

Public Administration and Constitutional Affairs Committee

Oral evidence: Pre-appointment Hearing: First Civil Service Commissioner, HC 984

Thursday 3 February 2022

Ordered by the House of Commons to be published on 3 February 2022.

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Members present: Jackie Doyle-Price (in the Chair); Ronnie Cowan; Mr David Jones; David Mundell; Tom Randall.

In the absence of the Chair, Jackie Doyle-Price was called to the Chair.

Questions 1 - 38

Witness

I: Baroness Gisela Stuart of Edgbaston, Government's preferred candidate.

Examination of witness

Witness: Baroness Gisela Stuart of Edgbaston.

Q1 **Chair:** Good morning and welcome to this morning's session of the Public Administration and Constitutional Affairs Committee. Our Chairman, William Wragg, is absent today, so I will be taking the Chair in his place. Today's session is a pre-appointment hearing for the role of First Civil Service Commissioner. Baroness Stuart, could you introduce yourself for the record, please?

Baroness Stuart of Edgbaston: I am Baroness Gisela Stuart of Edgbaston and I am here in the capacity of preferred candidate for the role of First Civil Service Commissioner.

Q2 **Chair:** Thank you very much. I think that you are known to most of us anyway. We will push on with the questions. I would like to start. In your paperwork, you said you discussed the role with Cabinet Office colleagues before applying. Did this include members of the Government?

Baroness Stuart of Edgbaston: No, it didn't. What I said in my submission about my motivation for applying was about coming across



HOUSE OF COMMONS

the work of the Commission and working with commissioners. On my motivation to apply, I discussed it with Cabinet Office officials. Once I had applied, I told the previous holder of the office that I had applied, but these were the only conversations outside of these discussions.

Chair: No conversations with Ministers?

Baroness Stuart of Edgbaston: Not with Ministers, no.

Q3 **Chair:** Splendid, thank you. You were not asked or encouraged to apply by any members of the Government?

Baroness Stuart of Edgbaston: Not by members of the Government, no. It was a question of, once I enquired, saying, "This is something that I think is really important," and you test whether other people think that your skills would match that. It was in that context that I had conversations.

Q4 **Chair:** The deadline for applications was extended. Did you apply before the deadline was extended or afterwards?

Baroness Stuart of Edgbaston: As far as I was aware, the deadline that I saw on the website was the 14th and my application was dated the 7th, but I think it was acknowledged the following Monday, so the application went in well within the deadline. The deadline is something over which I have no control, nor any knowledge as to why it seems to have been extended.

Q5 **Chair:** Why do you think you were chosen as the Government's preferred candidate? Would you like to share any observations you may have?

Baroness Stuart of Edgbaston: It is a role that requires a combination of skills, and I think that no one candidate will ever meet the entire spectrum of skills that you are looking for. One thing that seems to be becoming clearer is that, while you need someone who understands the Civil Service, it is increasingly felt that they probably should not be someone who comes from the Civil Service.

If I look back at what I have done over the years, before I entered active political and public life, I was involved in publishing and bookselling, both here and on the continent, in Germany and the Netherlands. I then became a law lecturer and was teaching the law of evidence. Then I entered politics, where I was a Minister, so I had first-hand experience. For 15 months, I negotiated the European constitution in Brussels, which meant I had to deal with heads of state and Government and Members of Parliament from all political parties across the spectrum.

Having left active politics in 2017, in a sense I went behind the scenes, working both at Wilton Park and in the Cabinet Office. It gave me some insight into where the tensions arise and how you deal with those tensions. I always coming back to the bedrock, which is an impartial Civil Service that is appointed on merit and through open and fair competition.



Q6 Chair: Essentially, you have a very broad-based level of experience, including direct experience of Whitehall as a Minister. Do you have any observations as to where you think some of the tensions might be arising now, given that we are heading towards a number of quite significant appointments? We have been through quite a turbulent set of politics. Are there any tensions you are particularly concerned about making sure that the recruitment process addresses?

Baroness Stuart of Edgbaston: There are some tensions that will always exist, and the ones that will always exist are between the impermanence of the politician—and with that comes the sense of urgency—and the role of a permanent Civil Service that serves the whole of the United Kingdom and will serve the Government of the day. On occasion it has to make it clear to Ministers that what they want to do may not be possible.

