

Supporting Ministers to Lead

Rethinking the ministerial private office

Akash Paun



Foreword

About the author

Akash Paun is a senior researcher at the Institute for Government, having previously worked at the Constitution Unit, University College London (UCL). Since joining the Institute in 2008 he has participated in projects across a range of subjects including coalition and minority government, the parliamentary select committee system and cross-departmental collaboration in Whitehall. He is currently leading a nine-month project on accountability arrangements in central government. His most recent publications are a discussion paper on accountability mechanisms in Australia and New Zealand; a guide to cabinet reshuffles; and a report on the challenge of mid-term renewal for the coalition government.

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All errors and omissions are the responsibility of the author alone.

Executive summary

This paper addresses the question of whether ministerial private offices provide the right kind of support to enable departmental secretaries of state to carry out their roles effectively.

We do not examine the support provided to the Prime Minister or Deputy Prime Minister, since their jobs – and therefore their offices – are inevitably very different to those of other ministers.

The private office is the 'life support machine' provided to all ministers in government. Staffed by a small group of permanent officials, the private office acts as a conduit between minister and department, and between the minister and other parts of Whitehall. Private offices also play a key role in facilitating the transition to new ministers. They are not designed to develop policy or strategy for the minister. Nor can they assist in party political matters.

In both the current and previous governments, there have been frustrations among ministers about their ability to get the civil service machine working for them. Within this broader debate lies the question about whether private offices should be expanded or otherwise reformed to strengthen ministers' ability to lead their departments.

Our research found that in certain ways, traditional private offices do not provide sufficient support to ministers. They are constrained in terms of how they can support ministers to ensure the delivery of their objectives, and they tend to lack staff with serious experience in the policy area in question.

Compared to other systems – the *cabinets* of French ministers and European Commissioners, and the ministerial offices of Australian ministers – private offices are small and play a narrower role. These other systems address some of the problems identified in the UK context. However, the downside to these larger and more political offices is the greater potential for tension between the ministerial team and the rest of the department.

There is already a degree of uncodified flexibility in the UK system for ministers to reshape their private offices. But it takes time and determination to do so and there is a lack of clarity and transparency about how far ministers can go.

Taking these points together, we conclude that private offices should be strengthened by providing ministers with additional sources of expertise to support them to lead their department more effectively.

We therefore recommend that there should be a clear and transparent right for each Secretary of State to request the appointment of a small number of expert advisers outside of ordinary civil service recruitment processes.

These expert advisers should have clearly defined roles relating to advice to the minister on policy, implementation and strategy (drawing on the wider expertise of the department), and to monitoring the delivery of ministerial priorities. All would have to pass through a merit-based assessment, to ensure they have the requisite skills for the role. They would be employed as civil servants on temporary contracts and would be subject to standard civil service restrictions on political activity.

A 'Director of Ministerial Support' (or chief of staff) should also be appointed to lead the expanded ministerial office comprising expert advisers, private secretaries, and administrative staff. The chief of staff should be line managed by the Permanent Secretary and should be capable of managing the transition to a new minister.

The effectiveness of the chief of staff and expert advisers will depend on their having a close and trusting relationship with the Secretary of State, and the ability to speak convincingly on their minister's behalf in discussions with others. Therefore, although these would not be purely political

appointees, there would be an expectation of significant ministerial involvement in the selection process, most obviously the right to select from a shortlist of 'above the line' or appointable candidates.

It would be sensible to openly recognise that these would in fact be *joint* appointments by the secretary of state and permanent secretary of the department. The permanent secretary would be accountable for the conduct of the recruitment process, and the minister for the ultimate selection and (especially in the case of expert advisers) for defining the nature of the role.

Expert advisers would be appointed from both inside and outside government, but the assumption would be that the chief of staff would usually need to have significant Whitehall experience and would except in rare cases be appointed from the Civil Service.

Cabinet ministers would also retain their right to directly appoint one or two party political figures under the existing special adviser (SpAd) rules, though the development of more formalised induction, training and development processes for SpAds would be sensible. The appointing minister would remain accountable for the management and conduct of special advisers, though the chief of staff could provide advice on how best to utilise SpAds within the department.

We do not recommend the wholesale adoption of a *cabinet* model, which would imply a significant increase in the number of direct political appointees, and a more pronounced separation between ministers and their departments. This could worsen the state of politico-administrative relations, and would not necessarily increase ministerial ability to get things done.

Since the Civil Service is in the midst of a process of significant headcount reductions, reform of ministerial offices would ideally be carried out in such a way that there is no net increase in staff. We therefore suggest that if secretaries of state wish to extend their access to expert advice along the lines suggested, they should find ways of sharing resources between the members of the ministerial team to create efficiency savings.

Introduction

Does the current model of private office enable departmental secretaries of state to carry out their role effectively and to achieve their objectives in government? That is the question addressed in this paper. It is also a question being discussed in government as part of the broader civil service reform agenda, which is preoccupied with questions about how to get the relationship right between political and administrative leaders in Whitehall.

Every minister across government, from those in Cabinet down to the humblest parliamentary secretary, is provided with the support of a private office formed of a small number of civil servants, who welcome the minister on day one and typically remain in place when there is a change of minister (or of government).

The job of minister, as a previous Institute for Government study has discussed, comprises at least four distinct roles.¹ The minister has a role in parliament, a wider communication and advocacy role in public debate, a 'policy/executive' role within their own department, and a cross-departmental or 'collective government' role. To be effective, a minister requires support in each of these functions.

The traditional private office supports ministers primarily in the third and fourth of these functions, since the private secretaries who staff the office are barred from engagement in party political activity. Their role is to support the minister in taking decisions, communicating those decisions to others in the department and across government, and following up on progress with their implementation.

