministers, and Ministers have agreed, that we should look at all the guidance in the light of this case.

Q333 Karin Smyth: You said that the Minister had input into the ministerial statement, as we would expect. What was your input into the written ministerial statement?

Simon Case: First of all, as you know, we do not go into the detail of conversations and the advice that we have given Ministers, but the base material was obviously drawn from the work that was done by PET, which had been through the panel. Obviously, the final wording is a decision for the Minister, as it is a statement made in his name.

Q334 Karin Smyth: If you were in the room for those discussions, you would have advised the Minister about the process that should be followed.

Simon Case: I will not go into the detail of who was in the room for what purpose, but you can certainly legitimately expect that the Minister would have had full advice on the rights and wrongs of what should have been in the statement. Obviously, what goes in the statement is a ministerial decision, in the end.

Q335 Karin Smyth: Were you happy with what the Minister said in that ministerial statement?

Simon Case: When I appear in front of this Committee, I do so on behalf of the Government. The Minister took the decision on what should go into the statement, so I point back to what the Minister said. It is the Minister's decision.

Q336 Karin Smyth: We understand that there was a contact—I think you used the word “contacts”. Was the phrase “prima facie” your suggestion or the Minister's suggestion?

Simon Case: Actually, I think it was included on the advice of a lawyer, but it was the Minister's decision.

Q337 Karin Smyth: You said Ms Gray did not take part in the process. That was because her trade union advised her not to, wasn't it?

Simon Case: I don't know all the details of the conversations that Sue would have had with her trade union representative, but we did have correspondence back from her trade union representative making it clear that Sue was not going to take part in the process.



HOUSE OF COMMONS

Q338 **Karin Smyth:** What was the process?

Simon Case: I have just outlined it, in the answer to the earlier question.

Q339 **Lloyd Russell-Moyle:** Her union, the FDA, wrote three times to ask for details of what the process was and what the appeal process was. Did they receive responses to that correspondence?

Simon Case: I believe so. I will just check that that is correct.

Darren Tierney: We replied to all the letters apart from the last one. To underline the point, this was not a formal HR process; we were establishing what happened in the run-up to Sue's resignation. It was an administrative exercise, rather than a formal HR process.

Q340 **Lloyd Russell-Moyle:** So you didn't regard the representation by the trade union as having standing, as you would with an HR process.

Darren Tierney: It wasn't a formal HR process. We took into account the representations made by the FDA, but we were clear that we could proceed and reach conclusions.

Lloyd Russell-Moyle: In other examples of people who have left the civil service—Rosenfield, Korski—

Chair: Could we all speak up for the microphones?

Simon Case: Sorry, I did not recognise the second name.

Q341 **Lloyd Russell-Moyle:** It is Korski. There were accusations of very bad behaviour, and the response from the Department was that you could not investigate people who had left. Why is there an exception for a political purpose, but not for sexual harassment and bullying?

Simon Case: I am not sure that I would recognise the characterisation of—

Q342 **Lloyd Russell-Moyle:** Were those two individuals investigated after they left the civil service for their alleged bad behaviour?

Simon Case: I am not aware of any allegations against Mr Rosenfield in his time as a civil servant. If there are any, we should probably discuss that separately, in private.

Q343 **Lloyd Russell-Moyle:** I will send you the media reports on both of those cases.

Simon Case: Of course, Mr Korski was not a civil servant; he was a special adviser. At no point was he a civil servant.

Q344 **Lloyd Russell-Moyle:** In principle, you would investigate any former civil servant, even after they had left the pay of the civil service.

Simon Case: To be honest, it would depend. There is a question around the amount of time that has lapsed, and your ability to get material to investigate. If you are referring to the material in public about Mr Korski, I think the complainant has made no contact with us. We gave advice to the



complainant about how best to take forward her complaint. She spoke to a member of the propriety and ethics team about how best to take forward the complaint.

Q345 Lloyd Russell-Moyle: So if complaints come forward about other civil servants in future, even after they had left the civil service, they could be investigated, but they will not have the right to have their union attend and defend them.

Simon Case: It entirely depends on the case and the nature of the process followed. For example, there are instances where former civil servants go through what you would consider to be a formal HR disciplinary process, where it is laid out—

Q346 Lloyd Russell-Moyle: After they have left the civil service?

Simon Case: That is used in very rare cases, though, where you have reason to believe that there is criminality—cases of fraud and that sort of thing.

Q347 Lloyd Russell-Moyle: And that wasn't this case, of course.

Simon Case: No.

Darren Tierney: There wasn't a complaint, and there wasn't an investigation of a complaint. We were trying to establish what happened—what circumstances led up to Sue's resignation—because it was not clear to us, or to Ministers at the time. That is what we were looking into.

Q348 Lloyd Russell-Moyle: Lastly, the FDA said that it felt that there was no process of appeal that it could engage with if it disagreed with the outcomes. Is that correct, and is it fair not to give the union or the individual a right of reply or appeal?

Simon Case: I think it is safe to say that we took very seriously the points made by the FDA on Sue's behalf, and engaged at some length with the FDA on the process and what could be done. I do not think it is the case at all that we ignored the representations made, quite legitimately, by Sue through her FDA rep. I just do not accept that characterisation. We may not have reached an end to the process that satisfied the union or Sue, but I do not accept the characterisation that we failed to take notice of, or engage substantively with, the points.

Q349 Lloyd Russell-Moyle: So what was the substantive response to the appeal point? There isn't one.

Simon Case: Actually, we could well have included an appeal process if we wanted, but obviously we never got that far, because the FDA made it clear, on Sue's behalf, that because she was focusing on the ACOBA process, she did not want to focus on this administrative process, which the Minister had set out in the House.

Q350 Mr Jones: You have already mentioned, Mr Case, that Sue Gray was not approached by the Leader of the Opposition's office until October. She did not declare that approach—I think I'm right in saying that. What action



HOUSE OF COMMONS

would you have taken if she had declared that she had been approached by that office?

Simon Case: As always, it is quite difficult to answer hypotheticals, and to be honest, how we would have dealt with it would have been largely determined by precisely what Sue had said. If she had said, "I've been offered this job, I've declined it and I have no intention of taking it," that probably would have been noted and that would have been the end of the matter. In other instances, we have had one or two civil servants who have been approached by political parties, and they have immediately declared to their line manager that they have had such an approach. I think in most cases, people just say an outright no, but where they have considered it, the individual has been given a short time to consider whether they want to accept the offer, and then if they plan to accept the offer, you can then take action to manage that, depending on the precise circumstances of the individual.

Q351 **Mr Jones:** It seems that she did not actually consider the offer seriously until some time later.

