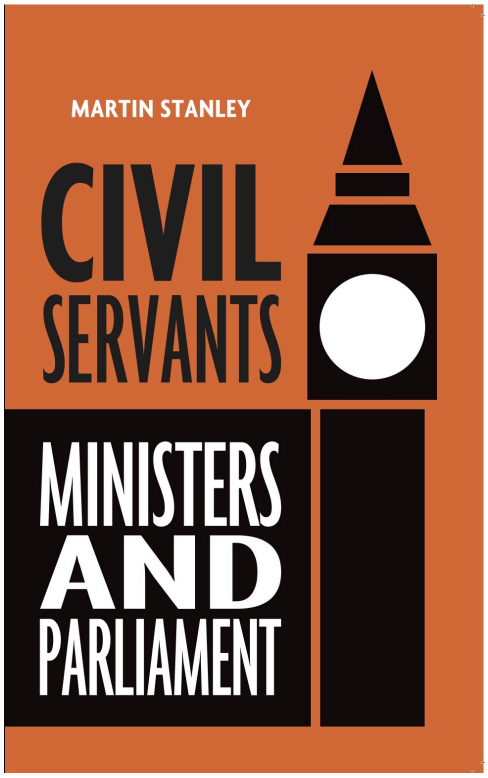

Chapter 3 - Political Impartiality

The Civil Service Code says the following on the need for political impartiality:

You must:

- serve the Government, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
- act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government; and
- comply with any restrictions that have been laid down on your political activities.

You must not:

- act in a way that is determined by party political considerations, or
- use official resources for party political purposes; or
- allow your personal political views to determine any advice you give or your actions.

The rest of this chapter explains what this means. Its contents are:

3.1 What does Political Impartiality Mean?

Here are the most obvious consequences:

- You may not publicly defend the decisions and views of your Ministers (as distinct from explaining them), including in the social and other media, or by writing to newspapers.
- You must even avoid saying or writing anything which could be quoted as demonstrating that you personally (or your colleagues) either agree or disagree with Ministers' decisions.
- You may not disclose the advice that you have given to Ministers.
  but on the other hand:
- You must explain and implement your Minister's policies with real commitment, whatever your personal views.

For the avoidance of doubt, you are expected to take politics into account when giving private advice to Ministers, and you are expected to help Ministers defend their policies, once they have made their decisions, even if you don't agree with them.

Here is some useful advice from experienced officials:-

Jill Rutter first:-

> 'If you can't work on a policy you disagree with, don't join the civil service! ... if you can't work on a policy you didn't vote for, then lots of other careers are available'.

Former Minister George Eustice pointed out that civil service impartiality is totally different to, for instance, the BBC's impartiality. Put bluntly, like the armed forces, the civil service supports the government, right or wrong.

Permanent Secretary Martin Donnelly, in a speech at the Institute for Government in June 2014, defined political impartiality in this way:

> [Civil servants must] not do for one Minister what would not be done for another of a different party ... in the same situation. ... Providing a convincing defence of government policy should be a core Whitehall skill; rubbishing the Opposition is not the function of permanent officials.

I also like this *Civil Service World* summary of comments made in late 2019 by ex-Cabinet Secretary Gus O'Donnell:

Using the example of rugby referee Nigel Owens, Lord O'Donnell made clear that "the job of the civil servant is to be impartial, but not neutral", which is an important distinction. While a referee would not "take sides", it is also "massively important that they are absolutely firm about the way the rules are conducted". In a similar vein, while civil servants "are of course politically impartial," they also "need to take sides on policy issues". "Our job is to apply honesty and objectivity to come up with clear policy recommendations," he added.

But why is this impartiality so important? According to Lord O'Donnell, there are seven key reasons:

- Impartiality allows for continuity across changes of administration.
- Impartiality is a bastion against confirmation bias.
- Impartiality builds mutual trust between civil servants and Ministers, which is vital if they are to work effectively together.
- Impartiality enables the civil service to build long-terms relationships with businesses, trade unions, the monarchy, the judiciary and other institutions.
- Many civil servants operate in delivery bodies, so if their senior personnel were to change every time there's a change of administration, it would damage their effectiveness.
- Impartiality makes the civil service a much more attractive career.
- Impartiality leads to better decisions, as it ensures Ministers are surrounded with people who are not necessarily yes men and women.