The private office is an old and familiar part of the Whitehall furniture, and has traditionally attracted ambitious officials en route to the higher ranks of the Civil Service. When asked, ministers tend to express satisfaction with the diligent and professional support their private offices provide them. Nonetheless, members of both the present and previous governments have also been known to cast covetous glances at alternative models of support – such as that offered by the more numerous and more political set of advisers that European Commissioners and ministers in countries like France and Australia select to staff their offices or *cabinets*.²

The specific issue addressed in this paper is part of the broader contemporary debate on civil service reform. It has been widely reported that there are frustrations on the part of certain ministers about their ability to get the civil service machine as a whole working for them. The current context of radical public service reform may also have brought these issues into the spotlight since, as Tony Blair recently argued, the Civil Service is often more comfortable at managing existing systems and services than at implementing change.³

A number of high-profile administrative failings – such as the bungled West Coast Mainline franchise decision – appear to have stiffened the resolve of the reformers in the Cabinet to strengthen ministerial control over the Civil Service. Francis Maude has been especially vocal, claiming that ministerial decisions are obstructed through civil service unresponsiveness and inertia, and arguing in favour of greater ministerial input into the appointment and performance management of senior

¹ Peter Riddell, Zoe Gruhn & Liz Carolan, *The Challenge of Being a Minister*, Institute for Government (2011), p.11. At: www.instituteforgovernment.org.uk/sites/default/files/publications/The%20Challenge%20of%20Being%20a%20Minister.pdf

² See Robert Watts, 'Ministers' new plan to steamroller civil servants', 16 February 2013, *Daily Telegraph*. At: www.telegraph.co.uk/news/politics/9874960/Ministers-new-plan-to-steamroller-civil-servants.html

³ Tony Blair: 'The problem with the Sir Humphrey view of the world is that it is absolutely fine whilst the important thing is to manage your system, it isn't fine when the important thing is to change it.', comment made on 'In Defence of Bureaucracy', Radio 4, 12 March 2013.

officials.⁴ The Prime Minister also recently signalled his support for reform of civil service accountability arrangements, and for a stronger ministerial role in appointments processes.⁵

Alongside such proposals, serious consideration is being given to the creation of stronger private offices, staffed with personal appointees of the minister, and with the ability to span the administrative and political spheres. That some ministers are attracted to such a model is unsurprising, but the crucial question, from our perspective, is whether reform would enhance the effectiveness of ministers in their role in government.

With this question in mind, this paper assesses the advantages and drawbacks of current private office arrangements, the lessons that can be drawn from alternative models, and the risks and potential benefits of reform. It is based on the proceedings of an off-the-record seminar held at the Institute for Government in December 2012, around a dozen follow-up interviews and private conversations conducted in early 2013, and secondary literature. The paper also forms part of a larger programme of work on accountability arrangements in Whitehall and draws on the Institute's wider evidence base, including past research into ministerial effectiveness and the role of special advisers.⁶

The structure of the paper is as follows. We first discuss how the standard private office works, before comparing this with the alternative models of support provided to French and Australian ministers and European Commissioners. We then examine the extent to which there is sufficient flexibility within existing private office arrangements. Next, we present competing perspectives on the strengths and weaknesses of the current model, before focusing on two key issues: the relationship between ministers and their departments, and the ability of ministers to access external expertise. In the final part of the paper, we set out our recommendations for an enhanced ministerial office.

The standard private office

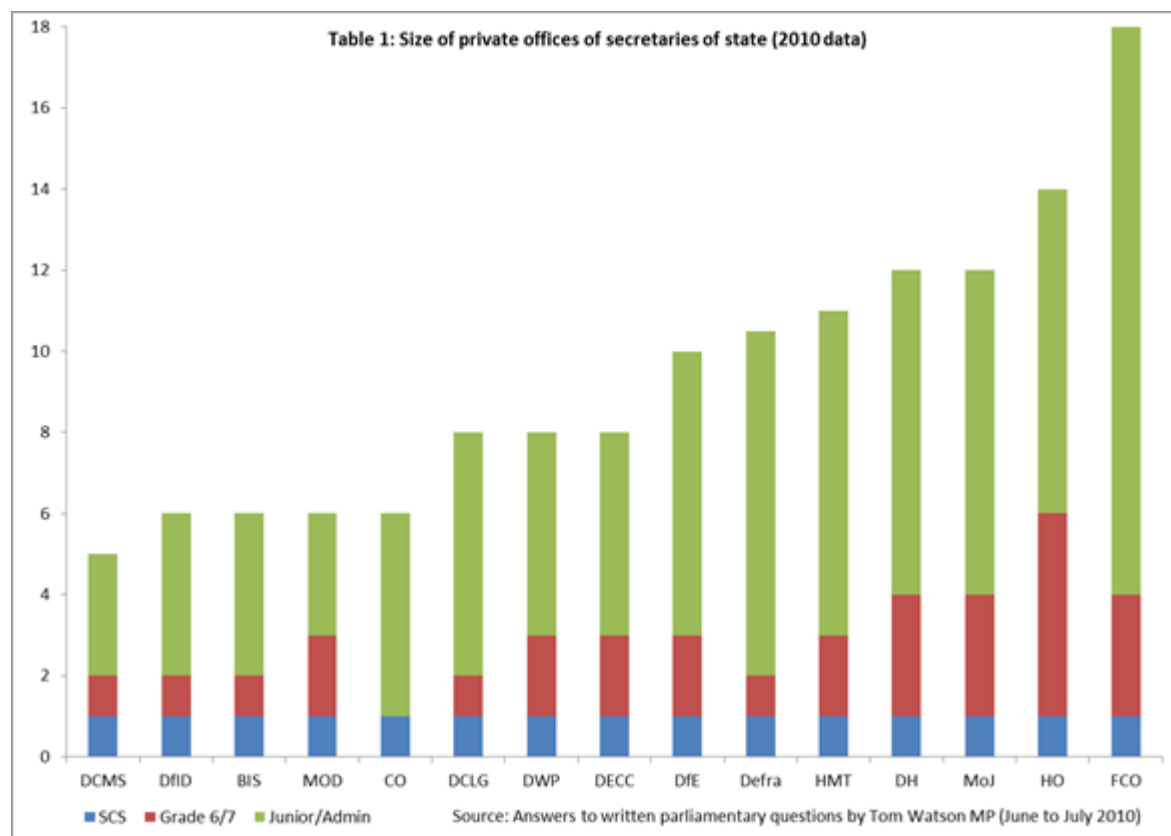
Private offices vary in size and seniority broadly in line with the rank of their minister. At the level of secretary of state, the typical private office is headed by a principal private secretary (PPS) at deputy director level, with a varying number of private secretaries at grades 6 and 7 and more junior assistant private secretaries, plus a diary manager and administrative staff. In response to a series of parliamentary questions, most government departments published data on the composition of private offices in 2010 (see table 1 below), revealing that the private offices of cabinet ministers ranged from five officials for the Culture Secretary up to 18 for the Foreign Secretary. Private offices of junior ministers are significantly smaller (typically between two and six staff, all of whom are below Senior Civil Service level).

Secretaries of state may also be supported by one or more expert policy advisers employed on temporary contracts to assist the minister, as well as – usually – two special advisers, who provide support of a more openly party political kind, but are not generally seen as part of the private office itself. A Secretary of state may also often have the support of a speechwriter and press officer who remain outside of the private office proper.

⁴ Francis Maude, speech to the Institute for Government, 2 October 2012. Coverage at: www.bbc.co.uk/news/uk-politics-19797736 Video at: www.instituteforgovernment.org.uk/events/creating-better-public-services-what-can-uk-learn-new-zealand-and-vice-versa-0

⁵ David Cameron, Oral Evidence to the House of Commons Liaison Committee, 12 March 2013, Q40.