Simon Case: All we've got is the material that Sue provided to ACOBA. If I recall correctly, that said that when initially offered the post in October '22, she said, "Not now, but maybe if I leave the civil service," and then there seems to be contact in the intervening period. As far as I'm aware, Sue did not indicate that she was going to take the job until after the news had gone public. A probably unique factor in this case was that—I do not know, but I strongly suspect—the news of this appointment or offer came out in an unplanned and uncontrolled way, from somebody who had the information. From everything that happened thereafter, I do not think that this was a planned announcement.

Q352 **Mr Jones:** Would there have been any damage to her career in the civil service if she had declared the approach?

Simon Case: If she declared it and said, "I'm not taking up the job," then no.

Q353 **Mr Jones:** Do you expect senior officials to declare any approach with a job offer, or is it only political appointments such as with the Leader of the Opposition?

Simon Case: The advice we give people is that transparency is the best way of dealing with this. As you may know, it is set out in the guidance and the management code. All civil servants are deemed to be in what we call politically sensitive roles, which puts restrictions on them. Any civil servant who is offered a job should be immediately transparent with their line management, who will deal with it. In the few occasions it has happened, that is the approach that people have taken: they have immediately declared it to their line management. More broadly, particularly where you are talking about going into a field where there is a conflict of interest, or at least a perceived conflict of interest, transparency with your line management is the best course to follow.

Q354 **Mr Jones:** Are you aware of any other officials having been approached



HOUSE OF COMMONS

by the Leader of the Opposition's office?

Simon Case: I don't know whether it was by the Leader of the Opposition's office or by the Labour party, but I think we know of one other instance where a senior official was approached, and we know that because that individual declared it immediately to their line management.

Q355 **Mr Jones:** In your opinion, is it possible for an official to consider an offer of politically sensitive employment without committing a prima facie breach?

Simon Case: Again, it is difficult to do the hypotheticals without knowing all the circumstances. I go back to my point that the general approach has to be transparency. You could be made an offer. If you declare to your line manager that you have had that offer and that you are considering it, and then appropriate mitigation is put in place while you are considering it, it might be possible. This all comes back to the foundational principle of our civil service—political impartiality, the ability to serve the Government of the day no matter what its colour and the ability to maintain the confidence of Ministers. If an individual has an offer, whether they are planning to take it up, are considering it or have declined it, being transparent with their line manager is the best protection, because then any necessary mitigating action can be taken.

Q356 **Mr Jones:** So you would expect an official to declare such an approach immediately?

Simon Case: Yes.

Q357 **Mr Jones:** To repeat the question, if that official didn't do so, would there be a prima facie breach?

Simon Case: You would have to look at all the circumstances. That was the point that Mr Russell-Moyle was making. You have to go through a process to establish the facts where you can. It is impossible to pre-judge all cases beforehand.

Q358 **John Stevenson:** Following on from that, do you think this has in any way undermined confidence in the civil service?

Simon Case: Initially, there was quite a lot of shock about the news when it came out. It led to civil servants and Ministers asking, "What does this all mean for the impartiality of the civil service?" In the end, I don't think it has. This is obviously something that we have discussed, and both the Deputy Prime Minister and the Minister for the Cabinet Office, in the various statements made in this House on this matter, have been very clear that they don't believe it does undermine impartiality, but obviously it made people ask questions.

Q359 **Karin Smyth:** The section of the directory of civil service guidance concerning the disclosure between officials and the Opposition has been used to criticise Ms Gray's conduct, but the most recent version appears to be from April 2000. The bits that the Minister referred to—you have said this—talk about discussions between departmental organisations,



HOUSE OF COMMONS

rather than prospective offers of employment. What is the status of this directory of civil service guidance?

Simon Case: It is extant guidance but, as I have said, we are going to look at all this in the light of this case. What is clear is that although the guidance and the management code spell out a lot of this, these precise circumstances were not anticipated, so we need to update the guidance in the light of this case.

Q360 **Karin Smyth:** The Chancellor said it was underpinning the civil service code. Do you agree with that?

Simon Case: I think it is guidance about how to apply the code.

Q361 **Karin Smyth:** So you do not agree with that—that's fine. You do not think it is clear. It is from 2000, so it was not helpful in—

Simon Case: That does not necessarily invalidate it, but as I said—

Q362 **Karin Smyth:** We have tried to get a copy, and it is corrupted on the internet, so it is very hard to get hold of.

Simon Case: Apparently it is available on some platforms but not all. We will look at the tech issue and make sure you have it.

Q363 **Karin Smyth:** It is remarkable, is it not, that such a document was then suddenly found to influence someone as important as the Chancellor of the Duchy of Lancaster to make a ministerial statement. Why did it crop up in this way?

Simon Case: I am not sure it was magically or mysteriously found in the way that you describe. It is guidance that sits there and has been there for quite—

Q364 **Karin Smyth:** It is guidance that sits there that nobody can find on the internet because it is only available on certain platforms. Suddenly, 23 years on from when it was written—and you think it is not appropriate—the Minister says that it underpins the code. He elevated it to that status, and he was wrong, wasn't he?

Simon Case: I am not sure I necessarily recognise your characterisation. It is guidance that was there and available. If you have tech issues with accessing it, we are happy to look at those for you, to make sure that your IT is working.

Q365 **Karin Smyth:** That is very kind of you. You have said it is only available on certain platforms. Is it more available to you than it is to us?

Simon Case: I think the most important point, which I have now made several times, is that it is quite clear that this guidance did not anticipate this precise set of circumstances because we had never faced them before. To go back to my first answer, we have never been in a situation before where somebody of such seniority planned to leave civil service employment almost immediately to go—it was not anticipated in our guidance, so we need to update our guidance.



HOUSE OF COMMONS

Q366 **Karin Smyth:** We look forward to it. The point is that, as the head of the civil service, it is surely your job to anticipate most scenarios and, in the absence of a clear process, which is what we have established here, to advise Ministers about due process that is understood and transparent, rather than rush to judgments—

Simon Case: I can assure you that there was no rushing to judgment, and Ministers had extensive advice on due process in how to handle this case. As you know from discussions that I have been able to have with members of this Committee informally, we wanted to be very clear right from the start to make people remember that there is a human being at the end of all these news stories—a human being whose circumstances changed quite suddenly in an unanticipated way because of what I suspect was an unauthorised media briefing. We have been very careful to do what we can to preserve and protect Sue's rights as an individual and to make sure that she is being properly supported as a human being.

Q367 **Karin Smyth:** Do you think you were successful in that?

Simon Case: I think we have been more successful in some areas than others.

Q368 **John Stevenson:** The business appointment rules are focused on mitigating financial conflicts of interest, as a general rule. Do you think they are clear enough on potential conflicts of interest that are non-financial?

