

Written evidence from Professor Matthew Flinders, Professor Philip Murphy, and Ms Isobel Conn¹ (CLR16)

**Public Administration and Constitutional Affairs Committee
Civil Service Leadership and Reform inquiry**

1. The Public Administration and Constitutional Affairs Committee's inquiry into civil service leadership and reform has been launched at a critical moment in British constitutional history. Not only have the challenges posed by Covid-19 raised important questions about the relationship between ministers, civil servants and a range of experts, arm's-length bodies and advisory structures, but broader questions concerning standards in public life have also been asked which raises issues relating to constitutional relationships and political boundaries.
2. It is in exactly this context that we welcome this inquiry and seek to make three simple arguments:
 - Some level of constitutional tension is, to some extent, arguably inevitable and broadly positive in the relationship between senior civil servants and ministers.
 - If there is an issue in relation to policy-making and leadership, it revolves around a lack of transparency around the policy advice that ministers receive from their officials.
 - A critical but generally under-developed dimension of good leadership within the civil service relates to the utilisation of historical insights and the development of institutional memory.

Argument #1 - Tension

3. The relationship between a permanent civil service and the government of the day is inevitably based on the successful maintenance of a delicate constitutional equilibrium. Ministers will, of course, be keen to implement the policies on which they were elected to power, while officials will be keen to support their ministerial team while at the same time alerting them to potential challenges. This notion of 'speaking truth to power' is therefore a direct reflection of the role the civil service has not in terms of blocking policy but simply in making sure that ministers have a sound grasp of the complexities of policy-making and the inevitability of unintended consequences.

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4. How to achieve a working equilibrium or balance at the top of a departmental pyramid is a complex question that depends as much on context and personalities than it does on structures and processes. And while recent events have clearly highlighted a breakdown in relationships in certain departments and a broader sense of frustration amongst a number of ministers about the performance and culture of the civil service the main argument of this section is simply to suggest that some level of constitutional tension is, to some extent, arguably inevitable and broadly positive in the relationship between senior civil servants and ministers. Ministers generally bring energy and enthusiasm for change while their senior officials inject a hint of caution and an awareness of operational challenges. The notion of the civil service as 'the hidden brake' in the constitution is not therefore intended to indicate that the role of officials is to stop ministers from changing policies but is intended to highlight their role in possibly slowing down processes to facilitate reflection and due consideration ahead of implementation.
5. Why does this focus on the existence of a delicate balance matter in the context of PACAC's current inquiry? It matters because the current debate about the constitutional position of the civil service, the codification of relationships and the extent of ministerial appointment powers is very often implicitly couched in terms of a desire to somehow eliminate tensions that have surfaced. It may well be that some of these measures might be necessary to shift the balance in the relationship between ministers and civil servants in a way that is thought to achieve or reinstall a workable equilibrium. But the simple point being made is that some level of tension is arguably a good thing. It indicates the grating and grinding of political life as broad policy ideas are translated into the messy realities of government and administration. A political system, by contrast, in which any politico-administrative friction was hard to detect would not necessarily be 'better' than one in which clear tensions existed and may well be far worse.

Argument #2 – Policy

6. Over the last fifty years the constitutional position and role of the civil service has been the topic of a very large number of parliamentary inquiries, Royal Commissions and reviews. And yet when it comes to leadership, reform and policy-making the standard and quality of policy advice provided to ministers by their officials has rarely been the focus of extensive discussion. Weak policy-making accountability is arguably the Achilles Heel of the current system for the simple reason that policy advice remains a confidential dimension of the relationship between ministers and officials. And yet there is arguably no definitive reason for this weakness to be tolerated. If anything, this 'accountability gap' serves to insulate officials, whose job it is to provide the very best policy advice to their ministerial masters, from being held accountable for the quality or accuracy of that advice. In the context of debates about effective service delivery and inclusive policy-making structures civil service

leaders might usefully reflect on whether the traditional secrecy surrounding policy advice is justifiable in the twenty-first century.