Within that, some tensions are developing. For example, the speed of change is becoming faster and faster. We are still using data in order to support the validity of decisions we have made, rather than using data in order to see where future policy interventions may be necessary. These are skills that the Civil Service traditionally has not attracted, and quite rightly so. If you have a system that rewards the universalist, the generalist, for not becoming too specialist, it is a perfectly reasonable career. I also think it is important to reflect that the last five years have been unusual.

Chair: We hope.

Baroness Stuart of Edgbaston: Yes, we hope. Therefore, for a Civil Service that wishes to serve the Government of the day to its best ability, it makes it quite tricky when you go through a period where you have one referendum, two general elections, three Prime Ministers, followed by a pandemic. The challenge for us is to realise what the important things are for the future—to focus on those but learn from some of the upheaval of the past.

One of the things that I think we should have to learn is how successful the Civil Service was in bringing teams together in conditions that were under high pressure; it was very difficult to predict what would happen next. We should then make sure that that gets embedded in the rest of the Civil Service.

Q7 Mr David Jones: Baroness Stuart, you have a lot of public roles at the moment. You are the lead non-executive director for the Cabinet Office. You chair the board of Wilton Park, which is an FCDO agency. You are involved with the Birmingham Business School and Birmingham City University, to name but a few. Why did you decide to add to your public roles by applying for this particular position?

Baroness Stuart of Edgbaston: Some of the public roles that I listed are exceptionally non-onerous. For example, as president of the



HOUSE OF COMMONS

Birmingham Bach Choir I chair its AGM. That is my entire role. In the interests of transparency, I thought that I should list everything that is listed in my entry in the register of interests in the House of Lords to fulfil the requirements.

I was always clear, in applying for this position, that the logical consequence is that I would have to give up the Cabinet Office role, which is the one that requires the greatest time commitment. I have stepped down from that. If you go on to the Cabinet Office website, you will see that a new lead NED has been appointed and I no longer fulfil that function.

In terms of Wilton Park, I chair the board and the advisory council. The last two years have been very time-consuming, but we now have a new board, a new chief executive and a new advisory council. I think that will be less. All the others fit in very easily with the commitment. I have given up the major time consumers. I have also stepped down as a director of the Henry Jackson Society.

Q8 Mr David Jones: Nevertheless, you are expected to devote three days a week to the role of First Civil Service Commissioner. Will you have sufficient time to fulfil all these roles, even after having stepped down from some of them?

Baroness Stuart of Edgbaston: Some of them are coming to an end, so I have essentially alerted them, saying that they probably should look for successors. I think it is always fair, when you step down from a position, that you should help them to find a successor for you. I am absolutely clear in my mind that this is the main job I do, and I assume it will take more than three days, as these things usually do.

Q9 Mr David Jones: You have said that you would recuse yourself from Commission business relating to both the Cabinet Office and the FCDO. The terms of the Permanent Secretaries of both of these Departments are due to expire during the time of your proposed tenure in your new role. Given that your primary role is to chair the most senior recruitment panels, would you be recusing yourself from some of the most important tasks of your period of tenure?

Baroness Stuart of Edgbaston: I have discussed with the chief executive how to manage the conflict of interest in terms of recusing myself. It is not without precedent for the First Civil Service Commissioner to recuse himself or herself from the Permanent Secretary appointment. I think the strength of the Commission is that it has 10 other commissioners and one of them would step into that. It is the depth and breadth of expertise that I think would make sure the Commission is not in any way impeded from fulfilling its proper function.

Q10 Mr David Jones: Would you intend to recuse yourself during the whole period of your tenure, or simply at the beginning?



HOUSE OF COMMONS

Baroness Stuart of Edgbaston: No, I think the requirement is to recuse myself from the Cabinet Office for two years.

Mr David Jones: Just for two years?

Baroness Stuart of Edgbaston: As to the FCDO, my term at Wilton Park finishes in 2023, and that point is the appropriate point to reflect on how best to proceed.

Q11 **Mr David Jones:** You have said you will step down from the Cabinet Office board, but active participation in the departmental board is a central part of the lead non-executive role. You are also expected to report on board effectiveness. How would you propose to fulfil your responsibilities as lead non-exec if you do not sit on the board?

Baroness Stuart of Edgbaston: Sorry, I am no longer the lead non-exec at the Cabinet Office.

Mr David Jones: You are not?

Baroness Stuart of Edgbaston: No. It would have to be a board member. My formal relationship with the Cabinet Office as a member of the departmental board has completely ceased as of 31 January.