Simon Case: It comes back to the point that this is something we need to look at. Our initial view is that there probably is not enough about these sorts of circumstances. As you say, it is called the business appointment rules. It did not anticipate employment into non-business environments in quite the same way. Again, it is something we are going to look at.

Q369 **John Stevenson:** Are you satisfied with the advice that ACOBA has given with regard to Sue Gray's move, and if not, what further measures would you like to have seen included? I have had a look at it, and I will come to one contradiction, but what is your view?

Simon Case: ACOBA took submissions from all parties, including Government and Sue. It is an independent body. It drew on its experience and expertise and made its judgment. The Prime Minister was happy to accept its recommendations, as it were, on behalf of the Government, so we will get on and implement them.

Q370 **John Stevenson:** I am just curious. You should not lobby Government for two years after leaving the civil service. What happens if there is a change of Government during the two-year period?

Simon Case: That is one of the things we observed as well. I think it is just boilerplate language that appears in all ACOBA recommendations. I think we might have flagged—

Q371 **John Stevenson:** Have they thought through it properly?



HOUSE OF COMMONS

Simon Case: We might have flagged it as part of the process to ACOBA that this did not seem to make any sense, but I suspect it is just an admin error on their part. Obviously, I cannot speak for them. You need to check that with them.

Q372 **John Stevenson:** Okay, interesting. Do you think senior civil servants should avoid politically sensitive jobs on leaving the civil service?

Simon Case: The easy answer to that is just to say, “No blanket rules”, but I am not sure that would be the right answer. I think there are people through the ages who have been in the civil service and then continued their public service career in a political role, whether that be standing as an MP or as a peer, or working in a party or in other regards. You can quite legitimately make the case that it is to the overall advantage of Government and how Government works to have former civil servants, with their knowledge of Government, working in political parties in a number of roles.

The issue for me, though, is how that is done in a way that does not undermine the impartiality of the civil service. One of the things I do not think you would ever want to see is people, like in the American system—although the parallel does not quite work—hopping in and out between official roles and then working for the party and then coming back in. That would start fundamentally undermine—

Q373 **John Stevenson:** Would it be far simpler, then, if we just said two years, one year or whatever? It is clearcut and there are no issues.

Simon Case: Certainly, one of the things we are going to look at is whether there should just be a clear, definitive air gap that is imposed in contractual terms on senior civil servants. We are just at the beginnings of dealing with this. We have been dealing with this individual case and now we need to go on to look at the wider lessons.

Q374 **John Stevenson:** Can I just revert to the point about not just financial issues but sensitive information? How, at the end of the day, can you ever enforce that?

Q375 **Simon Case:** The ACOBA process is advisory. The individuals—everyone—is expected to do it. There are things that we have looked at. There are various ideas that have been raised in the CSPL—the Committee on Standards in Public Life—and the Boardman review about that. Before recess, Ministers will be laying our response, which will include things that we want to do in this area.

Q376 **Chair:** That is particularly interesting, because we are also waiting for the response to our report. Will we receive that before recess as well?

Simon Case: Yes, we have it all together. We are just doing the final bits. Ministers will need to do the final detailed sign-off and then it will come.

Chair: Sorry, Mr Stevenson. Have you finished your questioning?

John Stevenson: Yes.



HOUSE OF COMMONS

Q377 **Chair:** Marvellous. Mr Case, as Cabinet Secretary, do you have any role in reviewing, vetting or advising the Prime Minister about the contents of resignation honours lists, before or after a list goes to the House of Lords Appointments Commission? If so, can you describe that role?

Simon Case: The short answer is no. It is a political process.

Q378 **Chair:** Mr Tierney, what role, if any, does the propriety and ethics team play when the resignation honours list is received and before it goes to the House of Lords Appointments Commission?

Darren Tierney: It is worth separating out the two different elements of a resignation list. The first is peerages. Those nominations go direct to HOLAC, which conducts the vetting and advises the Prime Minister directly, so there is no role for us in the vetting process for that. It is important to note that HOLAC only does vetting on probity; it does not do merits assessments of nominations. When it comes to wider honours, it is for the Cabinet Office. It is one of my teams that does the vetting for those, but again, they are not merits assessments.

Q379 **Chair:** In terms of peerages, you have no role whatsoever.

Darren Tierney: We have no role in the vetting. That is conducted by HOLAC and then it advises the Prime Minister directly.

Q380 **Chair:** If anything came across your desk, though, that you thought was relevant for the vetting conducted by HOLAC, would you pass it on?

Darren Tierney: Yes. And obviously, if there were something significant, I would liaise directly with the nominating Prime Minister.

Q381 **Chair:** You would do so?

Darren Tierney: Yes.

Q382 **Chair:** You would not conduct an active inquiry, but if passively something found its way on to your desk that might be of interest or relevance to such a list, you would be obliged to raise it with both HOLAC and the Prime Minister.

Darren Tierney: The nominating Prime Minister.

Q383 **Chair:** The nominating Prime Minister, not the current Prime Minister.

Mr Case, a recent "Dispatches" programme on Channel 4 alleges that the Cabinet Office officials approached the palace in an effort to prevent the nomination of Mr Lebedev from proceeding. Is that true? If so, on whose authority did they do that?

Simon Case: As you know, we do not comment on conversations between the Government and the palace generally, or on individual peerage nominations. That is doubly true in this case, because I think this relates to events that supposedly took place before either I or Mr Tierney was in role.

However, there are three relevant points to this. I think it was last year that relevant material on this nomination was put in the Library of the



HOUSE OF COMMONS

House after a Humble Address. Secondly, the ISC was briefed on the circumstances around Lebedev's peerage nomination to make sure that there was appropriate scrutiny on questions that had been raised around security. Probably most importantly, Lord Bew, as chair of HOLAC, has been clear that in instances where the Prime Minister does not accept HOLAC's advice or the nomination, the chair of HOLAC would notify this Committee and your counterpart in the House of Lords, the Constitution Committee—

Q384 **Chair:** I think there has only been one such example.

Simon Case: And he has been clear that in this case of Lebedev, he did not do that. I think you are right that there has only been one such instance.

Q385 **Chair:** So are there any circumstances when it would be appropriate for officials to approach the palace directly?

Simon Case: No. The Prime Minister is the sovereign's principal adviser on all matters, including peerages and honours. Discussions between, as it were, officials in the Government and staff at the palace could only be conducted under the explicit authority of the Prime Minister and the sovereign.

Q386 **Chair:** It seems rather a bizarre thing to invent, though, for it to appear on the "Dispatches" programme.

Simon Case: I have not seen the programme, so I do not know.

Q387 **Chair:** Far be it from me to make recommendations for your viewing, but if you were to, you might find it quite interesting.