Incoming Ministers are, of course, likely to be somewhat wary of the 'continuity' argument if they want to oversee a dramatic change of policy direction. But many a novice Cabinet Minister has rued the 'brave' decisions that they took (against advice) in their first two to three months in a job. Their more experienced colleagues generally advise against replacing Permanent and Principal Private Secretaries until the Cabinet Minister has settled into the job. And (contrary to rumour) Cabinet Secretaries do not offer to resign when a new Prime Minister arrives. Their experience and familiarity with key players is initially invaluable, at least until the new PM has found their feet.

3.2 Practical Advice

It can be very hard to remain impartial, for it can make you seem quite unenthusiastic about your Minister's policies. It can be even harder when a Minister or Special Adviser does not share your view of the border between explaining and promoting a Minister's policy and party politics. As discussed in Chapter 2.3, it is particularly important that civil servants should never write or say things which they know or suspect to be untrue. If under pressure to say something which may not be true, experienced officials, including comms teams, often default to saying that 'The government [or Minister X] believes that ...' which can be followed by any old nonsense.

It can be even more difficult if you strongly support – or strongly object to – decisions that have been made, or might be made, by Ministers. It is not always possible to hide those views from colleagues, and it is sometimes difficult to hide them from those outside the Government with whom you come into frequent contact. But it is absolutely essential that you give no sign that you oppose the principles and underlying thrust of the Government's policies, nor must you suggest that you do not respect your Minister.

It can be tricky to follow the above advice where minor decisions are concerned. ('Of course I will try to get him to open your conference. It's an important occasion'). But you will learn from bitter experience that the advice is sensible, for it is embarrassing all round when the Minister refuses to do what you suggest. There is, I am afraid, no alternative to sounding rather pathetic and merely promising that the case will be put to the Minister, adding that you cannot predict the result. Quite simply, it should never be possible for anyone to be able to criticise Ministers for failing to take your advice. And it is even more important that incoming Ministers should be unaware of the extent or otherwise of your personal support for their predecessors' policies.

Equally, you may not be asked to engage in activities which call into question your political impartiality, or which give rise to criticism that people paid from public funds are being used for party political purposes. So:-

- You may not help draft 'Dear Colleague' letters unless they are to be sent to all MPs.
- You are allowed to provide Ministers with facts which might be used in political speeches etc., and you are allowed to check Ministers' political speeches for factual accuracy.
- You are also allowed to comment on the analysis, costings and proposals contained in documents produced by political organisations, including the Opposition, but you must not draft Ministers' responses to such documents.
- You may not brief an MP (including from the Government party) or agree that an MP may visit a Government office etc. without Ministerial approval. Ministers will usually agree to factual or uncontroversial briefings and visits, but they sometimes want to get involved themselves, in which case any meeting or visit has to be arranged at a time convenient for both the Minister and the MP.

Former Minister Nick Harvey offered this advice:

> 'One way that some submissions could be improved would be to ensure that those writing briefs stand back and think about putting their advice into a political context. Sometimes the advice strives so hard to be objective that it becomes unworldly. I was not looking for politically biased advice but I did want advice that was politically aware: political neutrality was fine, but political naivety was unhelpful.'

3.3 Is it Difficult to be Impartial?

Michael Heseltine thought that officials usually had a good sense of where the dividing line lay:

> As a Minister, I found that the civil service was more than capable at making a judgement about what crossed the line of impartiality and into party political activity. There were two occasions in which a civil servant said to me "I think Secretary of State that's more Central Office than it is for us", and they were quite right and I respected that. I cannot think of any example where any corrupt proposal crossed my desk. That is quite a statement given my history. I can think of only one occasion when anyone tried to draw my attention to a party-political interest which might be benefited by a decision I was going to take. I took the opposite decision.

Rather further back in history, Claire Tomalin tells this nice tale in her biography of Samuel Pepys:

> Pepys knew perfectly well [that the war] had been badly managed, but he was bound to defend the Navy Office; and, in making the case for the defence, he was effectively defending the king and his policy also, which he had deplored in private so often. He carried out his difficult task with admirable skill. He was not required to be sincere.

Barbara Hosking, in *Exceeding My Brief*, recounts how she had been a Labour Councillor in Islington and had worked for the Labour Party in Transport House before working very closely effectively for both Labour's Harold Wilson and Conservative Ted Heath in 10 Downing Street. She also quotes the example of an ex-Army Information Officer 'who was extremely right wing, anti-union, anti-Semitic, a horror. His Minister was [hard left] Tony Benn and he worked flat out for him.'