⁶ Riddell, Gruhn & Carolan, *The Challenge of Being a Minister*, op cit. Zoe Gruhn and Felicity Slater, *Special Advisers and Ministerial Effectiveness*, Institute for Government (2012).



Private offices play a number of vital functions. They play a key role in facilitating the transition to new ministers, managing the internal decision making process within departments, and supporting cross-government discussions and decision-making.

On the day of the minister's appointment they must stand prepared – along with the permanent secretary – to help the newcomer settle in and hit the ground running. As former Cabinet minister James Purnell and his former Permanent Secretary Sir Leigh Lewis wryly reflect, new ministers have 'at least a 10-minute car journey to prepare [for their new job] – from Number 10 to their new department'.⁷ From the moment they arrive, they are dependent on their private office to help them manage their workload and navigate their way around their department and across Whitehall.

The private office can be seen as the hinge between the secretary of state and the department at large, helping to ensure that decisions are taken by the minister, in good time and on the basis of sound advice, and that those decisions are acted on by the rest of the department. To this end, private offices 'play a crucial role in managing two precious commodities for ministers: information and time'.⁸ They manage and control access to the ministerial diary. And they co-ordinate the flow of paperwork that can overwhelm an ill-supported minister, including by carrying out the vital but unglamorous task of 'sifting out the crud', as one former senior official described it.

As well as processing the flow of information to the minister, the private office must communicate the wishes of the minister to the rest of the department, assisting the minister in his or her role as departmental leader. The private office must also support the minister in his or her 'collective

⁷ James Purnell & Leigh Lewis, *Leading a Government Department – the first 100 days*, Institute for Government (2012), p.8.

⁸ Martin Stanley, 'Working with ministers', op cit, p.4.

government' role, helping them to play an active part in collective decision-making through the cabinet committee system and (for senior ministers) Cabinet itself.

What the private office does not do is to give ministers a strong personal means with which to manage their departments directly. This reflects a traditional perception of the role of secretary of state as responsible for setting and communicating the overall policy direction of the department, while the permanent secretary is responsible for ensuring that the department is appropriately managed so as to deliver ministerial objectives.

The traditional view of the private office is that it must be strongly loyal and trusted by the minister while remaining part of the department at large. In fact, there is something of an expectation that the private office can act as an honest broker between department and minister: the dual responsibility of principal private secretary both to the secretary of state and the permanent secretary (who is usually their line manager) reinforces this position. Private offices that are seen to 'go native' and become too close to the minister can be regarded with suspicion by colleagues elsewhere in the department, according to one senior policy official. Equally private offices are not designed to develop alternative policy or strategy for the minister in competition with the rest of the department.

Yet ultimately, the private office must remain close to the department *in order* to support their minister more effectively in their leadership role within the department. Private secretaries perceived by the minister to be placing departmental interests above his or hers are likely to be moved on, which a minister has the right to request.

The current tensions between ministers and the Civil Service illustrate a concern among some politicians that the system does not in practice provide the necessary level of responsiveness to ministerial wishes. This feeds the view that the secretary of state must take a stronger grip on the department themselves, and, as part of this, that they require a stronger private office to support them in this function. Other countries have preceded the UK down this path of reform in the name of ministerial responsiveness.

Alternative models

In discussions of private office reform the most commonly cited alternative model is the ministerial *cabinet* – the unified team of officials and political appointees that advise and support European Commissioners and ministers in the French (and other) governments.

The question of whether a *cabinet* model should be imported into Whitehall inspires strong reactions, both positive and negative. One former cabinet minister told us, 'I would be in favour of a French *cabinet* system, where you've got a much more supported minister'. An ex-PPS who had served in Brussels too also favoured the introduction of *cabinets*, arguing that this would help facilitate better understanding of ministerial priorities by the department at large.

Conversely, an ex-permanent secretary argued strongly against moving towards a *cabinet* system, concluding that the cause of ministerial frustrations is 'not a problem with the [private office] machine, it's a question of how you populate the machine'. A former minister, also familiar with the European Commission, similarly argued that the key issue was not the institutional form of the ministerial office, but the calibre of people employed, and that fundamental reform was not necessary.

But while people tend to express clear views on the merits of a *cabinet* model, they often have different conceptions of precisely what that model consists of. Part of the reason for this is that *cabinets* in Paris and Brussels (the two best known archetypes) are somewhat different creatures, particularly after changes at the Commission over the past decade.

France

French *cabinets* comprise expert advisers covering different parts of the ministerial portfolio, as well as advisers on particular functions such as relations with parliament, the Civil Service and the media. *Cabinets* grew in size and influence during the French Fifth Republic in response to a perception that 'the administration' had grown too dominant and that the political leadership of government needed to be strengthened to ensure responsiveness to the government of the day. *Cabinets* are therefore seen as a counterbalance to what has been termed *la republique des fonctionnaires* (the civil servants' republic).⁹

Departmental *cabinets* are headed by a *Directeur de Cabinet*, who will usually be a high-ranking civil servant with extensive experience in government (as well as the right political inclination). Indeed, many members of *cabinets* will be career civil servants – but under the French system this does not preclude them from holding an open political affiliation – and they can resume their civil service careers on leaving the ministerial office.¹⁰ In the case of a change of administration, however, career options may be more restricted, since many senior policy roles within the permanent administration are filled with ministerial appointees (who must have the appropriate civil service experience and status, as well as the right political affiliation).

French *cabinets* are larger than those in Brussels, and indeed their size has caused controversy over the years. This is in part due to the tendency of *cabinet* members to interfere in the work of the permanent civil service, causing what Francois Hollande described (before his election) as 'confusion of the chain of command'.¹¹ The previous administration sought to restrict *cabinets* to 20 (and fewer for junior ministers),¹² and in the present government, senior ministers have *cabinets* of around 15-20 advisers.¹³ The Prime Minister himself has a *cabinet* of 54 staff, and the President one of 40.

The European Commission

In Brussels, where the administration was designed in large part along French lines, *cabinets* have long played a major role in driving forward the agenda of commissioners. *Cabinets* are centrally involved in policy negotiations and in finding compromise positions that the College of Commissioners (often formed of politicians with widely diverging ideological and cultural backgrounds) can then sign off at their weekly meetings. There are weekly (*'hebdo'*) meetings of all the *chefs de cabinet*, as well as regular cross-portfolio meetings of other *cabinet* members.