Q12 **Mr David Jones:** I understand. Will you sit on the senior leadership board?

Baroness Stuart of Edgbaston: I think it is traditional that the First Civil Service Commissioner is a member of that. There have been discussions with previous incumbents as to the extent to which that is the right thing to do. My view would be that at the early stage, you follow what your colleagues have done, and then, if on reflection you feel a different course of action is appropriate, that is what you do then.

Q13 **Mr David Jones:** That is the sort of role you would see yourself playing there. Would you intervene directly on specific things?

Baroness Stuart of Edgbaston: What kind of specific ones would you have in mind?

Mr David Jones: Such as may arise. Do you feel that there will be any need for you to intervene personally?

Baroness Stuart of Edgbaston: It is slightly difficult to comment on a committee when all I know about the committee is its composition. I don't know what kind of discussions they will have. The argument among think-tanks has been that, while it is right for the First Civil Service Commissioner to be a part when it talks about strategic talent management, is it right when it gets into individuals? Again, without having first-hand experience as to what I think feels right or not, I think the best starting point is to follow what your predecessor has done.

Mr David Jones: That seems reasonable. Thank you very much.



HOUSE OF COMMONS

- Q14 **David Mundell:** Baroness Stuart, we were previously advised, either by the Permanent Secretary or Mr Gove, that one of your responsibilities on the Cabinet Office board was for the Union. Can you tell us what that meant in practice and what you achieved in respect of that responsibility?

Baroness Stuart of Edgbaston: Yes. What I was always very keen on was an awareness of the Union. Sometimes Ministers have responsibilities only for England, so one of the key things I thought was essential was to have data on what happens in the four parts of the United Kingdom, in such a way that we could make comparisons and, more importantly, so that we could learn from best practice from others as well. For example, the Covid response was something that went through the Cabinet Office. Why did the Covid response in Wales at some stages work successfully and quite fast? What had they done?

I also think that the exchange of civil servants between devolved Administrations and Whitehall is very important, and that there is mutual understanding. I have to say that I thought it was very good that, when I talked to previous Civil Service Commissioners about their experience of appointing Permanent Secretaries for both Wales and Scotland, the emphasis was always on finding the best. My role in the Cabinet Office was ensuring awareness about comparative data, awareness that sometimes things have to be different, and an awareness for Whitehall that sometimes things are done better somewhere else and we can learn from each other.

- Q15 **David Mundell:** Did those considerations lead you to reflect on whether the concept of one Civil Service within Great Britain is sustainable? We are in a position where civil servants in Scotland are asked to take forward policies that are directly contrary to the policies of the United Kingdom Government. An example is holding an independence referendum.

Baroness Stuart of Edgbaston: What it led me to conclude is that one Civil Service was even more important than I probably had thought before. What the Civil Service has shown is that its ability to be impartial means that it is able to work with Administrations of different political parties. The relationships between the civil servants at a UK-wide level are very helpful and very supportive. Both the Scottish Permanent Secretary and the Welsh Permanent Secretary have recently been recruited.

When I look at the number of Directors General and Director levels, I think that in future that exchange, having one service and learning from each other are absolutely vital for the success of all component parts. My conclusion was that one service is absolutely essential for the fabric of democracy in the United Kingdom.

- Q16 **David Mundell:** This role has not been held by a politician since 1909. You are quite an interesting politician; recently, when I was suffering from Covid, I watched a replay of the 1997 general election. You were



HOUSE OF COMMONS

the poster girl for that New Labour success in that election; yours was one of the earliest results coming through on election night. What has your journey been from election night 1997 to 3 February 2022?

Baroness Stuart of Edgbaston: It is even more poignant that when you come into the Committee room, you see a picture of Neville Chamberlain on the wall. The socialist politician born near Munich takes the seat of Neville Chamberlain, who was the Member of Parliament for Birmingham Edgbaston in 1938. What I hope my political career has shown is that I am a firm believer in things that are right. I try to make the argument for what is right, and when that sometimes means that you have to go against the flow, then you have to do so. Independence of mind, even when it is not comfortable, is something I hope that I have shown in the last 20 years.

In terms of the question about a politician occupying the role, it is interesting to go back to the statute, or the Act of Parliament. If you look at the Civil Service Commission as it is today, that is the foundation of what is defined in the Act. While serving Members of Parliament are specifically excluded, if you go back to the debates when the Act was passed, there was never any discussion further than that. They are just Members of Parliament. If you look at the terms of reference for public bodies, there is a recognition that peers have a significant contribution to make to public life.