It is worth mentioning, however, that it civil servants find it easier to maintain impartiality when the electoral pendulum swings regularly between major parties, but it is harder if one party becomes dominant. This appeared to become a problem when successive SNP governments were in power in Scotland in the early 2000s.

It may also become a problem if and when an avowedly populist and/or authoritarian government were to be elected.

3.4 Serial Monogamists?

Because civil servants are not totally impartial when serving the Government of the day, they are often characterised as 'serial monogamists'. Parties in government are always better served than parties out of government. The civil service advises Ministers on how best to present their policies, helps them avoid or respond to attacks, and (under the Osmotherly Rules - see Chapter 1.4) they can provide only limited information to Select Committees.

Almost inevitably, too, civil servants become reconciled to and often supportive of policies of Governments that are in power for several years. Privatisation might have been one such policy. So there is bound to be the sound of tyres squealing if the government machine has to quickly change direction on the arrival of a new Prime Minister. It is nevertheless quite surprising how quickly officials can adapt to the quite different policies of an incoming Government, and then work very effectively to promote, defend and implement them. Many of them, indeed, enjoy the associated intellectual and practical challenges.

There is, to my mind, a bigger problem in that certain departments develop long term policy preferences which are hard to shift. The Department of Transport tends to be pro-roads; the Home Office used to have a liberal culture - but that may have disappeared; the Foreign Office likes foreigners; the Ministry of Agriculture is pro-farmer; the Department for Industry/Business generally favours intervention and manufacturing; the Department for Trade favours free trade; the Ministry of Defence loves Trident; and so on. These accusations may be unfair, but there is probably a kernel of truth in each of them. And incoming Ministers find that they, too, quickly become sympathetic to the claims and lobbying of the departments' client groups.

There also appears to be a growing problem of officials using social media to express their support for (and therefore their loyalty to) Ministers' policies. This is discussed further below.

But, as you read the rest of this chapter, try not to get excessively depressed when you encounter examples of civil servants becoming slightly too political. Here is some sensible advice from Dan Corry[1]:

> How much does the impartiality of the civil service matter in any case? I think it does matter as it ensures political policy makers get the best advice they can and should have, not advice trying to second guess what they want anyway; makes transitions from Minister to Minister and party to party much easier; and forces Ministers to at least confront information and advice that may not go with their prejudices.
>
> But in truth I find it hard to argue that there were key moments where this "impartiality" was crucial to the decision making I was involved in. It was most powerful where Ministers or departments were arguing over something and an honest broker was helpful. This was true for instance in the fierce arguments around the case for making the planning regime for major infrastructure projects more streamlined, where Cabinet Office held the ring well. But maybe it is good analysis and the weighing up of the options that is as important as impartiality per se. Interestingly, rational officials did not always want to head for the safe ground of pure impartiality either: sometimes they used to ask me where I thought the Secretary of State was heading as they did not want to waste hundreds of hours producing advice that was not wanted.

3.5 Political Activity

The extent to which you are allowed to be politically active depends mainly on your seniority and closeness to Ministers.

3.5.1 Senior Officials

Senior officials such as members of the Senior Civil service, and probably also Private Office staff, are not allowed to be politically active and should not, in my view, belong to a political party, even if their membership is not public knowledge.

There have been examples of officials realising that they have developed such strong political views and/or such strong attachment to a politician boss that they cannot remain in an apolitical profession. Two that come to mind are Charles Powell who was very close to Margaret Thatcher, and Andrew Lansley who eventually became a prominent politician and Health Secretary.

I am not aware of any post-war examples of senior UK civil servants being disciplined for undertaking political activities. The simple reason is that they are almost all concentrated in London and so any such activity would immediately be detected and stopped - so nobody does it, even if they want to. In addition, of course, almost all senior officials are perfectly happy being apolitical and have no wish to undertake political activities.

There have, over the years, been a few examples of individual officials who have appeared too free with their views on policy issues and/or over enthusiastic in their defence of government

[1] This is an extract from Dan Corry's chapter in 'impartiality matters'. It is well worth reading the whole chapter, here:- https://www.civilservant.org.uk/library/2019-Smith_Institute-impartiality_matters.pdf.

policies, but not enough to suggest a serious problem. There is a more detailed commentary and list on my website[2].

There is, however, a rather different problem in that the Johnson Government appears to have encouraged or even pressurised officials to say positive and helpful things and/or communicate misleading information. This is discussed in more detail in section 3.6 below.

3.5.2 Middle-Ranking and Junior Officials ...

... are allowed to be politically active, as long as they act with some discretion. They can join political parties, campaign locally and write to their MP, making political points, just as anyone else can. But they shouldn't refer to their employment as a civil servant.

