Case Closed

Why the Cabinet Secretary is struggling so badly, and why it really matters

SAM FREEDMAN

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In the various long-running scandals that began under Boris Johnson, and continue to dog Rishi Sunak, there is a common theme: the involvement of Cabinet Secretary Simon Case.

Why did Sue Gray lead the internal inquiry into Partygate? Because Case had to recuse himself, having attended several of the parties. Who got embroiled in Richard Sharp's attempts to provide financial advice to Johnson, while in the running for the BBC chairmanship? Who failed to stop Liz Truss firing the Permanent Secretary at the Treasury, helping to trigger last year's economic meltdown? Who failed to intervene over Nadhim Zahawi becoming Chancellor despite knowing about an investigation into his tax affairs? Who pops up repeatedly in the leaked covid WhatsApp messages with a whole spate of inappropriate comments? Simon Case every time.

Now the Cabinet Office has got itself into a real mess over the Covid Inquiry. They established the Inquiry yet are now judicially reviewing it to avoid having to hand over documents. Experts think they will almost certainly lose the case. We can only speculate how they've found themselves in this sub-optimal position, given central government lawyers are usually pretty good as managing these issues, but I agree with David Allen Green that the

most likely explanation is "a muddle at a more senior level in the Cabinet Office". That's Case's responsibility too.

To be fair to Case he did arrive as Cabinet Secretary, in September 2020, during one of the most chaotic periods in its history, after his predecessor, Mark Sedwill, had been forced out. The pandemic was still going on, Dominic Cummings was terrorizing everyone in his vicinity, and Boris Johnson was blundering around handing out contradictory orders. Then he had to deal with the Liz Truss absurdity. It would have been difficult, perhaps impossible, for anyone to manage well.

Even so he has been hapless. I have been interviewing numerous ex-senior civil servants for my book and the unanimous contempt for Case is quite something. It's shared by the current cadre of permanent secretaries too. The general consensus is that he only has the post because Cummings considered him biddable. He doesn't have anywhere near the requisite experience, having never been a permanent secretary in any department. Despite that many were initially prepared to give him the benefit of the doubt, but as one former official said to me: "the way he's gone about means he's lost the room".

The main complaint is that he acts as a courtier within No. 10, rather than upholding the integrity of government. Instead of taking on politicians as and when necessary, he refrains from difficult conversations and offering advice they might not want to hear. This really matters. The Prime Minister of the day needs to hear those messages, or we end up with the omni-scandals of the past few years. But also because the Cabinet Secretary is head of the civil service.

In recent months there has been much discussion about the deterioration in the relationship between Ministers and officials. But less has been said about how the relationship between the civil service and its own leadership has collapsed. The two issues are closely connected. This is one reason why there has been an increase in formal complaints about Ministers, and more briefing to the press by officials. They have lost faith that Case and his top team will do anything to fix the problems.

The situation is more serious than is widely realised. A worrying number of the best officials have left in recent years, with those remaining becoming increasingly demotivated and demoralised. As several leavers have told me, their new offices are regularly visited by former colleagues seeking advice on how to get out ASAP.

The rest of this post looks at: how the role of the Cabinet Secretary has evolved over the years; how the troubles of today have been coming for a long time; how Case ended up in the job; and why him leaving wouldn't, by itself, resolve the problem.

Divided Loyalties

The Cabinet Office, and role of Cabinet Secretary, emerged during the First World War. When David Lloyd-George became Prime Minister in 1916 he wanted a proper centre of government that would allow rapid coordination of the war effort. Maurice Hankey, who was Secretary to the small and ad hoc Committee on Imperial Defence, convinced Lloyd-George that he needed a full time Cabinet Secretariat, and became it's first head. After the war the Foreign Office and Treasury moved quickly to kill off this interloping new institution, but

Hankey out-manoeuvred them, largely by making himself indispensable to a series of Prime Ministers.

From the start, then, the Cabinet Secretary had a dual role – they ran the Cabinet Office but they were also a senior adviser to the Prime Minister. This created an obvious tension. As Harold Wilson's adviser Bernard Donoughue wrote did "prime responsibility lay to the Cabinet as a collective whole, or personally to the Prime Minister"? Another tension was added in 1981 when the Cabinet Secretary also became head of the civil service – managing an institution of 450,000 people (the two roles had been sporadically joined in the past).