I entered the House of Lords in 2019 as non-affiliated, and the conveners of the Cross Benches only allow you to join the Cross Benches once you have given up party political ambitions; they are quite keen on that. I joined the Cross Benches in September last year. That really has been my journey: one from public life in a party political role, to one of public life that is not party political.

Q17 **David Mundell:** How confident are you that you could be and will be perceived as independent of Government? There might be some malevolent voices, for example, who might suggest that your support for Brexit has made you more amenable to appointment by this Government.

Baroness Stuart of Edgbaston: I think that trust is always established by transparency in your actions, but also consistency in your actions. Whenever faced with a problem, you analyse the principles. You make clear the principles on which you base your decisions, and you leave a track record of how you arrived at that. In terms of the Commission, on occasions when the First Civil Service Commissioner will have to make those decisions, you work with the rest of the Commission. You have clear processes. That is how people will have confidence in what you do. I hope that I will be able to demonstrate that.

Q18 **David Mundell:** During your term of office, if appointed, there is likely to be a general election. Obviously, while I and my colleagues would not wish to see a change of Government, that is not impossible. How do you think your appointment would be received by a different party in



HOUSE OF COMMONS

Government?

Baroness Stuart of Edgbaston: The Act of Parliament makes it quite clear that this is an independent position. Therefore, it is a five-year limited term. I would hope that, whatever Government are in power, they would be satisfied that the Commission is fulfilling its role in ensuring fair appointment processes based on merit, irrespective of which Government it is. As to part of your earlier question, Mr Mundell, it is the way the Commission already works with Governments of different political parties in Scotland and in Wales. It shows that that is an aspiration that is achievable and my predecessors have achieved it. I hope to do the same.

- Q19 **Ronnie Cowan:** Good morning. I am curious about a couple of points made there. On the business of impartiality, it is incredibly difficult if you have strong views on something. I have heard what you have said, but you do have very strong views on things. You must find yourself in a position of conflict when you are trying to support Cabinet Ministers and the Civil Service but you have your own particular views about things. You were very strong in your support when Douglas Ross was appointed leader of the Scottish Conservative party. You came out and said that it is a good thing and a good thing for the Union. How does that fit in with, as was mentioned earlier on, the Scottish Parliament saying they want to push for a referendum?

Baroness Stuart of Edgbaston: The last time I was in front of this Committee was in a remote meeting on an independent commission on the conduct of referendums. You will have found, on that occasion, that Dominic Grieve and I were in total agreement on what processes and procedures you should put in place if you had a future referendum.

It is perfectly possible and, I think, desirable that, if you have strong views about what should be done—whatever the means of doing it—when there are appointments, it is the function of the Civil Service and the Commissioner to test whether the people who are given a particular task have the skills to fulfil that task.

I will give you a classic example from when I was a health Minister. I had exceptionally strong views about a review on heart, lung and liver transplants. One of my hospitals was under threat of that union. At that moment, you say, "How can I make sure I have absolutely no say in that decision?" You put the processes in place.

Whatever Scotland decides, whatever the First Minister decides, the role of the First Civil Service Commissioner is to ensure that, when there are processes of appointment, the most capable—depending on the job description that is agreed—are appointed in a fair and open competition.

- Q20 **Ronnie Cowan:** Is it right and proper of you to describe Douglas Ross as an "ace up the sleeve" and a "powerful weapon" against the breaking of the Union, when, as we now know, the view from the hierarchy within the Conservative party is that he is lightweight?



HOUSE OF COMMONS

Baroness Stuart of Edgbaston: As First Civil Service Commissioner that is not a question that would have any influence when senior civil servants are appointed to a position in the Scottish Government. My relationship with the Scottish Government would be one of agreeing on the job description and making sure that the process is conducted fairly. Indeed, with this Committee's approval, one of the very first things would be to visit both Wales and Scotland and meet with the Permanent Secretary and with the First Ministers.

Q21 **Ronnie Cowan:** Let's move on to Civil Service recruitment. The Constitutional Reform and Governance Act requires the First Civil Service Commissioner to protect the impartiality of the Civil Service. What do you understand by Civil Service impartiality?