It would be best, however, to seek departmental approval for seeking election as a District Councillor, for instance. I would expect approval to be given in most cases but an Environment Department official might (again for instance) be refused permission to seek local election on behalf of the Greens.

Here are a couple of examples of officials whose political activities were incompatible with their civil service employment:

> Dominic Shaw, a Dept for Education economist, was dismissed in 2023. It was reported that he was Secretary of the London branch of the Young Fabians and Vice President of the Young European Movement.
>
> UKIP politician Paula Walters was held to have been fairly dismissed in 2019 after tweeting, for instance, that she could not "tell the difference between a migrant and a terrorist". An Employment Tribunal found that "The claimant's belief that she should be able to say anything about anyone is not worthy of respect in a democratic society. Her belief put her in inevitable conflict with the fundamental rights of others, rights protected under the Equality Act 2010".

3.5.3 Petitions

Signing a petition is unlikely to cause anyone to question your impartiality, but senior officials should be cautious. You don't want anyone to be able to point out that 'Minister X's close adviser doesn't agree with the government's policy'. I would also advise against signing a petition on a subject where you or a colleague might be asked to give policy advice. So I don't think Department of Transport officials, for instance, should sign petitions objecting to HS2.

3.6 Communications and Social Media[3]

Senior officials have a somewhat higher profile nowadays than they did in the past, particularly when they are asked to lead regulatory and other non-departmental bodies. Departments, and sometimes individual officials, are also more active on social media. Information officers, Permanent Secretaries and others consequently

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[2] https://www.civilservant.org.uk/library/civil_servants_speaking_out.pdf

[3] For more general advice on effective communication see https://www.civilservant.org.uk/skills-effective_communication.html

come under some pressure from Ministers and Spads to say positive and helpful things. This is fine, up to a point, but the rules on political impartiality still apply and it is important that they are followed.

> (As an aside, the Chief Medical Officer occupies a post which is to a great extent independent of Ministers. The CMO is therefore allowed to indicate that they are not entirely comfortable with government policies, as Dr Chris Whitty did during the Covid pandemic.)

It is necessary to distinguish the activities of comms teams and individual media officers from comments and tweets by named officials.

Put shortly, comms teams are allowed to promote and applaud Government policies. Inconvenient facts and opposing arguments can be ignored as long as the overall message is not misleading. (And a press notice that is highly selective in its 'facts' and 'examples', or which blatantly ignores obvious questions, will anyway be seen by many as propaganda and therefore ineffective.)

It is, on the other hand, entirely inappropriate for an individual official (outside a comms team) to applaud a government policy as they might shortly be working for a Minister who had a contrary view.

Guidance for comms teams[4] is accordingly carefully drafted:-

> The communication:
>
> - should be relevant to government responsibilities
> - should be objective and explanatory, not biased or polemical
> - should not be – or liable to be – misrepresented as being party political
> - should be conducted in an economic and appropriate way
> - should be able to justify the costs as expenditure of public funds
>
> To work effectively, media officers must establish their impartiality and neutrality with the news media, and ensure that they deal with all news media even-handedly. Central to the media officer's specific role is the responsibility to help the public – by helping journalists – to understand the policies of the government of the day.
>
> *Do*
>
> - Present, describe and justify the thinking behind the policies of the Minister
> - Be ready to promote the policies of the department and the Government as a whole
> - Make as positive a case as the facts warrant

[4] Government Communication Service Propriety Guidance

- Speak on the record as a departmental spokesperson wherever possible, and avoid unattributed quotes
- Insist that all political aspects are handled by the party political press office or special adviser
- Feel free to discuss any aspect of propriety with your Head of News and Director of Communications.

Don't

- Justify or defend policies in party political terms
- Expressly advance any policy as belonging to a particular political party
- Directly attack the policies and opinions of opposition parties and groups (although, on occasion, it may be necessary to respond in specific terms)
- Oversell policies, re-announce achievements or investments and claim them as new or otherwise attempt to mislead the public.

On a day-to-day basis, media officers should take particular care when handling:

- Decisions taken by Ministers fulfilling their statutory responsibilities which directly affect individuals or groups. These must be handled with particular care, to secure an impartial and objective presentation of the case that avoids inaccuracy, inconsistency or bias
- Ministerial speeches or statements
- Ministers using the Press Office to ensure that their policy and actions are explained and presented in a positive light. Ministers can do this, but care must be taken that any press activity is designed to further government objectives.