Simon Case: I will put it on the long list.

Q388 **Chair:** In all seriousness, though, surely that programme must have sparked some interest in your office or in the Cabinet Office?

Simon Case: Actually, the allegations that came up were ones that had been previously looked into. I think that's right, isn't it?

Darren Tierney: I think that's right.

Q389 **Chair:** What was the outcome of looking into them?

Simon Case: I think it is the things that we said. The material was put into the Library as part of the Humble Address. The ISC was briefed, and Lord Bew made this point. Specifically, he made the point that he had not recommended against a peerage.

Q390 **Chair:** On that private briefing of the Committee you mentioned, was anything said in that that was not put in that paper in the Library of the House or, indeed, that you might be willing to say this morning?

Simon Case: Obviously, the answer to that is no. Perhaps that might be a matter you take up with the chair of the ISC yourself.



HOUSE OF COMMONS

Q391 **Chair:** I could do so, but I wondered if you wanted to say anything on the record this morning.

Simon Case: No, I am not going to repeat anything that was briefed to the ISC and under the rubric of ISC briefings.

Q392 **Chair:** Well, he will not be able to disclose it to me, will he, because I am not a member of that Committee?

Simon Case: I am not entirely sure what restrictions are placed on him. I suspect not, but you can always ask the question of him.

Q393 **Chair:** It is pointless me asking the question of him. That is why—

Simon Case: You can always ask, Chair.

Chair: I do, as I am trying to right now, but whether I will get an answer that is satisfactory is a different matter.

Q394 **John McDonnell:** On that point, if that was the case perhaps you could watch the programme and then write to us with your comments and views on the programme itself. That would be really helpful.

Simon Case: Thank you for the invitation.

Q395 **John McDonnell:** I look forward to your response. Mr Tierney, you are the person responsible for propriety and ethics advice. Do you advise the Prime Minister on the propriety and ethics of his behaviour in relation to the honours list?

Darren Tierney: Which Prime Minister are you talking about?

John McDonnell: Any Prime Minister. Did you, in the past?

Darren Tierney: In relation to who—

Q396 **John McDonnell:** In relation to how they behave, for example in their engagement with the honours list nominations.

Darren Tierney: Yes. By definition, though, by the time that they have issued their resignation list, they are no longer Prime Minister. However, I have advised both former Prime Ministers in my time in this office on those issues, yes.

Q397 **John McDonnell:** More generally, then, as you are responsible for propriety and ethics in Government, you will advise the Prime Minister about the propriety and ethics of their behaviour.

Darren Tierney: Where required, yes.

Q398 **John McDonnell:** And have you in the recent past? Have there been many examples of where you have intervened in that way in the recent past?

Darren Tierney: There have been some examples. I am not going to go through what they are.

Q399 **John McDonnell:** Why not?



HOUSE OF COMMONS

Darren Tierney: I have previously said to this Committee that I am not going to talk about individual cases or casework.

John McDonnell: Why not? Isn't that about accountability? What is the point of you coming here if you cannot give us examples of where you have intervened?

Darren Tierney: I think, when I first came here two and a half years ago, we agreed with the Chair that I wouldn't get into casework, but I can talk about the overall framework—

Q400 **John McDonnell:** Things have moved on since then, though, haven't they? Confidence in Government overall, and in standards in public life, have somewhat been shattered, haven't they? So why can't you say, "This is how I do my job; this is how I have intervened with the most senior person in Government, because I felt that I had to"?

Darren Tierney: I am not going to disclose conversations that I have had with the former Prime Minister.

Q401 **John McDonnell:** How do we know that you are doing your job? How can members of the public out there, with you as head of propriety and ethics, know that you are doing your job, apart from you telling us, but without giving us any details?

Simon Case: I think, Mr McDonnell, particularly on this resignation honours question, there is a—

John McDonnell: Just generally. I am talking quite generally.

Simon Case: I think what you are suggesting is that officials need to start taking responsibility for the acts of elected politicians.

Chair: No, definitely not.

John McDonnell: Far from it. I am not saying that.

Simon Case: And we have been clear in a number of instances—

John McDonnell: Mr Case, that is exactly what I am not saying.

Simon Case: Oh, fine, then. I apologise for misunderstanding.

Q402 **John McDonnell:** I am saying that you have responsibilities—or Mr Tierney has a responsibility; this is his job title—for propriety and ethics in Government. We want to know, as a Committee, how you are doing your job. Give us examples of how you have been effective in that role, because out there, a lot of people do not believe a word that a politician or civil servant says, because of our recent history. This is an important period in which we can reassert good governance, and we just need to be open and transparent about that.

Simon Case: Why don't I give you one particular example on appointments that has worked? To this Prime Minister, we advised that he should appoint an independent adviser, the post having been gapped for



HOUSE OF COMMONS

some time, and the Prime Minister, as you know, accepted that advice and has appointed an adviser to make sure that one of the important planks of the system that you are describing was put back, after a gap.

Q403 **Chair:** Did you advise the previous Prime Ministers to do the same?

Simon Case: Yes.

Chair: And the answer to that was obvious. Sorry, back to Mr McDonnell.

John McDonnell: We have gone far enough, because we are not going to get the answers, are we?

Q404 **Chair:** Just a concluding question from me on this: obviously the most recent set of resignation honours, and particularly peerages, has excited some public comment, and comment from current, former and lingering Members of the House of Commons. Are you aware of any rather forceful communications, as they might be described, that were sent by the lingering Member for Mid Bedfordshire to senior civil servants, in which she threatened—as I suppose it could be described—to use the platform of the Commons and her television programme to get to the bottom of why she had not been given a peerage?

Simon Case: Yes, I was aware of those communications, and have flagged them to both the Chief Whip and the Speaker of the House.

Q405 **Chair:** Have you taken legal advice on whether the Honours (Prevention of Abuses) Act 1925 could come into play?

Simon Case: We are seeking further advice on that question. We have taken initial advice but asked for more.

Chair: Thank you. Jo Gideon?

Q406 **Jo Gideon:** Moving on to the covid-19 public inquiry, is it appropriate that those who are the subject of a public inquiry should decide what information is disclosed to it?

Simon Case: No. Obviously there is a process in place to manage this determination about who makes that judgment. The Government, as you know, brought a judicial review against the covid-19 inquiry to get clarity on this point of law relating to the Inquiries Act 2005, and in particular these compulsory notices. You will have seen that the judgment has been handed down, which the Government will obviously comply with.

Q407 **Jo Gideon:** Now that the judgment has been handed down—obviously it has gone in the inquiry's favour—how confident are you that you will be able to provide all the information that has been requested?

Simon Case: All the material that the inquiry has requested was handed over on Monday.