Baroness Stuart of Edgbaston: I think that it supports the Government of the day and enables them to achieve their policies. The statement on government reform, which was a joint statement between the Cabinet Secretary and the Prime Minister, is quite clear that the impartiality of the Civil Service serves them best. The impartiality is one where they speak the truth when things are possible and when things are not possible. I think that the impartiality also has to be underpinned by skills and the ability to do the job. Therefore, I think the recruitment principles are something you may want to revisit, in terms of whether they still embrace the principles required from the Civil Service. I do not think they undermine the impartiality in any sense.

Q22 **Ronnie Cowan:** Do you think that Ministers understand that?

Baroness Stuart of Edgbaston: It will vary from Minister to Minister, but the key thing is that both in your conduct and in the reminder you have clear rules that you remind Ministers of. One slight problem is that sometimes the system appears impenetrable, particularly when you have recruitment from outside. More streamlining of how the rules work, so that they are more transparent and probably more consistent, is important.

Q23 **Ronnie Cowan:** In your written answers to our questions, you listed one of your priorities as improving recruitment practice in line with the Declaration on Government Reform. The declaration emphasises the need for ministerial visibility of senior Civil Service appointments. What do you understand by "ministerial visibility" of appointments and what, in your view, is an appropriate level of ministerial involvement in senior recruitment?

Baroness Stuart of Edgbaston: At the moment, Ministers are more involved in Permanent Secretary and Director General involvement; with Directors it is to a lesser degree. They are given a list of merit, and if Ministers want to question that, the entire board of the Commission would have to be consulted.

From what I have seen, the key is when you draft the job description and when you go out to advertise, and making sure that you have a balanced



and competitive field. Therefore, from my experience so far of having worked with commissioners on boards, and from having talked to predecessor First Civil Service Commissioners and previous Cabinet Secretaries, the greatest ministerial involvement—the most important one—is at that job description stage, when you say, “What is it you are looking for?” Once you have agreed on that, it is then the Commission’s role to find the right person for the position.

Q24 Ronnie Cowan: I am interested in what you say about writing the job description. Surely job descriptions are already in place. Are they being reviewed on a constant basis? Who does that? What sort of change would we make? It is a changing and evolving world, obviously, so they must evolve.

Baroness Stuart of Edgbaston: Let me give you an example. There are job descriptions as to what you expect a Permanent Secretary to do, what a Director General does, and what a Director does. For example, if you were looking to recruit for a Department that deals with trade negotiations following our decision to leave the European Union, you are talking about an activity—that is, dealing with trade negotiations—that the United Kingdom Civil Service has not been involved in for the last 40 years. Therefore, you have to bring together a team of people.

What you are looking for in your Director to supplement what the Director-General and the rest of the team have is important, as is their support. In that job description, you have to be clear on what it is you are looking for. It is how you assemble the most effective group of people to do a particular job for the Government of the day.

Q25 Ronnie Cowan: You have scared me. Who is doing that job now?

Baroness Stuart of Edgbaston: Which particular job?

Ronnie Cowan: The trade agreements.

Baroness Stuart of Edgbaston: They have a team, but as you recruit new people to it, that is the kind of thing you will be looking for. I was trying to give you an example of an area of policy where the job description is really important because you are doing something new.

Q26 Ronnie Cowan: You seemed to be implying that we had not been doing this for 40 years and suddenly we had to find people in post who are capable of doing it.

Baroness Stuart of Edgbaston: Trade negotiations were an EU competence and, therefore, member states did not do their own trade negotiations.

Ronnie Cowan: We were involved.

Baroness Stuart of Edgbaston: The analogy I always draw is this: you know how different being a Committee member is from chairing a



HOUSE OF COMMONS

Committee. We have been Committee members for the last 40 years, but we had not had much experience of chairing the Committee.

- Q27 **Ronnie Cowan:** As we said, impartiality is very important. You described the Declaration on Government Reform as “a powerful statement of what we need to do as a country, to lead a recovery equal in scale and ambition to any post-war recovery”. As a Cabinet Office non-executive, what involvement, if any, did you have in the development of the declaration?

Baroness Stuart of Edgbaston: I saw an early draft—that was all; and then I saw the final declaration. I did not have an input, no.

- Q28 **Ronnie Cowan:** If you saw the final declaration, at that point did you say—or could you have stepped in and changed it? Did you have an influence on it, or was it just a case of being informed about it?

Baroness Stuart of Edgbaston: No, I think it would have been inappropriate for members of the Cabinet Office board to be involved. That is policy, whereas the board’s function is much more strategic. Quite frankly, I would read that declaration in conjunction with the speech given not much later by the Cabinet Secretary, Simon Case.

