



House of Commons
Public Administration
and Constitutional Affairs
Committee

The role and status of the Prime Minister's Office: Government Response to the Committee's First Report

Third Special Report of
Session 2021–22

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Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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Committee staff

The current staff of the Committee are Gavin Blake (Clerk), Victoria Cummings (Committee Specialist), Dr Matthew Fright (Committee Specialist), Iwona Hankin (Committee Operations Officer), Gabrielle Hill (Committee Operations Manager), Dr Philip Larkin (Committee Specialist), Xameerah Malik (Senior Committee Specialist), Sibel Taner (Second Clerk), Dr Patrick Thomas (Committee Specialist), Christopher Watson (Committee Specialist), and Tim West (Senior Media and Communications Officer).

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Third Special Report

The Public Administration and Constitutional Affairs Committee published its First Report of Session 2021–22, *The role and status of the Prime Minister's Office* (HC 42) on 9 June 2021. The Government's response was received on 10 September 2021 and is appended below. The Committee's recommendations are in bold text and the Government's response is in plain text.

Appendix: Government Response

The Government is grateful for the work of the Public Administration and Constitutional Affairs Committee for their work into reviewing the role and status of the Prime Minister's Office. The response to the Committee's recommendations are below.

1. **The lack of a statutory definition of the roles of the Prime Minister or the Cabinet in the UK has been reflected in the evolution of the Office of the Prime Minister and the Cabinet Office. As Prime Ministers have sought to increase their strategic leadership and policy role, the Office of the Prime Minister (Number 10) has expanded and adapted to reflect that. They have also drawn on the supposedly collective resource of the Cabinet Office in the process. (Paragraph 35)**
2. **There should be a clearer delineation between those resources provided to support the Prime Minister and the support for collective government and cross-government activity more generally. (Paragraph 36)**

The Office of the Prime Minister and wider Cabinet Office work closely together, and draw on the same finance, HR, technology and business services. The Cabinet Office supports the Prime Minister and ensures the effective running of the Government. It is also the corporate headquarters for the Government, in partnership with HM Treasury, and takes the lead in certain critical policy areas. 10 Downing Street is the official residence and the office of the British Prime Minister. The office helps the Prime Minister to establish and deliver the government's overall strategy and policy priorities, and to communicate the Government's policies to Parliament, the public and international audiences.

The Cabinet Secretary is both a direct adviser to the Prime Minister, and serves the Cabinet as a whole through the system of Cabinet Government. The Cabinet Secretariat, a distinct part of the Cabinet Office, fulfils this role on behalf of the Cabinet Secretary.

Careful consideration has been given to the role and structure of the Cabinet Office in the last year. This has led to the establishment of a new Delivery Unit in No10, which drives progress across the Prime Minister's priorities. Within the Cabinet Office, a new Government Strategic Management Office (GSMO) has been set up to drive the Government's planning. There is, of course, scope for further consideration of the issues raised by the committee. The Government is always looking for ways to better improve systems, organisation and delivery across Whitehall.

3. **The Office of the Prime Minister is nominally a business unit of the Cabinet Office. However, it currently appears to operate with even less transparency than other Cabinet Office business units. The Cabinet Office Annual Report and Accounts do**

not include a narrative report on the Office of the Prime Minister as they do for its other business units. And governments have declined to respond to Parliamentary Questions about its organisation. This is not acceptable. (Paragraph 41)

4. We do not consider the status of the Office of Prime Minister as a business unit to be an accurate reflection of the role that it plays. Yet it currently operates with even less transparency that this status suggests. For so long as the Government maintains that it is a business unit of the Cabinet Office, the Government should report on its activities in the Annual Report and Accounts as it does for its other business units. And in its response to Parliamentary Questions, it should provide information as it does for its other business units. (Paragraph 42)

5. In its Single Departmental Plan, the objectives of supporting the Prime Minister should be disaggregated from the support provided to the Cabinet or the Government more generally. (Paragraph 43)

6. We have heard little evidence to support the creation of a separate Department for the Prime Minister. The current Office of the Prime Minister is too small and much of its workforce too transient to be sensibly treated as a distinct department. The creation of a larger department, bringing together Number 10, the Cabinet Office and perhaps parts of HM Treasury has its supporters. However, the detail of this and how it might work are beyond the remit of this inquiry. Moreover, at least some of the benefits could be achieved through better collective working and a clearer specification of the respective roles of Number 10 and the Cabinet Office. (Paragraph 49)

7. Whilst the creation of a separate department would help to resolve some of the accountability issues that have concerned us in this inquiry, these could be resolved more easily through greater transparency within the existing arrangements. (Paragraph 50)

The Annual Report and Accounts includes narrative sections on some business units' work, to help illustrate how the department is working to deliver its priorities. However, these are not intended to cover all, or even most, business units. The Prime Minister's Office is one of many business units which do not have a narrative section in the Annual Report and Accounts.