Despite this pretty clear advice, there is equally clear evidence, summarised below, that increasing abuse of official communications is a problem which needs to be addressed. The following paragraphs consider some contentious areas and examples beginning, inevitably, with ...

3.6.1 Tweets

The increasing use of Twitter/X from around 2020, and the increasingly febrile political atmosphere caused by Brexit and the COVID-19 pandemic, meant that departments' communications teams came under pressure to publish misleading information via social media, and in particular via Twitter. Each incident was minor itself but one example was a tweet in October 2020 in which the Department for International Trade claimed that a trade deal with Japan had reduced the price of soya (sic) sauce.

The IfG's Alex Thomas summarised the problem very well in a blog which I repeat below. His main point, though, was that Ministers 'need the media and the public to trust what the government is saying, especially during a pandemic when effective and honest communication is the most important weapon the government has against the disease. That is not worth sacrificing for any fleeting media hit.'

Alex Thomas' Blog

> The civil servant responsible for the Department for International Trade's Twitter account might in future pause before mixing baking and government messaging. As

many trade experts rapidly pointed out, the department's claim on Twitter, sent out during an episode of *The Great British Bake Off*, that soy sauce "will be made cheaper thanks to our trade deal with Japan" was not accurate. The following day, DIT issued a convoluted clarification that it "will be cheaper than it otherwise would be under WTO terms, on which we would be trading with Japan from 1 Jan if we had not secured the UK-Japan trade deal".

The soya social media flurry was a trivial incident in itself, but it was the latest in a line of misleading messages from departmental twitter accounts. In August Matthew Rycroft, the permanent secretary at the Home Office, publicly accepted that the description of "activist lawyers" who were trying to "delay and disrupt returns" of migrants should not have been tweeted from the Home Office account. The Northern Ireland Office, meanwhile, continues to maintain its assertion that "there will be no border in the Irish Sea between GB & NI", convincing no-one of anything except an ability to dance on semantic pinheads, and despite officials on both sides of the Irish Sea working hard to implement an array of the checks necessary to cross what becomes a trade border between GB and the EU.

This increasing abuse of official communications is a problem which needs to be addressed.

Civil service and special adviser codes require honest communication

These accounts are funded by the taxpayer for the purpose of informing the public – not misleading them. The civil service code requires civil servants to "set out the facts and relevant issues truthfully" and not to "deceive or knowingly mislead Ministers, Parliament or others" – and that applies to their special adviser colleagues as well. The professional standards for communications specialists are even more explicit, requiring messages to be "objective and explanatory, not biased or polemical". If government cannot meet these standards when trying to do fast paced communication, it needs to hold off, not lower the standards.

It is the art of government press officers to simplify complex policies and concepts into material that is more easily accessed by the media and public. There is no bar to those messages presenting the government's plans positively, indeed a lot of effort goes into finding the best way of presenting material to put the government in the best light. But there is a world of difference between a legitimate gloss and deliberately misleading the public. Communications directors and their permanent secretaries need to police that boundary in all our interests.

Government needs to ensure its sign off processes prevent misleading messages

Formal public government statements or quotes are almost always written by committee, with at least three contributors: a policy expert, a press officer and a Minister (or more often a special adviser delegated to act on the Minister's behalf). In general, the more controversial or novel the issue, the more senior the clearance required. This can be clunky and results in frantic late night email chains when an unexpected story breaks, but it gives the government a good chance to ensure that messages are accurate, intelligible and in line with its political and wider policy approach.

> Something seems to be going wrong with this protocol. Perhaps it is the speed of social media and the desire of civil service communications teams to be pacy, informal and relevant that means checks are getting missed. Or perhaps it is a more conscious attempt by Ministers and their advisers to test the boundaries, stir up controversies and turn official government outlets into campaigning tools.
>
> Either way, it is permanent secretaries, as the most senior civil servants in their departments and the guardians of their teams' propriety and ethics standards, who need to enforce a sign off process, even for seemingly innocuous tweets about condiments.
>
> **Government will be less effective if it is seen as serially untrustworthy**
>
> This government has decided to centralise its communications. In theory this is a perfect opportunity to enforce a streamlined but authoritative accuracy and propriety check. More likely it will mean official messaging being further removed from the policy experts, and nearer to a No.10 communications operation that has not stood out for its reverence for the facts.
>
> It is in Ministers' own interest to act to keep this tendency in check. They need the media and the public to trust what the government is saying, especially during a pandemic when effective and honest communication is the most important weapon the government has against the disease. That is not worth sacrificing for any fleeting media hit.