I don’t know whether you are going to come on to that, but it is important at that moment to remind ourselves that on the one hand, we are facing enormous changes. On the other, if you are the next generation that comes up that looks for trust in things, has a sense of social responsibility and a sense of public service, the next decade is enormously exciting in shaping the future. I think that the Civil Service, in attracting the best and the brightest, has to convey more of a sense that, “We will use your skills and we will give you an opportunity to do the best for your country.” I think that the declaration did capture some of that.

- Q29 **Ronnie Cowan:** I am looking at the reforms of the Civil Service. What do you think the responsibility of the First Civil Service Commissioner is with regard to implementing a Government’s proposed reforms of the Civil Service?

Baroness Stuart of Edgbaston: Which particular reforms were you thinking of?

Ronnie Cowan: Any reforms. The First Civil Service Commissioner must have a view and must have a role in that, or does have a view and does have a role in that.

Baroness Stuart of Edgbaston: I think the First Civil Service Commissioner has a role in ensuring that the rules and any decisions that are made are properly applied. For example, at the moment, all Permanent Secretary and Director General positions are open external competitions by default, but not at Director level. I would hope that we can move so that the same applies to the Director level. The reason for



HOUSE OF COMMONS

that is that I think the more we can ensure that we attract the skills into the Civil Service and allow them to deliver their best, the more we take away this notion that we always have to turn to the private sector. It is an interchange to move in and then move out. This is one of the things that I would certainly argue for.

I would also argue that, once you get to a position where you may require a new Cabinet Secretary, that process should be more open and transparent, in line with the recruitment of a Permanent Secretary. These are the internal reforms. Ministers make the policy decision; then you are a regulator.

Q30 Ronnie Cowan: Do you envisage rewriting the recruitment principles during your term?

Baroness Stuart of Edgbaston: There is a statutory process if you want to review them. The last time they were reviewed and reformed was in 2018. I think that significant credit should go to Ian Watmore for that review, because it was bringing into employment care leavers and ex-offenders. It made extra exemptions to allow people to come in.

I think there is a case to look at them again, not least because the Declaration on Government Reform charges the Civil Service Commission to attract more people with a science and data background. I also would have thought that with this recognition you need greater movement between Whitehall and the devolved Administrations and continuous involvement. The statutory provision at the moment says that the only consultation is a very limited consultation. If you want to reword those principles, I would look to a wider engagement in order to do that. I think the more you can involve people in making those decisions, the more the principles and the values that underpin those decisions have a wider ownership.

Q31 Mr David Jones: The process for appointing a Cabinet Secretary is less clearly defined than the process for appointing Permanent Secretaries. This Committee has taken evidence from the previous First Civil Service Commissioner. He told us that he had attempted to regularise the process of appointing a new Cabinet Secretary, so that it included a job description, and applications were invited from serving and former Permanent Secretaries. There could be an initial sift, with independent input; and interviews would be conducted by the Prime Minister. Do you think that that was a sensible proposal? If you are appointed, would you implement that, or would you want to devise a variation or an alternative process?

Baroness Stuart of Edgbaston: This particular appointment is a running theme for First Civil Service Commissioners. The very first conversation that I had with Usha Prashar, who was a Civil Service Commissioner before David Normington and then Ian Watmore, was about the process of a job description and how you go through that. Because of the rather unusual circumstances of the last recruitment—



HOUSE OF COMMONS

because in previous cases it is the outgoing Cabinet Secretary who plays a role in the appointments process—this did not happen the last time.

What Ian Watmore achieved was to establish some principles that sounded to me very sound and very reasonable. I would find it hard for anybody to argue against what he has established, and I would certainly hope that we can build on what he has done. I went back and made a note, because what he suggested was to agree a job description, a potential candidate pool, and offer potential applicants a chance to express their interest in the role, which I think is important.

The First Civil Service Commissioner undertakes an initial review of the applicants' paperwork and proceeds to assess suitability and make recommendations. The Prime Minister interviews and meets candidates with—this is an important process bit—the First Civil Service Commissioner and maybe a senior NED before making the final choice. I do not think that these ought to be seen as onerous obligations. It seems to me a process that becomes more transparent, more predictable and more open.

Q32 Mr David Jones: Would you see yourself performing any active role in the recruitment process for the next Cabinet Secretary?

Baroness Stuart of Edgbaston: As Ian Watmore described it, yes, I would.

Mr David Jones: Even though you have recused yourself from Cabinet Office business?