Q408 **Jo Gideon:** Do you know how much money was spent on the judicial review?



HOUSE OF COMMONS

Simon Case: I don't have the final costs, but we will set them out once we have got them.

Q409 **Jo Gideon:** Ballpark?

Simon Case: I'm afraid I don't know even a ballpark figure, but we will set them out as soon as we have got them finalised.

Q410 **Mr Jones:** The former Prime Minister, Mr Johnson, is receiving public funding for his legal representation, as we all know, but I think it is right to say that he has been warned that the funding may be withdrawn if he undermines the Government's position in relation to the inquiry. I think that is correct, isn't it?

Simon Case: I can't answer that question, and if you will allow me, I will explain why. I already am a witness to the covid-19 inquiry; I have already provided evidence, and expect to provide more, because of the roles that I held during the covid-19 response. We have put in various firewalls in the Department when it comes to managing the decision making around how to handle witnesses. I am not—Mr Tierney isn't, either, for reasons that I will let him explain—involved in decisions about what support is provided to other witnesses, and the conditions. But I will get the relevant person in the Department who is authorised and has made these decisions to write in answer to your question.

Q411 **Mr Jones:** In that case, perhaps you could relay the matters that I am interested in to that individual, and ask if he or she will come back to me.

Simon Case: Yes, of course.

Q412 **Mr Jones:** Mr Johnson has released unredacted WhatsApp messages, as you know, to the inquiry, and did so when the Government were challenging the inquiry in the courts on that very point. Is that regarded as undermining the Government's position in relation to the inquiry? I appreciate that you can't answer it—

Simon Case: I will get you an answer to that point.

Q413 **Mr Jones:** If so—if that is the case—is the public funding being withdrawn? If not, what would lead to the withdrawal of public funding? I appreciate that you can't answer that—

Simon Case: We will write to you at the soonest.

Q414 **Mr Jones:** If we could get a swift reply to that, I think that would be—

Simon Case: It is under Alex Chisholm; you have seen him before and asked questions. The decision making on the Government's handling of the judicial review was all done through that process, without breaching the firewalls. We will get Sir Alex to write.

Q415 **Mr Jones:** If Sir Alex could write to us, I think that would be good.

Simon Case: I'm sure he will.

Q416 **Chair:** Is there any news of what has happened to his original telephone,



HOUSE OF COMMONS

though, and the messages on that? The former Prime Minister's phone that stopped working is in a box somewhere.

Lloyd Russell-Moyle: In the Thames, probably.

Simon Case: I thought that No. 2 had been handed over, but I may be wrong. However, I am now talking about things that I do not have direct knowledge of.

Q417 **Chair:** Mr Tierney, do you know anything about it?

Darren Tierney: I think we are still working on that with him.

Chair: Working on it.

Simon Case: But obviously he took the decision to take separate—

Chair: Take it to the repair shop.

John McDonnell: Dragging the Thames, or something like that, are they?

Chair: Now, now. Mr Moore, please.

Q418 **Damien Moore:** Thank you, Chairman. Good morning. Minister-civil servant relations have been described as being at an all-time low. What are your impressions of them?

Simon Case: The last five years or so have seen an increased number of overt attacks on civil servants, individually and collectively, by significant political figures, which has undoubtedly undermined the good functioning of Government.

I am very happy to say that under this Prime Minister, things have changed very significantly. I think the Chair asked the Prime Minister about this at the Liaison Committee last week, and he talked, from his experience, about being supported by incredibly hard-working and diligent civil servants who have responded at all hours, day and night, to deliver. He talked about how fortunate he was. The tone of how Ministers are talking about civil servants in public has changed quite significantly. In private, the vast majority of interactions between civil servants and Ministers over recent years, even where things have been bumpy, have been very good. There are obviously hundreds if not thousands of interactions, and the vast majority of them are very good. I am very pleased to say that this Prime Minister and his ministerial team, with me and my senior civil service leadership team, have been determined to improve things where they have not been going well.

Q419 **Damien Moore:** Current and recent Ministers have seemed happy to criticise the civil service as a "blob", working to frustrate the Government. How do you respond to those allegations?

Simon Case: First of all, I would point back to what the Prime Minister said last week; he said he did not agree with that characterisation. Obviously, I don't agree with a characterisation that is insulting, dehumanising and totally unacceptable. It would surprise me if current



HOUSE OF COMMONS

Ministers were using this language, not least because if they were, it would indicate something akin to self-defeating cowardice: self-defeating because it is insulting the people who work for you, who are delivering public services on your behalf and advising you day in, day out, as the Prime Minister said; and cowardice because you know these people cannot answer back.

Q420 **Damien Moore:** What conversations have you had with Ministers about this? Why do you think the accusation has gained such traction, and how are you rebutting it?

Simon Case: We have had lots of discussions with Ministers about this. I should be very clear: the vast majority of Ministers, current and former, go out of their way to distance themselves from this dehumanising language of “the blob”. They think that it harms the Government; it harms the institutions that are important in this country. They think it is wrong and improper.

This probably talks to an example that Mr McDonnell raised: we do see instances of improper language, but they have been dealt with very quickly and satisfactorily. There was an instance earlier this year that you might recall: CCHQ mistakenly issued a letter in the Home Secretary’s name, which included disparaging language about the civil service. I raised that immediately at the highest levels and received a very speedy apology from the chairman of the party, who obviously oversees the CCHQ operation. He assured me that they would change their procedures and processes. The Home Secretary herself issued an all-staff message distancing herself from that language and, in fact, took to the evening television studios to talk about how good the support was that she got from the Home Office civil servants—I think this was particularly in relation to dealing with illegal migration.

Q421 **Damien Moore:** Why do you think the accusation has gained such traction? If it is inappropriate to say that, is it just a throwaway comment, or are there frustrations with the way things are going that have led to that use of language? I am just trying to get a steer on what you think.

Simon Case: Obviously, it is difficult for me to answer that, because it is language that other people are using, but read any ministerial diary, going back through the ages, and they will talk about frustrations with the machine. However, that has very rarely resulted in senior political figures—Ministers current or former—taking, anonymously or named, to the airwaves to do this. Why has it come about? I don’t know. I fear there is a general trend in political debate. You can look around at many of the experiences of politicians—largely MPs, especially women, across the world. They describe a world that is much more dehumanised and vindictive, where things are much more personalised. I am sad to say that it is probably part of that wider trend.

Q422 **Mr Jones:** I fully agree that use of language such as “the blob” is dehumanising, but is it not a shorthand way for Ministers, and politicians



HOUSE OF COMMONS

more widely, to express frustration about the apparent reluctance of some officials to deliver what the Government want? Is not that narrative stoked by episodes such as the Sue Gray one, which we discussed? Does not behaviour such as that of Sue Gray only underline the impression that many politicians have?