Balancing these competing parts of the job was always a challenge but was mostly manageable when Prime Ministers broadly adhered to the principles of cabinet government themselves. There was a succession of patrician Cabinet Secretaries who carefully prepped the next in line for the job. The role was never quite the equal of the Prime Minister but it was seen as independent. The prospect they might be fired by the political leadership never arose.

Things started to change under Margaret Thatcher, as she side-lined the rest of cabinet and increasingly directed the business of government herself with an handful of advisers. But her Cabinet Secretaries, Robert Armstrong and Robin Butler, largely managed to hold the balance, intervening when they felt her behaviour was inappropriate, and defending the civil service when necessary. They were the last of the old guard.

The arrival of Tony Blair in 1997 was the real turning point, as he wasn't interested in maintaining a charade around cabinet government, and was less deferential to historic norms. Butler and then Richard Wilson fought to hold the balance but at the heart of the problem was two incompatible approaches to government. Blair and his team wanted to run things like a business, not a collective. This was understandable given that they'd just spent five year watching John Major struggle ineffectually to resurrect cabinet government in a world of 24 hour news and rapid decision making. When Wilson reminded Blair that his job was to serve not just the Prime Minister but the Cabinet as a whole, Blair replied "we'll deal with them".

Blair's next Cabinet Secretary, from 2002, Andrew Turnbull, also struggled, and often found himself out of the loop. Gus O'Donnell who arrived in 2005 from the Treasury, had more success. The role was in effect split in 2007 when Jeremy Heywood took up a a new position as Permanent Secretary of Number 10. The two men, who had known each other well for years, and travelled in every morning from south London in the same car, had a strong enough relationship to make this work. O'Donnell gave real leadership to the civil service and strengthened the Cabinet Office, while Heywood was the Prime Ministerial fixer par excellence.

After O'Donnell left, though, at the end of 2011, the fragile equilibrium was lost for good. Heywood stepped up to Cabinet Secretary but, being fully aware of his strengths and limitations, formalised the de facto split that had taken place under O'Donnell. Except the other way round, so the fixer role became the top job. Bob Kerslake, who had been running the local government department, was brought in to head the civil service, and a separate Permanent Secretary role was created to lead the Cabinet Office.

While this acknowledged that the job could no longer be done in its traditional form it also fundamentally changed the role of the Cabinet Secretary. There was no longer any pretence

that the purpose was the smooth running of collective cabinet government. Heywood was the Prime Minister's man. Kerslake struggled to lead the civil service without the authority of the Cabinet Secretary title and left in 2014. Heywood nominally took the role back, but continued to focus, primarily, on supporting the Prime Minister, as he had been doing for years.

So when Heywood died of cancer in 2018, after heroically staying in the job for longer than was wise, his replacement was seen as a Prime Ministerial appointment for a senior adviser above anything else. This despite the fact the role was still supposed to be leading the civil service as a whole.

Losing Control

Heywood was replaced by Mark Sedwill, a career diplomat who had recently become the National Security Adviser (NSA). There was no competition for the role, with Theresa May's government in turmoil and needing someone to fill the gap straight away. He had been May's permanent secretary at the Home Office and so she was comfortable with him. But difficulites quickly arose. For a start Sedwill retained the NSA role, spreading himself even more thinly across yet another job with very different objectives.

He was also the first Cabinet Secretary since Hankey not to have spent any time in the Treasury. As May's relationship with her Chancellor Philip Hammond was extremely poor by this point, this was a big problem. Heywood and O'Donnell, having spent much of their careers at the Treasury had been able to manage the tensions between Blair and Gordon Brown (and then between Brown and Alistair Darling, which were arguably worse) in a way Sedwill could not replicate.

An even bigger problem was that the role of Cabinet Secretary was now tied too closely to the Prime Minister of the day. Sedwill was seen as an enabler of May rather than a balancer. As her reputation in the Tory party sank through the months of the Brexit deal drama, so did his. The Brexiteers backers of a Johnson leadership were briefing against him. The role had been irredeemably politicised.

Johnson was, therefore, suspicious of Sedwill from the start, and Cummings quickly fell out with him. This was especially true on matters of intelligence and foreign policy, where Cummings' idiosyncratic views were out of step with the general Whitehall approach. When the pandemic hit Sedwill struggled badly, essentially losing control during the early weeks of chaos. Those who were with him in the Cabinet Office at the time remember wishing for Heywood to magically reappear and impose some order.