Baroness Stuart of Edgbaston: If it was within two years, I would have to rely on one of the other Commissioners. It would depend on the conditions. I think this is one of the questions where you would turn to propriety and ethics. You would turn to the chief executive of the Commission and take the appropriate advice as to whether it is right or not.

Q33 Tom Randall: Baroness Stuart, you have listed increasing diversity in the senior Civil Service as one of your main priorities for your term. What practical steps do you propose to take to increase that diversity?

Baroness Stuart of Edgbaston: Forgive me if I now sound like a politician and redefine the question, but I am slightly worried when diversity is seen too narrowly. What I look for, and what I think Ian Watmore in his report talks about, is cognitive diversity. What we are looking for is people who bring different skills, different ways of thinking, different ways of approaching a problem.

If you look at the record, I think the Civil Service Commission has a good track record in terms of female applications. When it comes to ethnic minorities, in a sense the trajectory of number of applications leading to interviews leading to appointments is not a very good one and more work



HOUSE OF COMMONS

needs to be done. At that level, it is working with Departments on the pipeline as the recruits are coming up and the skills base.

It comes back to the feeling about job descriptions, in a sense. Do we recognise different skills that people bring in a way that is then rewarded? Let me give you one very practical example. There is currently a review on language skills across the Civil Service. It is very easy to measure people who have degree level on foreign languages, but do we recognise heritage languages? Do we recognise those in the population who grow up speaking two languages? At the moment we don't. Do we take that into account?

I would also want to look for more regional diversity because of bringing different life experiences and different approaches. What is right to be done in the south-east of England may not be the appropriate approach to something in Scotland, the Midlands or in Wales. I would look for an expectation that, as you move higher up the grades, the Civil Service will have had experience in various settings. That is one way that I think you increase cognitive diversity as well as diversity of backgrounds.

Q34 Tom Randall: How we define diversity might vary slightly, and there are different aspects to it. For example, if we take the representation of—as you have identified—ethnic minority staff or staff with disabilities, that is lower in the senior Civil Service than it is in the population at large. The increase for people with those characteristics has increased, but it is still lagging behind the general population. Do you have any suggestions on how that might be improved?

Baroness Stuart of Edgbaston: Where I have seen really good practice is where Departments work with agencies to bring on their leadership programmes, and to intervene and ensure that promotion and progression is actively managed. In a sense, I think that is how the representation of women has been achieved. I would expect Departments to do similarly. You are quite right to remind me that the record on disabilities is not very good.

Can I come back to the role of the Commission and the First Civil Service Commissioner? It is a regulator that should encourage and promote best practice and point out when best practice is not being fulfilled. That is why I think the initiative bringing people into employment, and sponsoring that in other Departments, was important. It should show support and help and, in a sense, hold up a mirror when things are not working well. Then I think you embed it in the Department. On that level, I think there is still a fair amount of extra work to be done—you are right.

Q35 Tom Randall: Looking at the different types of diversity out there, you have listed increasing the number of senior civil servants being recruited from and working outside of London and across the four nations as a priority. Then you have the protected characteristics in the Equality Act. How do you balance that pursuit of geographical diversity with the traditional protected characteristics? Is there a tension there? Do you



think that is a difficult one to balance?

Baroness Stuart of Edgbaston: I think it is difficult if you want it to be difficult. I think the approach has to be that you say we will simply have to balance that. I grew up in Bavaria, which is highly devolved. I grew up in Germany, which is a highly devolved country, where there is not an expectation that in order to make it in the world, you have to leave the place you were born in. In many ways, my aspiration is that if you want to be in the Civil Service, if you want to contribute to the wellbeing of your country, you should be able to do that in Darlington, Liverpool or anywhere. We still have too much pull. Whatever rules apply in the current system have to apply across the country. It is a question of will.

Q36 **Chair:** The Commission is also responsible for the Civil Service Code. That is very relevant this week, as we have had the interim update from Sue Gray, which highlights some rather worrying behaviours. One of her findings is that some officials were uncomfortable with what was going on in No. 10 and the Cabinet Office but did not feel that they were able to raise any concerns. I would like to invite your reflections on that. What can you do to encourage people to feel comfortable in bringing forward complaints and issues, and to uphold the code more generally?