The central role of *cabinets* has often led to tensions with the permanent Eurocrats in the Directorates-General (or the Services), where it is said that 'they are widely viewed as being disrespectful both of the work of the services and the Commission's independence'.¹⁴ A particularly sensitive relationship is that between the *chef de cabinet* and the Director General, the permanent head of the DG (department) the Commissioner sits above.

⁹ Andrew Knapp & Vincent Wright, *The Government and Politics of France*, Fifth Edition, Routledge (2006), pp. 289-292.

¹⁰ See David S. Bell, *French Politics Today*, Manchester University Press (2002), p.154

¹¹ "François Hollande : 'Un retour à l'impartialité de l'État s'impose'", 22 February 2012, at: <http://www.acteurspublics.com/2012/02/22/francois-hollande-un-retour-a-l-impartialite-de-l-etat-s-impose>.

¹² "Fillon s'attaque à la taille des cabinets ministériels", 18 November 2010. At : http://www.lexpress.fr/actualite/politique/fillon-s-attaque-a-la-taille-des-cabinets-ministeriels_938120.html

¹³ For instance, the ministers for the interior, justice, foreign affairs, and economy and finance have *cabinets* of 15, 16, 17 and 22 respectively. Source: <http://lannuaire.service-public.fr> (various pages), accessed 28 February 2013.

¹⁴ John Peterson, 'Mission? Gestion? Cabinets in the Barroso Commission', Paper prepared for the European Union Studies Association conference, Los Angeles, 23-25 April 2009, p.2. At: http://aei.pitt.edu/33119/1/peterson._john.pdf

Reforms introduced under the last two Commission Presidents (Prodi and Barroso) have sought to clip the wings of the *cabinets* and to change the way they work in various respects. Under Romano Prodi, their size was restricted to six. Also, a rule was introduced that at least three nationalities must be represented in each *cabinet*, putting a stop to the previous habit of commissioners importing their whole team from the domestic political scene. During the Santer Commission that preceded that of Prodi, for instance, one study found that ‘the *cabinets* became increasingly nationalised’ and that due to the weakness of Santer compared to his own predecessor Delors ‘the *cabinets* fought among themselves. They also began to interfere in appointments, down to the most junior management levels of the Commission’.¹⁵

On becoming Commission President in 2004, Jose Manuel Barroso opted to build on Romano Prodi’s reforms, with the aim of making the *cabinets* less political and less liable to clash either with each other or with the permanent administration. In addition to keeping the requirement for a mix of nationalities (including that either the *chef* or *deputy chef* had to have a different nationality to that of the Commissioner), he introduced a gender balance rule, and a new requirement that at least three members must be recruited from among the permanent Commission staff.¹⁶

Australia

Another international model in which the British government has expressed an interest is Australia, where ministerial offices are significantly larger than in Whitehall, and comprise personal appointees of the minister. The overall number of ministerial staff is now thought to stand at around 400, having grown significantly since this innovation began in the 1970s as an attempt by the government of the day to gain stronger leverage over the public service.¹⁷

This total figure includes staff fulfilling a variety of functions. A parliamentary research paper found in 2009 that a typical office of a cabinet minister included: ‘a senior adviser/chief of staff, a senior media adviser, three to five advisers, two assistant advisers, an executive assistant/office manager, and a secretary/ administrative assistant’. In addition, there would typically be ‘four to five electorate [constituency] staff’ in each minister’s office.¹⁸

Some ministerial staff are employed because of their political affiliation, but ‘a significant number have been public servants, brought into ministerial offices because of their expertise’, and are entitled to request a leave of absence from the public service during their time working for the minister.¹⁹ There are also departmental liaison officers seconded from the department into the ministerial office to help facilitate relations between the political team and the permanent officials.²⁰ The ministerial office is headed by a chief of staff, who may or may not have a partisan background.

¹⁵ Alasdair Murray, *An unstable house? Reconstructing the European Commission*, Centre for European Reform (2004), p.21. At:

www.cer.org.uk/sites/default/files/publications/attachments/pdf/2011/wp521_unstable_hse_comm-1509.pdf

¹⁶ Peterson, ‘Mission? Gestion?’, op cit p.4.

¹⁷ Kathy MacDermott, *Whatever happened to frank and fearless? The impact of new public management on the Australian Public Service*, ANU E-Press (2008), p.7. At:

http://epress.anu.edu.au/anzsog/frank_fearless/pdf/whole_book.pdf

¹⁸ Nicholas Horne, ‘The Members of Parliament (Staff) Act 1984 framework and employment issues’, Parliamentary Library Research Paper, April 2009, p.3, at: www.aph.gov.au/binaries/library/pubs/rp/2008-09/09rp26.pdf

¹⁹ Ian Holland, ‘Accountability of Ministerial Staff?’, Parliamentary Library Research Paper, No. 19, 2001–02, p.3. At: <http://bit.ly/WeuRco>

²⁰ The role of the Departmental Liaison Officer is described in *Defence*, Issue 3, 2012, at: www.defence.gov.au/defencemagazine/issue/3/articles/24.html

Australian ministerial offices, therefore, are not composed solely of partisan supporters of the government of the day. Indeed one former minister in Canberra told us how there were officials in his private office who, he knew, were supporters of the rival party, but that this was not an issue since they were professional public servants and treated as such. Effective ministers in Canberra recognise the value of advisers who know the system well and have strong networks within the public service.

Like special advisers in the UK, ministerial advisers in Australia are bound by a code of conduct, which specifies among other things that 'ministerial staff do not have the power to direct Australian Public Service (APS) employees in their own right and that APS employees are not subject to their direction'.²¹

An important difference with the UK is that ministerial staff (including public servants on leave of absence) are employed not as public servants but as parliamentary staff, under the Members of Parliament (Staff) Act 1984. This also provides for the provision of staff to the opposition (under a convention that the opposition receives 21% of the staffing allowance of the government).²²

Flexibility in the existing system

What these alternative models offer that Whitehall does not is a clear and transparent right for ministers to build their own team from within and outside government, and to bring in people they trust and are used to working with. They also allow for flexibility in the balance of political and official staff and for all members of the team to be integrated into a single structure. Other functions, such as communications support, also tend to be combined with the ministerial office to a greater extent than in the UK.

There is of course already some flexibility for British ministers to reshape their offices. A former minister who was also familiar with Brussels claimed that there is nothing so entrenched about private offices that could not be changed with political will. Others argued that the private office had already moved significantly away from its traditional form to become a semi-*cabinet* system, in particular since the rise of special advisers, but also due to other mechanisms used by ministers to build their offices in their own preferred fashion.