Simon Case: To your first point, there has always been language that has been used by people to express their frustrations at the establishment and the system. Language has been used over centuries to describe frustration. I think this is a bit different. I fear that “the blob” language is being used in a very modern, dehumanising way.

There are legitimate frustrations with the system. You know that, as a former Minister; I am sure that you had them, but I am also very sure, Mr Jones, that when you had those frustrations, you would have raised them privately, through the proper channels—with the permanent secretary or whoever. You would have said, “We need to take action. I am not happy with the work that is being done. I am not being supported on this.” There are proper processes through which Ministers, or indeed politicians who are not in government, can raise frustrations about the service that they are getting from the civil service. That does not mean that it is okay to take to the airwaves, anonymously or named, and use unacceptable language about people in this country who are working unbelievably hard, day in and day out, to deliver the public services that people need, and to deliver the advice that Ministers want.

Mr Jones: Yes, Mr Case, and you will recall that when I started my question, I agreed with that position.

Simon Case: Sorry.

Q423 **Mr Jones:** The point I was seeking to make is: doesn’t that make the Sue Gray episode all the more regrettable? It simply feeds the narrative that some politicians may be pursuing.

Simon Case: Some people have used it to fan the flames of that narrative. As I said, you have to treat it as a case on its own. We have to remember the human being at the centre of this, who, I suspect, did not take any of these decisions lightly, having given 40 years of service, in the civil service, to political parties of all colours, including many in Northern Ireland.

As I said in answer to Mr Stevenson, it has been particularly important to assure ourselves and Ministers, in the light of the Sue Gray case, that Ministers are comfortable and happy that the impartiality of the civil service is being upheld, and they are satisfied that it has been. Undoubtedly, there are people who have sought to weaponise this case.

Q424 **Mr Jones:** With respect, we have already agreed that Ms Gray should have declared the approach. Does that not underline the need to put in place clearer protocols that officials can consult when such cases arise?

Simon Case: I completely agree. That is the point made to Ms Smyth earlier. It is important for a number of reasons that we update our



HOUSE OF COMMONS

guidance and things like the management code. The first reason is to help people who, by and large, want to do the right thing, and want to know, "How do I go about doing it?". It is really important that we give them clear guidance about what happens. The second is the broader point that you are making, which is that we need clear processes, so that not only the Government of the day but all parties can retain their confidence in the impartiality of the civil service.

Karin Smyth: I think we need to be clear on what we have and have not established. I understand Mr Jones's point that Ministers in this case unusually made a statement in the House of Commons on a prima facie case; we have established that there was no real process. That is what is unusual about this case. That is for the record.

Q425 **Lloyd Russell-Moyle:** Mr Case, you were clear that all Ms Gray's work was, as far as you can assess, totally unaffected by any of the discussions, which happened much later, after her primary piece of work had been conducted. You mentioned "the blob". If Ministers or Secretaries of State use that term, what should be the consequence for them?

Simon Case: First of all, I am not actually aware of any instances of serving Ministers using that language—

Q426 **Lloyd Russell-Moyle:** There are no serving Ministers that have used that in the past?

Simon Case: Not that I am aware of. You sort of see anonymous quotes or whatever, but I don't believe I have seen any instances of anybody doing it. But, as I say, in that particular instance, when there was, mistakenly, language used in that letter from CCHQ on the Home Secretary's behalf that she had not seen, we raised it and very swift action—an apology—was issued, so it was dealt with very quickly.

Q427 **Lloyd Russell-Moyle:** You have said it is dehumanising and that it is inappropriate for Ministers to use that. Of course, the current Levelling Up Secretary used the term "the blob" repeatedly to refer to teachers when he was Education Secretary. Teachers are not civil servants directly, but they are working in service of this country and paid by the public. Do you think that that language was appropriate?

Simon Case: I suspect it will not surprise you to hear that, as a public servant, I think that all public servants—in the grand theatre of politics, right down to the interactions in your local jobcentre—should be dealt with with respect. There is the point from Mr Jones; we make mistakes. People can legitimately raise complaints and concerns about the service that they are getting, but there are proper ways of doing that.

Q428 **Lloyd Russell-Moyle:** Public servants will know that the Secretary of State for Levelling Up has referred to sections of them in the past as "the blob" and has never apologised. Do you think that that—



HOUSE OF COMMONS

Simon Case: Are you sure that he hasn't apologised? I thought that, more recently, he had expressed regret over—maybe it was not the best way to communicate with teachers.

Q429 **Lloyd Russell-Moyle:** If he has, I am sure that that would be welcomed. Is an apology, in that case, sufficient to move on?

Simon Case: My view is that, in things like this, an apology, yes, so long as there is no repetition. I mean, obviously, in the end, it is not for me to judge ministerial conduct—that is a question for Ministers—but my point stands that public servants do an awful lot for this country and they deserve the respect.

Q430 **Lloyd Russell-Moyle:** As head of the civil service, do you feel that you have—you have expressed it with some passion, actually, I think, already today—a responsibility towards protecting the civil service and civil servants?

Simon Case: Yes, I do. It is a very difficult part of my job, because, as you know—because you hear it a lot in this Committee and elsewhere, and it frustrates you—when we speak, we speak for the Government. But—

Q431 **Lloyd Russell-Moyle:** So how big a concern for you is the falling morale in the civil service, and what are you doing to address it?

Simon Case: It is a big concern for me and for the whole—we discussed it a lot at the permanent secretary level, as the civil service leadership. And, actually, it is a real concern for Ministers. I have been very struck by the fact that lots of Ministers have asked to see the staff survey results to see what is going on in their Departments.

I think that there are two things that have come out, for me, from that staff survey, which I think is what underpins your question. The first is that point, which I would say again, that it is amazing to see, still, quite how motivated and passionate civil servants are about public service. However, the message is very clear that they feel underpaid and undervalued.

So, among the permanent secretary group, we have agreed a clear action plan. The first issue is on pay, which is the No. 1 issue that has come through on the staff survey, where, actually, our people are judging us by actions, not by words. We have worked really hard with Ministers—and indeed the unions—to secure the highest pay increase for our civil service for 20 years.

The second issue in the action plan is about prospects. One of the things that civil servants often say is, "How can I improve my prospects?" So we have a whole programme in place to help them to progress their careers. That involves an improved skills and training offer, and we are giving them clearer guidance and career development plans about how they can progress.

The issue of processes comes through strongly. Like all systems, even though we are a human organisation, we sometimes put systems and



HOUSE OF COMMONS

processes in place that drive our people mad, especially around HR and recruitment, so we have an action plan on that.