7. One of the most interesting and obvious shifts in the dynamics of policy-making in recent years has been an explicit shift to draw-upon and utilise different forms of knowledge. Peer-reviewed 'scientific' knowledge is therefore important as a source of evidence and insight, but so too is tacit knowledge, experiential knowledge and 'everyday' lived experience. Policy-makers should, this logic suggests, synthesise inputs from many disciplines and sources in order to generate a full understanding of the nature of the problem that a specific policy is attempting to tackle, and the full range of choices that exist within the potential reform repertoire. The great challenge, as Geoff Mulgan has skilfully revealed – himself a former Head of the Prime Minister's Policy Unit - is that the absorptive and synthesising capacity of governments is very often weak. There is an 'imbalance between inputs (in terms of an increasing range of data sources and opinions) and the civil service's digestive capacity (in the sense of synthesising and ranking the quality of an increasing range of information flows, noise and signals).
8. Why does this focus on the existence of an accountability gap around the policy advice provided to ministers by their officials matter in the context of PACAC's current inquiry? It matters because the role of senior civil servants is shifting towards one of a knowledge synthesiser and knowledge broker. But at present the standard of policy advice to ministers is hidden behind the convention of ministerial responsibility to parliament which is itself built on the notion of administrative impartiality and anonymity. Increasing the level of transparency surrounding the policy advice provided to ministers would shed the light of public scrutiny on how, why and on what basis policy decisions were taken. It would also create new incentives for officials to ensure that the policy advice they submit 'up' to ministers was of the highest standard and, through this, help prevent the emergence of complex blame games between ministers and officials over the subsequent impact of policy decisions. Such a reform would demand leadership and commitment from the highest ranks of the senior civil service but could help buttress other accountability mechanisms, like the system for ministerial directions.

Argument #3 – History

9. One of the biggest weaknesses within British policy making and where civil service leadership could play a key role in enhancing capability relates to the provision of historical evidence and insights. Many policy challenges are not new but tend to re-emerge as part of an ongoing issue-attention cycle as newly discovered variants of longstanding challenges. From sentencing policy to school dinners and from pensions policy to preventing teenage pregnancy the 'lessons from history' in the sense of what policies have been tried in the past and 'what worked' are rarely presented to ministers. In fact, the erosion of institutional memory with Whitehall

departments is a well-documented malady within several previous parliamentary reports and institutional reviews.

10. In 2015 the Institute for Government published 'What is the value of history in policy-making?' and highlighted that 'good policy-making requires a wide range of evidence: statistics, social studies, modelling and economics. History often seems to be absent from this list. Ministers and officials regularly invoke the phrase 'learning the lessons from history' without appreciating what it actually means. Understanding what history is, how it can help and how it can be used professionally should be as important as other kinds of evidence: so why is it not?' The report called for 'a more systematic and rigorous approach to embedding history within the policy process' and offered clear examples of how officials could increase their consumption of policy-relevant historical research. Progress has, however, been limited. The History & Policy (H&P) network exists to support the use of historical research within contemporary policy-making. Yet formal structures like the Scientific Advisory Group for Emergencies (SAGE) remains limited to scientific and technical matters. Without this kind of strategic scaffolding whether officials are able to access historically relevant material is largely based upon ad hoc interpersonal relationships.
11. Why does this focus on the significance of historical research for contemporary policy-making matter in the context of PACAC's current inquiry? It matters because ministers are too often left reinventing the wheel and starting from scratch to address issues that are by no means new to that area of policy. Some departments have attempted to address this issue by directly commissioning, developing and codesigning research; others have attempted secondments and fellowships for academics. The new Policy Fellowships Scheme which is run by the Economic and Social Research Council with support from the Arts and Humanities Research Council provides the latest attempt to facilitate the mobility of knowledge between researchers and potential research-users. But much more could be done to overcome well-known barriers and blockages (culture, incentives, timescales, language, etc.) and ensure that contemporary policy makers can access relevant and evidence-based lessons from history.
12. Mulgan's notion of the 'digestive capacity' of the civil service is again helpful here. The body of historical knowledge potentially available to policy-makers is huge and grows larger by the day, with funders increasingly insisting that new research should be openly accessible. Yet relatively little work has been done on how to highlight the practical relevance of this knowledge, and how best to incorporate it into the policy-making process. With the departmental infrastructure of Whitehall and other tiers of government subject to frequent revision, conventional 'in-house' histories can rapidly become outdated. Instead, more thought needs to be given to how broader lessons and principles relevant to a range of policy-making scenarios can be extracted from specific historical case studies. H&P is about to launch a seminar series in partnership with the FCDO Historians, exploring how 'official' and 'authorised' history can be adapted to the needs of the twenty-first century.

13. Taken together what the three arguments presented in this submission combine to facilitate is a focus not just on the existence of clear challenges when it comes to thinking about leadership and civil service reform but also clear opportunities to reform, renew and reimagine traditional relationships in order to ensure that an effective and appropriate equilibrium is maintained and that the civil service is 'fit for the future' rather than being defined by the past.
14. Please feel free to contact the authors if they can be of any further assistance to this inquiry.

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