For instance, one interviewee described how Peter Mandelson had constructed his team at the Department for Business, Enterprise and Regulatory Reform after returning from Brussels in 2009. In addition to his special advisers, Mandelson brought in as temporary civil servants a speechwriter and press officer who had worked for him in Brussels. In addition, Roger Liddle, another former member of Mandelson's Brussels *cabinet*, was made chairman of an advisory panel, giving him status within the department. Finally, Mandelson's former *chef de cabinet*, Simon Fraser, subsequently became permanent secretary of the department.

Another commonly cited case of a semi-*cabinet* is Gordon Brown's Treasury, where he created a Council of Economic Advisers in 1997. This enabled him to employ additional trusted advisers (notably including Ed Miliband) in addition to his allocated number of special advisers. Brown's Treasury in the early Labour years was also notable for the (controversial) quantity of power wielded in the Chancellor's name by Ed Balls, his then special adviser, who effectively managed much of the department while Brown himself dealt directly with few civil servants.

In the current government there is further evidence of ministers shaping their offices and broader support arrangements in innovative ways. Recent reforms to the Department for Education organisational structure have led to the appointment of a new director of strategy, performance and

²¹ Code of Conduct for Ministerial Staff, November 2008, rule 11. At: www.apsc.gov.au/publications-and-media/current-circulars-and-advises/2008/circular-20087

²² Nicholas Horne, 'The Members of Parliament (Staff) Act 1984 framework and employment issues', op cit, p.11.

private office sitting above both the private office and new strategy and delivery units, in a bid to create a unified central machinery to help focus the department on the minister's priorities. In addition, outside of the core private office, four additional policy advisers seen as sympathetic to the ministers' policy agenda have also been employed as temporary civil servants, reporting to the director of strategy mentioned above.²³

Constraints of the current model

These examples illustrate that there are ways for ministers to expand the effective size and capacity of their personal support team. Yet the flexibility afforded by the system is not unlimited, and there are certain features of the private office system that do not vary.

One former PPS to a Secretary of State suggested that there are three intrinsic differences between a private office and a *cabinet*: private offices play no policy development role, they are constrained in how political they can be, and they work through official rather than political networks to get things done.

Another senior figure – who had served as a *chef de cabinet* in Brussels as well as in a private office in Whitehall – highlighted the much broader-ranging nature of the former role. He described his job in Brussels as being the alter ego of the Commissioner, negotiating and cutting deals across the Commission, even to the extent of deputising for his boss in meetings of the College of Commissioners (the unthinkable equivalent of a principal private secretary sitting in Cabinet).

So there are some things no private office can do. And even to the extent that a minister can shape their own private offices, it takes time and determination to do so. This means only powerful, long-serving ministers are likely to be able to make significant changes. This in turn is partly because there is a lack of clarity and transparency about how far ministers can go in reshaping their office – for instance in terms of their right to bring in external experts. The traditional private office also enjoys something of a mythical status, which may constrain innovation and serious thinking about how alternative models might work.

So how strong is the case for reform? And what would be the risks of changes such as expanding the size and resources of the private office, or relaxing the rules relating to direct ministerial appointment?

Competing perspectives

As table 1 (above) shows, private offices of cabinet ministers have just one senior civil servant – the PPS, usually at Grade 5 (deputy director) level. The relatively junior grade of most private office staff underlines the fact that private offices play a principally functional and administrative role. Even the PPS, according to one former incumbent, will find most of their time taken up by 'firefighting', as well as simply ensuring the smooth running of the machinery of the office and managing the constant flow of paper.

Several interviewees made the point that, for all their strengths, traditional private offices do not provide sufficient support to help the minister to develop a clear strategy and to keep on top of the department to ensure that this is turned into action. A former PPS argued that delivery failures in fact often occur because civil servants don't understand what ministers really want, and that private offices do not have the capacity to address this. Another former official spoke of miscommunication deriving from the different language spoken by ministers and civil servants.

²³ Elizabeth Truss, Answer to Written Parliamentary Question, House of Commons Hansard, 30 Oct 2012, Column 203W.

Others pointed to a capability gap deriving from the declining allure of private office service – for instance as greater emphasis is placed on operational experience as a prerequisite for promotion to the senior ranks. One insider criticised the tendency for private offices to be treated as a training ground, rather than an important professional function in its own right. The key question, according to a former permanent secretary, is therefore whether the Civil Service is prepared to invest sufficiently in this function.

So while explanations vary, there is a not uncommon view that private offices as currently configured do not provide sufficient support to secretaries of state in their role as departmental leaders, which requires them to monitor policy development and implementation, and also to challenge conventional wisdom emanating from the department. Special advisers can fill this gap to some extent, but they are few in number, and often lack detailed policy expertise and significant Whitehall experience.

A senior figure with extensive experience in both Whitehall and the Commission made this critique of the British system, arguing that what the British private office tends to lack is 'officials around the 40-mark' with serious experience in the policy area in question. Mandelson's *cabinet*, by contrast, had four such advisers who understood trade policy and, as former Commission officials themselves, were adept at navigating their way around the bureaucracy too.

A former British cabinet minister also argued in favour of a larger, *cabinet*-style private office, in which ministers are able to appoint a number of external experts in the policy area in question to help the minister monitor progress with policy implementation. Ministers, he argued, often have neither the time nor the right skillset to keep on top of complex delivery systems. A *cabinet* model, he argued, would 'give me the minister a much bigger reach', without moving to an American system where the senior civil service is itself politicised. An Australian minister similarly emphasised that in addition to support with managing the flow of information, effective ministers need support to prioritise and take big decisions, and to follow up and make sure that decisions have been followed through.

One defender of the traditional private office system conceded that what this model does not do well enough is to follow up on the delivery of objectives on behalf of the minister. But the risk of expanding the private office too far, he argued, was that you could end up with a 'sea of views' emanating from the minister's team, leading to confusion within the department about who really represented the ministerial position. The parallel drawn was with officials elsewhere in government communicating with Downing Street, and encountering competing advisers claiming to represent the Prime Minister's own view.²⁴

Such problems no doubt occur, but they would appear to reflect poor management rather than an inevitable weakness of a larger model of private office. In any case, away from the centre, it does appear that the greater problem at present is that ministers feel they have insufficient support rather than a surfeit of competing courtiers.

Relations between ministers and their departments

In the current context of so-called 'Whitehall Wars' any reform of private offices should aim to foster cooperative and trust-based relations between ministers and the Civil Service, while providing the minister with sufficient resource to ensure that the department is responsive to their priorities. This implies a ministerial office that may be larger than at present, but is not structurally separate from the rest of the department. It also does not imply the appointment of more special advisers of the

²⁴ A similar point is made by Martin Stanley, "Working with ministers", op cit, p.9. He advises officials dealing with No.10 Policy Unit: "don't automatically assume that any one individual in the unit is speaking on behalf of the unit, or on behalf of the Prime Minister."

traditional kind. Evidence from elsewhere illustrates the downsides of models that entrench the division between the political and administrative leadership of departments.

