

Written evidence from Amelia Smith (CLR17)

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

Background information - As a member of the public. I have over a decade of experience of liaising with senior members of the civil service, this is via the complaint system. I would class myself as somewhat of an expert. I am concerned by the lack of accountability of those who serve the public. Moreover, I am concerned and alarmed by the way in which those placed in senior positions (some of which are serving those most vulnerable in our society) may not be suitably experienced for such a role. It is, in my opinion, a scandal that only civil servants can complain about civil servants.

I will answer your questions in the order they arise.

Q1 The extent to which the established values of the Civil Service, enshrined in the Civil Service Code, continue to determine the conduct of Officials and are respected by the governments they serve.

The established values of the Civil Service should determine the conduct of Officials. They are essential for good practice. However, as many of the principles are in reality unchecked and positions outsourced such as a Senior Civil Servant employing someone else to fulfil their role, how can they possibly be respected by the Governments and public that they serve when the conduct displayed falls short of the standards and expectations. It's quite simply impossible to respect them because in some cases there is no checks as to whether the Civil Service Code is being followed, violated or even known by those operating in the role.

Q2 Whether the Civil Service feels sufficiently confident or empowered to give honest advice to Ministers and 'speak truth to power' and if not, what the consequences are for policy making and governance. To what extent does the Civil Service leadership have responsibility for ensuring that an environment exists where officials do feel empowered to give candid advice?

It is evident that there is a huge communication problem between Civil Servants and Ministers and in my opinion there is a culture of inconsistency, incompetence and concealment. In some cases this aim at concealment or lack of confidence to speak openly has resulted in the

prolonged cruel and torturous treatment of others including children and those most vulnerable. This is the consequence. Additionally further consequences deny access to Justice. This is unacceptable and wrong.

Q3 What responsibility does the civil Service have for ensuring constitutional propriety in the conduct of government?

The Civil Service via its code of practice and ethics should be responsible for ensuring that it acts in a way that is fitting of the conduct of the government. However, the current systems structure allows the Civil Service to operate on a level where this service falls short of those standards expected by both the government and public. There must be a complaint system which is accessible to the public where grievances can be access and rectified. Additionally individuals must be subjected to scrutiny when seeking employment and enhanced job opportunities as if neither the government nor the civil service accepts responsibility the only option is for the European Courts to enforce responsibility.

Q4 Civil Services leadership

The self-governing process surrounding the employment, promotion and complaints system managed by the leadership of the Civil Service is totally inadequate for a contemporary Government.

Q5 What constitutes good leadership in the Civil Service?

Good leadership of any kind should at least have some kind of idea what others are doing. They must be some actual authority that can identify when thing go wrong and address them. This mean's actually looking at complaints from the public not just self-appraisal. This current practice is not good leadership. In fact it is total authoritarian behaviour and should not be tolerated within the UK Government structures.

Q6 As the Head of the Civil Service, is the Cabinet Secretary sufficiently empowered to lead the Civil Service and how far is the Civil Service Board equipped to provide effective leadership?

The Head of the Civil Service is not sufficiently empowered to lead the Civil Service until there is access for the general public to place complaints before her. Failure to provide this power

allows the conduct of others to remain unchecked and fuels the thoughts of corruption and deceit within the Government and Civil Service formation.

Q7 The extent to which the Civil Service has an obligation to enhance its capability and, if so, whether that can be exercised unless such an obligation also applies to governments. Should any stewardship obligation be formalise?

There is currently no real leadership as there is no real accountability. The policy cannot remain where you employ mates even if they are incompetent just because they've been around a while. Additionally the fact one can complain its wrong both morally and legally. Someone really needs to be in charge with overall responsibility. This should be an obligation which also applies to the government which faces more public examination. The prosed evaluator should be independent of both the Civil Service and the Government as in my experience some MPs also appear to be incapable of investigating such matters or passing it to relevant personnel. My recommendation is send me an application, I'll apply for the role.

Q8 Whether Ministers' current role in the hiring, firing, and promotion of Civil Service leaders is appropriate and conducive to effective government.