Given the way in which Government has historically functioned, and continues to function, it would potentially be misleading to separate out the work of the Prime Minister and the work of the Cabinet. As the Cabinet Manual (2011) states:

‘The Prime Minister is the Sovereign’s principal adviser, chairs Cabinet and has overall responsibility for the organisation of government. Cabinet is the ultimate arbiter of all government policy.’ (p3-4)

Given this close relationship and overlapping responsibilities, it would be difficult to comprehensively delineate which business units support the Cabinet and which business units support the Prime Minister.

We agree that the benefits of improved cooperation and collaboration across the centre can be achieved through more and sustained collective working. This is already happening - recent work to improve planning and performance, including but not limited to the creation of the Outcome Delivery Plans, is an example of close working at the centre. From

initiation to implementation the centre has worked with shared objectives, joint virtual teams and co-leadership under the Planning, Risk and Performance Board co-chaired by the Civil Service Chief Operating Officer and Director General for Public Spending (Alex Chisholm and Cat Little). The Declaration of Government Reform—published in June 2021—made a commitment to making the centre (of Government) smarter alongside reinvigorating the principle of departmental accountability.

8. Increasing the direct accountability of the most senior Spads in Number 10 in this way would reflect the quasi-executive role that some have assumed. However, to do so would be to accept this quasi-executive role. The principle that “advisers advise, ministers decide” should remain the practice and Ministers, including the Prime Minister, should remain accountable to Parliament for the conduct of their advisers. To this end, much greater clarity around the roles that Spads can play and their relationship with officials may be needed. The Committee will be undertaking a dedicated inquiry into Special Advisers later in the Parliament when we will consider this in more detail. (Paragraph 56)

9. The role of Special Advisers in Number 10 has evolved to such a degree that some have played a quasi-executive role. This is wrong. It undermines both ministerial accountability to Parliament and collective responsibility on the part of Cabinet. Ministers, including the Prime Minister, should remain fully accountable for the actions of the Special Advisers. It is the responsibility of Prime Ministers to ensure that their Special Advisers work within the proper parameters of their role and of senior officials as well as of other Cabinet members, to reinforce this. (Paragraph 57)

Special Advisers are appointed in accordance with Part 1 of the Constitutional Reform and Governance Act 2010 (CRAGA 2010), and are employed to serve the objectives of the Prime Minister, the Government and the Minister(s) for whom they work. They are also governed by the Code of Conduct for Special Advisers (required by CRAGA 2010) and the Model Contract for Special Advisers.

The Code clearly sets out the parameters of the Special Adviser role, including stating that Special Advisers must not: “authorise expenditure or exercise management of any part of the Civil Service, except in relation to another special adviser”.

This is derived from the position set out in primary legislation, the CRAGA 2010. This states that a Special Adviser may not: “authorise the expenditure of public funds; exercise any power in relation to the management of any part of the civil service of the State; or otherwise exercise any power conferred by or under this or any other Act or any power under Her Majesty’s prerogative”. Therefore, it is not possible for Special Advisers to have played an executive role as is suggested.

However Special Advisers can, of course, work with the Ministerial team and with other civil servants to deliver Ministers’ priorities. Among other things, Special Advisers may undertake long term policy thinking and contribute to policy planning in the Department; write speeches and undertake related research, including adding party political content; and liaise with the Party, briefing representatives and parliamentarians on issues of Government policy. They are a critical part of the team supporting Ministers and can help Ministers on matters where the work of Government and the Party overlap.

The Government therefore believes that the Code of Conduct provides clarity about what Special Advisers may and may not do.

Ministers remain fully accountable for the actions of their Special Advisers as set out in the Code of Conduct: “The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment”. It is the responsibility of all Ministers and the Prime Minister to ensure that Special Advisers adhere to this Code.

The Government thanks the Committee for their report and looks forward to further engagement with the Committee and the important work it undertakes.