And there is the issue of pride in the civil service, which is about not accepting the external narrative. In the end, there is relatively little that we can do. We have a few opportunities to speak, like this. We are focusing a lot more on our internal communications so that civil servants actually see and hear day in, day out, about the great work that is going on across the whole civil service, and to encourage them to learn from each other. These sound like simple things, but we have a civil service weekly newsletter, which tries to showcase what is going on across the civil service, and at the moment we are in the middle of what we call the Civil Service Live season. These are the conferences that we hold all around the country over a six-week period. We are getting tens of thousands of civil servants together to learn from each other and showcase best practice. And things like the Civil Service Awards, which we do each year, are really important. We encourage people to take part in that.

So morale is a real concern. We have this action plan. We are making progress. That staff survey was done almost entirely coterminously with the Truss premiership.

Lloyd Russell-Moyle: Which was a dip in morale in the civil service, you would suggest.

Simon Case: We then do three-monthly surveys, and the good news is that in quite a lot of places, the morale is improving.

Q432 **Lloyd Russell-Moyle:** On pay, you said that you are working towards the highest pay settlement.

Simon Case: We have achieved it; this is for the delegated grades. Ministers agreed, after we had long discussions with the unions. It is the first time, certainly that I can remember, that the pay award we have got for the delegated grades in the civil service is comparable to that for other public servants. Usually in the past, civil servants have been awarded significantly less than teachers and nurses, but this time, I am very pleased to say, we have managed to achieve a—

Q433 **Lloyd Russell-Moyle:** One of the issues that the unions raised with us and one of the issues that we have heard about directly when we have visited, in particular, some of the hubs is that the pay differentials between departments create situations where you will have colleagues who are working on shared projects, with the same job description, in different departments. Not only does it create dissatisfaction; it also creates a system where people are jumping around roles rather than staying in them. What are you doing to try to make sure that people who do the same job in a different department are rewarded similarly?

Simon Case: I completely agree with your characterisation. That is one of the things that civil servants often raise. So we are going through this process of alignment to align the grades and pay within departments. It is



a long, slow process. We are doing it cluster by cluster, to start with. But I hope that one day we will actually have one civil service in relation to pay, instead of what we have at the moment, which is lots of different departments.

Q434 Lloyd Russell-Moyle: One civil service and one negotiation?

Simon Case: I am not sure I will sign up. I am not sure Ministers will thank me, but—look, as you know, we don't have negotiations in quite the same way as others do, but we do work very closely with union representatives to try to get them the outcomes that they think our people, and we think our people, deserve.

Q435 Lloyd Russell-Moyle: Thank you. Several permanent secretaries have apparently been forced out of office before the end of their five-year terms. What is the point of a five-year term if in effect it is actually at the pleasure of the Secretary of State?

Simon Case: To be candid about it, these five-year terms have what I might describe as limited utility. I think they were introduced in 2014 during the coalition Government era. What they really provide for us is a review point at five years about whether a permanent secretary continues in that role. As you say, they do not necessarily provide the protection—

Q436 Lloyd Russell-Moyle: Do you agree with the characterisation that permanent secretaries serve at the pleasure of the Secretary of State they are under?

Simon Case: Actually, that is not quite true. The Prime Minister is the Minister for the civil service, and is the person who appoints and can ultimately decide on the removal of a permanent secretary.

Q437 Lloyd Russell-Moyle: So Ministers would indicate to the Prime Minister that they wish that permanent secretary to be removed. Is that the only step or is there a more formal part of the process?

Simon Case: The process has not really changed over many years. Funnily enough I was looking back at evidence that my predecessor gave to this Committee in March 2020, when he described the process. Oddly enough, he was quoting Robin Butler, who had described the process earlier—basically saying that if the Secretary of State has concerns, they would be expected to raise them with the permanent secretary to try to resolve them. He said, "My role, if there were a point of tension, is to try to address any concerns and help the two of them work through those together. Of course, if that is not possible, we would have to consider alternative courses of action." What he was describing was either redeployment for a permanent secretary—moving them into another post—or exit.

Even more recently, in evidence to the House of Lords Constitution Committee that is looking at this question, he said that in the end it is the Prime Minister who decides: the Cabinet Secretary can only advise. We do not have the authority to prevent. It is one of those things that we very



HOUSE OF COMMONS

much protect for the Prime Minister, and the 2014 reform strengthened the role of the Prime Minister in appointing.

Q438 Lloyd Russell-Moyle: For those permanent secretaries that have left early, before their five-year term was up, has that process happened with each one? Has there been a process where there have been direct discussions on the work and behaviour of the permanent secretary, has it gone through mediation?

Simon Case: In some, but not all. You will understand that I will not go into individual cases but, as you can imagine, that process is one that should rightly take some time. As is usual in most workplaces, if your boss has issues with your behaviour, the best approach is to raise it directly with the person—

Q439 Lloyd Russell-Moyle: Does the fact that it has not happened in all cases have a chilling effect on senior civil servants' advice and work with Ministers, for fear that if they say or do the wrong thing, they might be out of the door?

Simon Case: You would think it might, but I do not think it has. Lots of jobs are difficult across the public service, but being at the top of the shop and trying to maintain good, effective departmental relations between Ministers and whoever is a really tough job that permanent secretaries do. I have not seen any of them be cowed by anything that has happened. They keep giving fearless advice, because they care about what they are doing and they know that their advice is about making a difference for people in this country and, in the case of many Departments, for lots of people around the world.

Q440 Lloyd Russell-Moyle: I probably agree with what you are saying, but you would not worry that there is a danger in recruiting and developing the senior civil service cadre that they could go off for better stability and, of course, pay elsewhere?

Simon Case: Those must be constant dangers. Somebody could decide, "Bugger this for a game of soldiers, I am not taking this."

Q441 Lloyd Russell-Moyle: If their name is dragged through the mud on the way out—

Simon Case: Absolutely, and it is one of the extraordinary and frustrating things that has developed over quite a few years, where not only do we have language such as "the blob" but we have actually seen the direct targeting of individual civil servants in a number of different roles. That goes back over a number of different premierships. They have been targeted, but they cannot speak for themselves. They, I, all of my predecessors and the whole civil service are incredibly grateful when Ministers take to the airwaves to actually knock this stuff down. It really makes a difference when people see Ministers standing up for their officials.

Q442 Lloyd Russell-Moyle: One might worry that the targeting of Sue Gray, with some of the political commentary around it, will mean that the



HOUSE OF COMMONS

senior civil service will be less willing to do the investigation of ministerial behaviours.

Simon Case: I think there are a number of reasons why civil servants might never want to do that again.

Chair: On that note, I call John McDonnell.