This is an area which is wholly inadequate. It is of extreme importance to employ and support the right people in the role. I believe that the Senior Civil Servant that I liaised with was incapable of fulfilling the position given. Moreover, the limited experience that may have been gained was decades out of date. But still that person got the job.

This may have led to Human Right abuses which were not exposed due to the lack of accountability. Furthermore, the god like status that this role provided hid the failing among and by those in positions of power such as judges. Therefore, I would conclude that the way in which the hiring, firing and promotion of Civil Service leaders falls short of providing an effective government. In fact it makes it incompetent.

Q9 Policymaking

It is true that there are areas in law and policy making which are concerning. It is interesting that while both Civil Servants and Ministers eventually (years later) admit that discrepancies exist, both are reluctant to engage in form of rectification to those effected without placing it before the European Courts. The consequences of this can then leave some children facing adulthood before they have access justice. An example of this would refer to the inability to

gain legal aid for inheritance cases between 2005- 2016 respectively. Even though the mother and child were both penniless. This was unavailable even under special circumstances during these dates. Forcing some to use a Civil Servant to aid justice. While this has now been rectified no amendments in the form of compensation exists for those who were actually denied justice. There for some areas of policy making is deliberately ignored or flawed.

Q10- Is the respective accountability of Ministers and Officials for policy formation and delivery sufficiently clear and if not, how might it be made more so?

In my experience it is both the policy formation and the delivery that is the problem. More scrutiny is needed from the general public and people like me who have experienced problems and the government needs to listen to them. I, myself, have raised the issue of accountability for years and a proper complaint system needs to be in place currently it is not.

For instance I have approached relevant Members of Parliament who claimed to have done everything possible in order to get answers. However, has not been placed before the Prime Minister as I believe should be done as I believe previous Prime Ministers employed this Civil Servant. Moreover, as departmental ministers can no longer answer my questions. This will be placed before CATs. I would recommend you should be able to look at individual cases to ensure that policy formation and delivery is effective before situations escalate to this stage where the UK cannot deal with them.

Q11 Is the current system of Ministerial Directions effective and sufficient?

The evidence I hold show that the Ministerial directive is not effective. It is seriously flawed and chaotic. I believe that mistakes are overlooked or perhaps deliberately hidden regardless of the consequences to others.

Moreover, the failure of the system has left some individuals unable to access an effective National complaint system regarding the conduct of Civil Servants who self-govern. This had resulted in some approaching MPs who own conduct may create a lottery system of justice and assistance.

The current Government protocol where your own MP must act for you should be looked at as I would question as to how well some perform these duties.

This is because in some cases where a Senior Civil Servant has been employed by the Prime Minister it would be more appropriate to inform him or her of the circumstances of the allegations of incorrect conduct than face a route via the MP which is in some cases unfruitful

due to lost paperwork and cases where the head of departments may refuse to answer questions as they are not obliged to respond to MPs. This allows the current system to remain ineffective.

These comments do not extend to Ministerial Fiscal Directives. I have no comments to make at this point. However, I do have some concerns in this area, regarding Legal Aid.

Q12 -In all of these areas, are there lessons from other countries that the UK can usefully adopt?

While I am unfamiliar with the systems in other countries I believe that the system that exists could be enhanced to work effectively. This would involve inviting others outsourced from the Civil Service to facilitate job roles efficiently. This should be applied where no suitable candidate exists. Furthermore, for the complaints system to be effectively applied it must be accessible to the public that it serves.

There must be a hierarchy of responsibility and accountability where there is obligation to place serious complaints before a Prime Minister if the senior civil servant has been enrol by them. The lack of accountability must be addressed as in some cases MPs have failed to raise issues even when they have implied that they would. That then increases questions of the integrity of all concerned.

These are my recommendations and if implemented may prevent huge cost to the public purse thus allowing complaints, if they arise, to be dealt at a national level and if necessary ameliorated without placing them before the European Courts. The UK Government must learn lessons from its own past mistakes. I am of the opinion it does not.

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