This gave Cummings the opportunity to strike and he continued to brief against Sedwill while Johnson, in his usual manner, went back and forth on whether he agreed with his adviser or not. Eventually Sedwill quit, knowing that he would be pushed out sooner or later. He was the first Cabinet Secretary to be forced out against his will, well before retirement age. A new, and deeply unhappy, precedent had been set that completely changed the balance of power between his role and the Prime Minister's.

So when the search began for a replacement, for the first time ever lots of potential candidates refused to apply. Unusually it was opened up to applicants outside current officialdom, but all turned it down. As one who was approached said to me "I just wasn't prepared to work for a bunch of unethical people". A small number of existing permanent

secretaries did put their name forward but none were acceptable to Cummings or Johnson (or in the case of Antonia Romeo, Permanent Secretary at international trade at the time, Carrie Johnson).

From the start of the process Cummings had been pushing Case, who had recently joined Number 10 in a senior role to help with the pandemic. As one aide told Anthony Seldon: "Simon was very clearly not the choice of Boris. Dom decided that we needed someone he could work with to bring about changes to the civil service. Simon indicated he was happy to sign up to it." There was a discussion as to whether it made sense for someone who had never managed a department to be head of the civil service, and consideration of splitting the jobs again, but Case argued for keeping both roles.

In practice, though, he has, like his two predecessors, focused on advising and supporting the Prime Minister. The civil service as an institution has been left leaderless. When Johnson's first adviser on ministerial standards, Alex Allan, concluded that Priti Patel had bullied a permanent secretary to the point where he quit, the Prime Minister simply ignored his advice. Allan resigned. Previous Cabinet Secretaries would have fought this decision, as it severely undermined the senior civil service. Case does not appear to have done so. He has left multiple issues of integrity alone in order to keep the support of the Prime Minister, whether Johnson, Truss or Sunak.

No doubt inexperience and character matter here. But this behaviour is also the endpoint of a long-term erosion in the balance of the Cabinet Secretary role: between representing the cabinet and civil service versus being an aide to the Prime Minister. This was symbolised by Case taking a desk in Number 10, rather than on the other side of the connecting door to the Cabinet Office. The wonderfully named Burke Trend, who was Cabinet Secretary in the 60s and 70s, emphasised the importance of this balance in doing the job well: "The Cabinet Secretary is not the Prime Minister's exclusive servant…there has to be a central official that the machine can come around…He has to be a bit more detached". In a world where cabinet government no longer meaningfully exists, this is probably no longer possible. Which leaves the rest of Whitehall defenceless and looking for other routes to raise their concerns.

Replacing Case

There have been numerous reports that Case will not survive in post much longer. My guess is that, barring yet more scandal, he will probably stay until after the election given it's now quite close and Sunak is unlikely to welcome the distraction of a new appointment. It's hard to see that he'd stay long afterwards, especially if Labour win, given Sue Gray will be Starmer's Chief of Staff and her relationship with Case is not warm.

The current pool of Permanent Secretaries is unusually inexperienced following both resignations and firings during the Johnson and Truss eras. But there are certainly candidates better placed to the do the job than Case. Many of the more able possibilities are women – like Tamara Finklestein at Defra or Sarah Healey at local government – which might be worth a try after thirteen consecutive men. Outside candidates too would no doubt be more interested in working with Starmer than they were with Johnson. Gray will presumably be influential in any choice having spent many years in a senior Cabinet Office job (she will be the first special adviser to have done so).

But whoever gets it will struggle, however able they are, unless the role itself is reconsidered. As ever in British politics reality has outrun institutional inertia. Cabinet government is long gone yet we have a centre of government designed around that principle. The detachment required for a Cabinet Secretary to lead the civil service and stand up to an overmighty Prime Minister is no longer there. But no one else can do it.

There are several different institutional approaches that could be taken to resolving the situation. Starmer, assuming it's him, could finally do what Blair wanted and create a proper Prime Minister's department that provided enough institutional capacity to free up the Cabinet Secretary to act more like a leader than a fixer. Or the role could be split again, except with the head of the civil service being made the more senior job. There are other possibilities.

Either way, though, it is a critical question for Starmer. It will not be intuitively attractive to build the post of Cabinet Secretary back up to one that can provide real challenge to him. But if he doesn't, and the civil service continues to lack leadership, then he will find it hard to achieve much. Political coverage tends to focus on politicians and their ideas, or lack of them, but nothing happens without state capacity. And it is draining away fast.

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