Observers of the French government and European Commission note that whatever other strengths these systems may have, there is a tendency for tensions to emerge between *cabinets* and the permanent *fonctionnaires*. As a result, ministers/commissioners can find themselves more isolated from their departments. One senior Whitehall figure therefore noted the potential irony that by expanding their private offices along these continental lines, ministers could in practice reduce their ability to get their departments working for them.

Emulating the French model – of large teams of personally-appointed advisers – might be particularly liable to trigger turf wars in Whitehall, to the detriment of government effectiveness. Importantly, the French system permits civil servants to have open political affiliations, and facilitates regular interchange between the Civil Service and political spheres. In Whitehall, by contrast, politics and administration are regarded as more fundamentally distinct domains, with the ministerial office therefore having to play a crucial role as conduit between the two.

The Brussels model of relatively small but powerful ministerial teams composed of a blend of public servants and political figures (and with a strong emphasis on bringing in serious policy expertise) is arguably closer to what one could imagine working in Whitehall. However, unlike in Whitehall, commissioners and their *cabinets* are based outside of their DG (department), reinforcing the independence of the permanent administration as well as the need for strong *cabinets* to control them.

Experience from Australia highlights these tradeoffs too. The expansion of ministerial offices in Canberra has not been without its controversies – critics speak of an ‘accountability black hole’ surrounding ministerial advisers,²⁵ and argue that ‘confusion has arisen about the respective roles and responsibilities of ministerial staff and public servants ... negatively affecting relations with departments and having adverse impacts on confidence, performance, and morale in the public service’.²⁶

But an ex-minister in Canberra we spoke to reported satisfaction with the system within the political class, arguing that the additional support frees up ministers to concentrate more on their political roles, while relying on trusted advisers to monitor progress with policy development and implementation by the public service. There is also a view in Australia that stronger ministerial offices help insulate the permanent officials from political pressures. A former Australian Public Service Commissioner has made this point, arguing that ‘ministerial advisors should, by taking a role themselves in providing political advice, reduce the likelihood that public servants will be asked by their ministers to do things that are verging on the political’.²⁷

Adopting the Australian system in full would nonetheless mark something of a constitutional departure, in the large increase in direct ministerial appointees it would imply, and the fact that private office staff would cease to be employed as civil servants at all. Also, as in Brussels, Australian ministers and their teams are physically located outside of the departments themselves, which reinforces the sense of separation between the two.

²⁵ Terry Moran, ‘Political staffers: an accountability black hole’, *Financial Review*, 26 September 2012. At: www.afr.com/p/opinion/political_staffers_an_accountability_SU0lgbDWNNbQxRc9fxxnpO

²⁶ ‘Ministerial Staff’, *Oxford Companion to Australian Politics*, extract reproduced at: <http://www.answers.com/topic/ministerial-staff>

²⁷ Lynelle Briggs, ‘A Passion for Policy’, Lecture presented 29 June 2005, pp.5-6. At: <http://epress.anu.edu.au/wp-content/uploads/2011/05/ch0158.pdf>

Notwithstanding current tensions in politico-administrative relationships in Whitehall, we would argue that good government in the UK (under present constitutional arrangements) rests on ministers being effectively embedded into their departments, and private offices play a central role in ensuring that. Any reforms must be cautious about creating a structural separation between secretary of state (plus their team) and the department at large.

But that does not mean that the current model is perfect. We do conclude that stronger support for secretaries of state (and other ministers) should be provided, in particular to give ministers a greater ability to access external expertise, and also to strengthen ministers' ability to monitor progress of their policy priorities, and to drive these forward when bureaucratic obstacles emerge. Expanded private offices must be filled with experienced, capable experts who enjoy the trust of their minister, but who retain their status as non-partisan civil servants. As one ex-Cabinet minister put it to us, 'what is needed is not more of the same special advisers, it's a different group of people who are able to provide mature advice and implementation ability'.

Access to external expertise

As we have noted, there is already some freedom to bring in additional external expertise, for instance to appoint policy advisers on temporary two-year contracts under a stated exception to the normal requirement for 'free and open competition'. The specific exception permits the appointment of 'individuals with highly specialised skills and experience for up to two years to allow highly specialised people to be brought in without a competition for a particular one-off job on the basis that such a process would be a mere formality'.²⁸

But it is somewhat unclear whether it is for ministers themselves to exercise this power – leading the current situation to be described as a 'fudge' by one government figure. The rules refer to the right of 'the department' to apply this exception to the rules, leaving open the possibility of disagreement between ministers and the senior management of the department over such appointments. Furthermore, for appointments under this rule above the level of deputy director, the explicit consent of the Civil Service Commission must be obtained.²⁹

There are of course good reasons for limitations on the power of ministers to appoint advisers outside of the normal appointments process. The meritocratic, politically impartial values of the British civil service demand this. But the problem with current ad hoc arrangements is their lack of transparency and, therefore, the absence of clear accountability for making such appointments.

Faced with this lack of clarity, departments design wheezes to bring external expertise into the department – such as by creating a policy review, an advisory committee or by appointing a so-called 'tsar' (the proliferation of which has been noted and criticised under both the Labour and coalition governments).³⁰ But, one former minister complained, such appointees may then end up with limited effectiveness, because, having not been recruited transparently to carry out a specific job in the department, they are seen as peripheral and not taken seriously by the permanent officials.

Ministers below cabinet level have even less ability to bring in additional support. Former Minister of State in the Home Office and Ministry of Justice, Nick Herbert, recently highlighted this issue: 'I would

²⁸ These rules are set out in: Civil Service Commission, 'Chairing Competitions: A guide to the approach of the Civil Service Commission', March 2012, pp.31-32, at: <http://civilservicecommission.independent.gov.uk/wp-content/uploads/2012/04/Chairing-Competitions-March-2012.pdf>

²⁹ Ibid.

³⁰ See Ruth Levitt & William Solesbury, 'New development: Policy tsars—Whitehall's expert advisers revealed', *Public Money & Management*, November 2012. At: www.kcl.ac.uk/sspp/departments/politiceconomy/research/tsarsreport/PMM-Jan-2013-online.pdf

certainly have benefited from having access to policy advisers who were working directly for me, so that I could interrogate the system better. It helps to fill the gaps that ministers might have in their own knowledge or expertise, but also to bolster the support around ministers.³¹ Additional support could also help the minister to find time for longer-term strategic thinking, and could free up the minister to focus on a few priorities, avoiding the pitfall of becoming a 'busy fool', which James Purnell and Sir Leigh Lewis suggest is a common form of ministerial failure.³²

Enhancing the ministerial office

Rather than treating the appointment of temporary advisers as an exceptional practice, and implicitly one to be avoided where possible, it would be more sensible to codify current practice, and create a clear and transparent right for each Secretary of State to request the appointment of a handful of expert advisers outside of ordinary civil service recruitment processes.