Q443 **John McDonnell:** This week, the issue of non-consolidated payments has been raised with Members of Parliament. We have had representations about when there is a percentage pay increase and then a non-consolidated pay increase. Civil servants who have been on universal credit have then been losing their universal credit. There may therefore be a need for looking at a disregard.

Simon Case: Leave that with me and I will look at the specifics.

John McDonnell: We have correspondence.

Simon Case: Okay. If you are able to show that correspondence, that would be useful, and I will look at the specifics.

Q444 **John McDonnell:** We will, and PCS will be writing directly to you. What has happened seems to run counter to what the Government want to do with non-consolidated payments.

Simon Case: I can certainly tell you that, having got this agreement, it is not our intention for anybody to—

Q445 **John McDonnell:** You do not want to undermine it in that way, exactly.

I have a last couple of questions, to leave you with a song in your hearts. They are about the counter-disinformation unit and the rapid response unit. This has caused a kerfuffle among a number of colleagues. Can you briefly outline the parts of Government with a remit to counter disinformation and what that remit is?

Simon Case: The only one that exists in a Department is the counter-disinformation unit, which is now in the Department for Science, Innovation and Technology; it was originally established under the Department for Digital, Culture, Media and Sport in 2019 and was publicly announced at the time.

The unit's role is to help the Government understand online disinformation and attempts to artificially manipulate online information. What that actually means is monitoring trends in discussions; I will come on to some examples. Usually one of two things happens. Either the Government can issue a rebuttal or, where they believe that certain criteria have been met, including that the material contravenes a technology platform's policies, that will be flagged to the relevant company; it is for the company to decide not to take action.

The unit does not and never has monitored individuals. It has always operated under ministerial direction. An example of the work it is doing that I can talk about right now—it will not surprise you and I hope you will



HOUSE OF COMMONS

be grateful for it—is that the unit is, unsurprisingly, heavily involved in combating the widespread Russian disinformation about the invasion of Ukraine. Since the invasion, over 95% of referrals made by the unit relate to state-backed disinformation.

There is even more information. On 9 June, we published a fact sheet of multiple pages on the CDU. The rapid response unit was closed down in August 2022.

John McDonnell: The counter-disinformation unit?

Simon Case: The rapid response unit was closed in August 2022; the counter-disinformation unit is still going under DSIT, now predominantly focused on Ukraine.

Q446 **John McDonnell:** Just give us the reporting line of accountability, so that people are aware.

Simon Case: It is headed by a senior civil servant and goes up through the chain to the Secretary of State in DSIT.

Q447 **John McDonnell:** And then beyond? Where is the ministerial engagement?

Simon Case: In the Department. It goes from the team, which answers to the Secretary of State for Science, Innovation and Technology.

Q448 **John McDonnell:** Is there a subsequent report to Cabinet or a Cabinet sub-committee?

Simon Case: I am not sure that there is one that specifically deals with this.

Q449 **John McDonnell:** Fair enough, but there is ministerial engagement at some stage in the process.

Simon Case: Absolutely. I know it has caused concern. Actually, there have been evidence sessions in front of the Digital, Culture, Media and Sport Committee about the work of the unit. I am told that it has been raised in Parliament over 200 times since it was set up.

Q450 **John McDonnell:** You can imagine why MPs are twitchy about it, particularly when there has been evidence, from Big Brother Watch in particular. Individual MPs have put in requests for information and there has been some evidence of, for example, the unit getting involved with social platforms with regard to individual MPs—David Davis and Caroline Lucas as well.

Simon Case: Very specifically, the CDU does not monitor political debate. It does not refer content from journalists, politicians or political parties to the tech platforms. I do not have a lot more than that, but I will give you the fact sheet. If there are then more detailed questions about the checks and balances in place, I will be really happy to send those to you.

Q451 **John McDonnell:** As you can imagine, the issue is about how the unit draws the line between genuine dis or misinformation and legitimate



HOUSE OF COMMONS

political comment or criticism of the Government.

Simon Case: You are absolutely right on this point. The Government has a clear definition of disinformation. It is “the deliberate creation and spreading of false and/or manipulated information that is intended to deceive and mislead people” for a number of causes. Misinformation is “the inadvertent spread of false information.” In particular, the CDU operates under clear terms of reference. It only acts if it assesses that the material “poses a demonstrable risk to public health, safety or national security”—for example, with the covid case. If you have taken the stuff from Big Brother Watch, I can tell you that the Government does not recognise an awful lot of what is in the Big Brother Watch. I am very happy to get more detail to you, knocking the points down.

Q452 **John McDonnell:** That would be really helpful. We need to know what sort of measures are being put in place so that you are getting the balance right between ensuring freedom of expression by all and that privacy laws are protected, and at the same time, completely rightly, protecting against disinformation and misinformation.

Look at a couple of the examples: Caroline Lucas, who shared a *Guardian* article about the failures of the Government to prepare for the pandemic; and David Davis questioning the modelling put forward during the pandemic. They have been flagged up because there seems to be evidence that the unit has approached the social media platforms expressing concerns.

Simon Case: Certainly my information is that they do not refer stuff from journalists, politicians or political parties. I will look at those specific things and follow up with more detail.

Q453 **John McDonnell:** Okay. Are there any other institutions—outsourced, for example?

Simon Case: Not that I am aware of.

Q454 **John McDonnell:** Let me give you an example from 2018, because I want to know whether this is still going on. The Institute for Statecraft was funded by the Foreign Office. At that stage, in 2018, there were criticisms because, as I understand it, it was putting out a barrage of attacks on the then leader of the Labour party. Alan Duncan, the then Minister, was pretty angry in an interview that took place when he had just discovered it. He ordered an investigation. At the time he said, “I don’t know the facts but if there is any kind of organisation for which we are paying which is involved in domestic politics in that way, I would totally condemn it, and I have already...asked for a report to be on my desk by 10 o’clock this morning to say if there is any such activity”. It would be useful to know what that report said, whether this organisation still has Government funding and whether there is anyone else out there who is outsourced to interfere in that way.

Simon Case: I am happy to follow up on that. If there are more details, could you share them?



HOUSE OF COMMONS

John McDonnell: I will send this over. It was in *The Times* and *The Guardian* and all the rest.

Simon Case: If the Clerks could fire it all over, we will—

John McDonnell: Alan Duncan's comments are all there for the record. Something like £300,000 was given to the statecraft initiative and it was up to these activities. I think there was cross-party concern, so any information you can provide will be useful.

Chair: Mr Tierney and Mr Case, thank you very much for your time this morning. There are a number of things that we look forward to hearing from you, whether or not you watch "Dispatches".

Simon Case: Something to do over the summer recess.

Chair: Indeed. Thank you both.