Baroness Stuart of Edgbaston: I was looking at the key facts in the annual report on how many breaches of the code and how many appeals were received by the Commission. At what level should there be confidence to whistleblow or complain? I think the Civil Service Commission has an overarching role in the number of complaints that come to it, but success to me is having people in each Department who are comfortable raising things in their Department. Compliance with the code is not something you park and say, "The Commission needs to look after that". You have the Commission. You have the propriety and ethics to be that final stop for that umbrella.

The real task is drilling it down, because the observance and awareness of the code has to be at every level—when you enter the Civil Service and in every grade that comes up. One of the things that the Commission identified is that when you have the staff survey questions, there is not even sufficient awareness of the code. The trajectory of that was actually slightly downwards. I think that is where the Commission has a special responsibility and ought to interact more.

The Commission does special workshops for recruitment principles for the Departments. If I am allowed to take up the position, I would want to take a good look at what is being done and where more can be done. Ultimately, success is everyone in a Department feeling that the structures are in place for whistleblowing or complaining, and that things are handled properly, rather than thinking that the answer is to move it somewhere else.

Q37 **Chair:** That is very encouraging. I will take you back to your opening comments. You articulated the principles and the values that underpin



our Civil Service extremely well. For me, behaviour is central to that, as is the integrity and objectivity that we expect civil servants to bring. That includes compliance with appropriate rules and standards. What you have just said to me about the role of the staff survey would suggest that the awareness of those standards of behaviour—which we take for granted as being embedded in the Civil Service—seems to be diminishing, and perhaps that is playing out in some of the incidents that we are now witnessing. You have just said that that is something that would be of interest to you. To what extent do you think the Commission ought to be more proactive in driving that, as opposed to the Cabinet Office structure or, indeed, Ministers?

Baroness Stuart of Edgbaston: You raise something that is quite interesting. At the moment it is honesty, integrity, objectivity and impartiality, which are quite passive concepts. When you talk to Gus O'Donnell, he always talks about the four Ps, which were: pace, profession, pride and passion. I sometimes think that there is also awareness; it is slightly less easy to relate to what it means to comply with that. I have seen the slide. I asked that when civil servants join, they be shown the slide, and asked what the first introduction is to the Civil Service Code.

Going back to the way you phrase it—and I thought Gus O'Donnell did that rather well—I have not yet had the first-hand experience of how to do it inside. If you as a Committee felt there was something that we ought to do differently, I would be very happy to come back to relate to you how, on reflection, I think we might be able to embed it even more, and to hear any thoughts the Committee may have.

Q38 **Chair:** Thank you. This is a rather political question, but it is relevant to how you apply recruitment principles. We are still essentially working on a Civil Service model that was created in 1854, Northcote-Trevelyan. As you said, it is the cult of the generalists as opposed to specialists. We know that the commercial and managerial skills that you need in the 21st century are not necessarily seen as the way to advance your career in the Civil Service. There is still very much a prejudice towards policy, if you like. You highlighted the pandemic and how that has challenged our processes. It was instructive when you referred to data, and our tending to use it as a justification, rather than a way of looking forward.

Again, it comes back to the fact that the Civil Service is brilliant at process. It has stepped up to the challenge in terms of getting things done, but what is missing is that forward looking, and more commercial discipline. How do we get that? Can we do that through recruitment and through the leadership positions, or do we need to challenge the whole generalist concept more?

Baroness Stuart of Edgbaston: If you go back to Northcote-Trevelyan, that was sometimes summarised as: what was wrong up to that point is that you appointed your nephew, and your nephew did not know how to do the job. There were two things you needed to do. Did you have people



HOUSE OF COMMONS

who were competent, and were the processes by which you appoint them open and transparent? That is where open and fair competition and merit comes in. I think we have made some significant progress over the years on the openness and the processes.

The question then is: do we have right what we measure as merit? If we reward the senior Civil Service for its generalist skills, it will acquire generalist skills. If you have a system where promotion depends on moving up grades, and that is the only way you can do it, that is the system. If we want that to change, I think we should not blame the Civil Service for that. It is the markers and the conditions that we set.

I also want to make an observation about what the pandemic showed. Rules and structures, and transparency and clarity of the rules and structures, are the important things when things are tough. That is when you need them. When things go well, there is greater flexibility and all those things, but what the pandemic should have told us is how important the structures of the Civil Service, the direct lines of accountability and the system are. I think it is fundamental to a functioning democracy. It may be a long-established principle, but I think it is a core principle for democracies.

Chair: Thank you. Does anyone have any further questions? No. Thank you very much. That has been a very interesting hour.