Expert advisers should have to pass through a merit-based assessment, to ensure they have the requisite skills for the role. This should not be a backdoor route for increasing the number of special advisers, appointed through pure ministerial patronage. Within the team of expert advisers in each department, one would expect to find a blend of skills including policy expertise, but also managerial and operational experience. They would be employed as civil servants to fulfil a specified role within the department, and would be subject to standard civil service restrictions on their political activity while in post. There should be sufficient flexibility around the remuneration package to attract high-calibre candidates from inside and outside Whitehall.

The role of these expert advisers would include advice to the minister on policy, strategy and implementation (drawing on the wider expertise of the department), as well as monitoring and driving progress with ministerial policy priorities. In this latter task they would work closely alongside private secretaries, who would as now be permanent officials, employed by the department to help manage the flow of information to and from the minister.

Expert advisers should be drawn from both inside and outside the system, as is the case in the other systems discussed (in Brussels, as noted, the requirement for balance between internal and external appointments is even formalised in a quota). For external candidates, there should be no presumption against individuals with a known party political background, so long as they can demonstrate the requisite expertise for the role in question. And internal candidates (serving civil servants) should have the right to transfer to an expert adviser post and to return to their original job (or an equivalent) once their time in the ministerial office ends. This right might be set out in the Civil Service Code, as is the case in Australia.³³

Joint appointments between secretary of state and permanent secretary

The effectiveness of these expert advisers will depend on their having a close and trusting relationship with the minister, and their ability to speak convincingly on the minister's behalf in

³¹ Nick Herbert MP, 'Future of the Civil Service', Oral evidence to House of Commons Public Administration Committee, 29 January 2013, Q222. At:

www.publications.parliament.uk/pa/cm201213/cmselect/cmpubadm/c664-iii/c664iii.pdf

³² Purnell & Lewis, *Leading a Government Department*, op cit, p.9.

³³ Australian Public Service Commission, *APS Values and Code of Conduct in practice*, 'Sect 1.2 Working with the Government and the Parliament', November 2009. The relevant section states that: "APS employees may apply to work in a Minister's office under the MoP(S) Act. While the person is employed under that Act they are on leave without pay from the APS. Working in a Minister's office is an opportunity to gain experience and should contribute positively to a person's career in the APS. Similar considerations apply when public servants work for Members and Senators including the Leader of the Opposition and shadow Ministers."

discussions with officials elsewhere in the department and across Whitehall. Therefore, although these expert advisers would not be political appointees, there would be an expectation of significant involvement in the selection process from the relevant minister.

In most cases the relevant minister would be the secretary of state. However, in the context of a coalition government, it would be sensible for secretaries of state to involve a minister from the other coalition party in the appointment of at least one expert adviser. In each case, the minister or ministers would be entitled to determine the job and person specification, and therefore to define precisely what role in the department each expert adviser would fill.

The appointment process would be agreed with the Civil Service Commission. This should include an explicit role for the minister, most obviously the right to select from a shortlist of 'above the line' or appointable candidates drawn up by the panel, rather than simply being presented with a single name to approve or veto as occurs with standard civil service appointments.

It would in fact be sensible to have an open and transparent recognition that these would be *joint* appointments by the secretary of state and the permanent secretary of the department, distinguishing them from both the standard civil service appointment process and the process used to appoint special advisers. This would create clarity and would codify what (in practice) often already happens with politically sensitive civil service appointments.

It could also allow for clearer accountability for such appointments. The department would be responsible for running a process (regulated by the Civil Service Commission) that successfully attracts and identifies candidates of an appropriate calibre. And the minister in question would be responsible for the ultimate appointment decision, as well as for defining the nature of the role that the candidate was recruited for – so they could be called to account by Parliament to explain why the existing resources of the department were not sufficient and what gap the successful candidate would fill.

A single integrated ministerial team managed by a chief of staff

The other systems discussed in this paper integrate policy advisers (including those with a party political background), secretariat staff, and other functions such as communications into a unified ministerial team under a single head. Indeed, one advocate of the *cabinet* system saw this as *the* crucial difference: 'What distinguishes a *cabinet* from just another group of advisers is that most *cabinets* tend to be formally headed by a senior individual who acts as co-ordinator or manager of the team.'

Although we are not arguing for a full *cabinet* system – in that we propose neither complete ministerial autonomy over appointments nor a stark separation between ministerial office and the rest of the department – we recognise the value of creating a more unified structure under a single manager. This would be a more effective way of coordinating the strengthened ministerial team that we are recommending. We therefore suggest that a single individual – perhaps with the title 'Director of Ministerial Support or Chief of Staff' – should be appointed with responsibility for co-ordinating the resources of the expanded ministerial office of expert advisers and private secretaries, as well as administrative staff.

As in Brussels, the chiefs of staff might come to play an important cross-government coordination role too, assisting in negotiating between competing ministerial positions in the run-up to cabinet committee and Cabinet meetings. The chief of staff would be line managed by the permanent secretary, who would retain overall responsibility for ensuring that the secretary of state is appropriately supported in their role.

Since this individual would have direct management responsibility for a number of civil servants as well as for managing the transition to a new secretary of state, we do not feel it would be appropriate, nor conducive to effective accountability, for this post to be filled by a purely political appointee. But as for the expert advisers discussed above, the chief of staff's credibility and authority would depend on having a close relationship with the secretary of state. The appointment process for this post should therefore be the same: a joint appointment by the secretary of state and the permanent secretary. There should be a merit-based recruitment process, with a shortlist of appointable candidates presented to the secretary of state, who would make the final decision.

This degree of ministerial involvement would create a system that is responsive to ministerial preferences without giving the secretary of state unfettered appointment power. Importantly, there should not be an expectation that this post would automatically and immediately change hands when there is a change of minister – indeed, as noted, part of the role of chief of staff would be to manage the handover to a new minister. However, it should be recognised that an incoming secretary of state would have the right to request a replacement, if they felt they could not work with the incumbent (as they can in practice already do with regard to their private secretaries). A similar expectation should apply to the expert advisers themselves.

Given the nature of the chief of staff role, the successful candidate would need to have significant executive experience. In practice, the assumption would be that this post would usually be filled by a senior civil servant, since few outsiders would have the requisite understanding of how Whitehall works. However, in rare circumstances, it might be possible to envisage an external candidate being appointed – for instance, a board secretary in a large company or a *chef de cabinet* in Brussels might have the appropriate skills.

The place of special advisers

In addition to the reforms set out above, cabinet ministers should retain their right to directly appoint one or two party political figures under the existing special adviser (SpAd) rules, though as the Institute for Government has previously argued, the development of more formalised induction, training and development processes for special advisers would be sensible.³⁴ Also, since the appointment of expert advisers would provide additional support for the minister in their role as departmental leader, the job of special adviser might be redefined more tightly around support for the minister in the party political elements of the job.

The code of conduct specifies that the line of accountability runs directly from special advisers through their ministers: 'The responsibility for the management and conduct of special advisers, including discipline, rests with the minister who made the appointment.'³⁵ However, due to lack of time or relevant skills, ministers are often poorly-placed to provide meaningful oversight to their advisers, let alone broader career development support.³⁶ Occasionally this can lead to improper behaviour by special advisers, but more frequently it simply leads to a lack of clarity about their role and status. One adviser in the coalition spoke of being 'in a bubble' and argued in favour of a 'flat' structure where advisers and the private office are treated as a single unit.

We do not advocate changing the formal position that responsibility for the performance and conduct of special advisers rests solely with the Secretary of State. So long as ministers have complete autonomy over the selection of their SpAds, they should remain accountable for their choices. There

³⁴ Gruhn and Slater, *Special Advisers and Ministerial Effectiveness*, op cit.

³⁵ Cabinet Office, 'Code of conduct for special advisers', June 2010. At: www.gov.uk/government/uploads/system/uploads/attachment_data/file/62451/special-advisers-code-of-conduct.pdf

³⁶ Gruhn & Slater, *Special Advisers and Ministerial Effectiveness*, op cit, p.15.

should therefore be no reporting line to the chief of staff. However, as part of their job supporting the Secretary of State on the organisation of the expanded ministerial office, the chief of staff could be expected to provide advice on how special advisers should best be utilised within the department, as well as informal support to the SpAds themselves on how best to carry out their roles.

A collective leadership team

Since the civil service is in the midst of a process of significant headcount reductions, reform of ministerial offices would ideally be carried out in such a way that avoids any net increase in staff. We therefore suggest that if secretaries of state wish to extend their access to expert advice along the lines we suggest, they should find ways of sharing resources between the members of the ministerial team to make efficiency savings elsewhere.

An obvious issue is the convention of having separate private offices for each minister in the department. This leads, according to one ex policy official, to inefficiency as each office receives, processes, prints and passes on the same papers, and as diary managers have to liaise with one another about each minister's availability for the same events.

This convention in large part flows from the lack of a united ministerial team. This is an issue in itself and should be addressed. Effective leadership of a department is not just about the secretary of state and his or her team. Junior ministers also play an important role in providing political direction to the department. Yet in practice the status of junior ministers in a department can vary according to the whim of the secretary of state. The guide for new ministers written by James Purnell and Sir Leigh Lewis strongly advises secretaries of state to build a coherent leadership team, with a clear definition of the roles and responsibilities of each minister and consistent efforts to work as a joint leadership team.³⁷ Similarly, the Institute for Government's previous study of ministerial effectiveness argued that 'the best secretaries of state trust other ministers, and delegate responsibilities to them' but that in practice 'politicians are not good at creating a team approach because they [junior ministers] are potential rivals'.³⁸

Building strong leadership teams is made more difficult by the fact that secretaries of state do not themselves select the junior ministers within their department. That is of course the prerogative of the Prime Minister (and, in the current coalition context, the Deputy Prime Minister). This constitutional position is unlikely to change. But as the Institute for Government has previously argued, it would be sensible for the Prime Minister, in the interests of government effectiveness, to wield his power of patronage with a view to the creation of cohesive ministerial teams. At the point of government formation and reshuffles, the Prime Minister would in an ideal world consult cabinet colleagues more systematically about who they would like in their team.³⁹ This in turn would allow for a rationalisation of the support provided to the ministerial team.

In cases where the physical layout of the department permits it, all ministerial private offices might also be co-located (as occurs in at least one department at present – the Department for Work and Pensions) to further strengthen the likelihood of collegiate leadership among the ministers.

³⁷ Purnell & Lewis, *Leading a Government Department*, op cit, p.10.

³⁸ Riddell, Gruhn & Carolan, *The Challenge of Being a Minister*, op cit, p.18.

³⁹ Akash Paun, *Shuffling the Pack: A brief guide to government reshuffles*, Institute for Government (2012), p.6. At: www.instituteforgovernment.org.uk/sites/default/files/publications/Shuffling%20the%20pack%20final.pdf

Concluding comments

Private offices as currently conceived have a number of great strengths: they help secretaries of state to draw on the policy expertise of the permanent officials and to take decisions accordingly, and they help to keep the department apprised of and focused on what the minister wants. The private office plays an important role in facilitating the transition between ministers, and is a source of important institutional memory. None of this should be cast aside carelessly.

We are therefore not persuaded that importing a full *cabinet* or Australian ministerial office model – where ministers have full autonomy to construct a large and more political team of personal advisers – would improve the functioning of government. Such a reform could worsen relationships between political leaders and officials by distancing the minister from the permanent civil servants in their department. It would also be undesirable if there were high turnover in the ministerial office at each reshuffle or change of administration.

However, we have concluded that support for ministers should be strengthened in ways that would continue the historical evolution of private offices. In particular, there should be a clearer, codified right for Secretaries of State to appoint a small number of expert advisers (from inside and outside Whitehall). This would help ministers to access alternative sources of expertise, to develop their strategies for reform, and to drive the implementation of their policy priorities through the department.

There is also a need, we conclude, to create a more united ministerial team out of various people working for the minister. A new post of ‘Director of Ministerial Support or Chief of Staff’ should be created with management responsibility for private secretaries and the new expert advisers. This senior figure would also act as a strategic adviser to the secretary of state.

We also suggest that effective leadership of departments requires the formation of strong teams of ministers, with clear roles and responsibilities for each. This already happens in some cases, but is largely dependent on the personal style of the Secretary of State. To facilitate closer working relationships between ministers, and also to deliver efficiency savings, departments should move towards pooled support functions to service all ministerial offices.

The job of minister comprises a number of quite distinct roles: in parliament, in the media, in their department, and as part of government as a whole. Ministers need support in all of these, but in practice, each individual minister will have different skillsets and also different conceptions of how they want to carry out their job. It would therefore be wrong to suggest that a single model of ministerial support will suit all situations. The discussion in this paper has analysed some common challenges, and put forward some reform ideas. It is our hope that they will encourage innovation in Whitehall and help ministers to think about how to redesign their own offices to best enable them to carry out their various roles more effectively.