Here are some other examples of problem tweets:

The Foreign Office Twitter feed said this in January 2022:

> 'The Northern Ireland Protocol was designed to protect the peace process and respect all communities in Northern Ireland. It is doing the opposite."

This may have been a quote from a speech by Foreign Secretary Liz Truss in which case this should have been made clear. Without such an explanation, I think that this tweet was on the wrong side of the line.

Even more blatantly, Prime Minister Johnson's official Twitter feed, reporting on a visit to Batley, urged readers to vote for Conservative candidate Ryan Stephenson in a forthcoming elections. This was so wrong that I fail to see how it got published. Equally, I was surprised to see the same Twitter account on 11 February 2022 celebrating the anniversary of Mrs Thatcher's election as leader of the Conservative Party (#IronLady !). In fairness, however, the vast majority of the Johnson tweets fell within the boundary of what is allowed.

Senior officials, too, are sometimes too keen to suck up to Ministers. One Head of the Civil Service & Cabinet Secretary sent out tweets drawing attention to 'good news' such as low unemployment rates, "tough new measures to tackle tax avoidance, evasion and non-compliance" and the:

> "historic visit of Saudi Crown Prince Mohammed bin Salman to UK which secures $100bn of long term mutual investment, drawing on UK world leading expertise in health, education, finance."

If there was any bad news, it didn't feature in his Twitter feed, and his media activity would surely have made for some 'interesting' conversations with a new Prime Minister.

Here is a slightly different example from the same source:

> "Great speech from Matt Hancock on building a smarter, nimbler more responsive & accessible state"

What a nice thing to say! The Minister - Matt Hancock - was, after all, talking about building a better government machine and could reasonably expect officials to welcome it. But what if his speech had included plans which the Cabinet Secretary had previously opposed? Would he have declined to issue supportive comment, and would the absence of such comment draw attention to the rift between Minister and officials? It would be better, I think, to issue factual press releases summarising what Ministers are aiming to achieve, rather than expect senior officials to praise every Ministerial pronouncement or - even worse - just some of them.

3.6.2 Official Photographs

Several Ministers, beginning with Prime Minister Cameron and including several in the Johnson government (including Mr Johnson himself, Chancellor Rishi Sunak and Foreign Secretary Liz Truss) persuaded their officials to employ 'vanity snappers' on the public payroll. More than 700 photos of Ms Truss had been uploaded to the Government's official account on photo-sharing platform Flickr during her first five months as Foreign Secretary. It was also reported that the MoD arranged for one of their planes to fly a 1200km round trip to take part in a Prime Ministerial photoshoot. These costs are clearly expended for no reason other than to boost Ministers' images so it seems doubtful that this is an appropriate use of public funds, though I have yet to see a formal challenge. I also agree with Francis Elliott who noted that "what is really damaging is the extent to which the official government picture is displacing an independent record".

3.6.3 Embargos

It is often sensible to let reputable journalists read complex announcements before they are made available to the wider public - but not if the decision is market sensitive.

'No approach' embargoes - which forbid journalists to talk to those who have also seen the document and might have views - are seldom necessary. Newspapers have anyway been known to ignore the 'no approach' embargo, where it is clearly inappropriate.

It is also OK for media officers to help Ministers pre-brief the media in advance of the publication of significant and controversial reports etc. Again though, the briefing should not be so one-sided as to be misleading. And we are entitled to expect decent journalists and others to look beyond Ministers' 'lines to take' and form their own conclusions.

3.7 Prime Minister's Office

Some, but not all, of the above rules do rather break down under the intense pressure experienced by those working in No.10 Downing Street. Senior staff in the Prime Minister's office need to tread a fine line between serving the Prime Minister and remaining remote from the business of party leader. Private Secretaries, Press Secretaries and others inevitably have to take strong lines when communicating both inside and outside Whitehall so as to ensure that the

PM's political priorities are firmly embedded in everything they say and do. This includes drafting speeches and press notices.

Here is Dan Corry's analysis[5]:

> Things work rather differently in Downing Street. There is much closer working between officials and political appointees than in the departments. Things move too fast for people to stand on ceremony, or for officials to feel uncomfortable that politics is happening all the time. There are also more than the usual two SPADs, so there is as much tension between the political appointees as between them and the civil service. In some ways, I felt that all at No 10 were united in being "against" OGDs (other government departments) who never went fast enough, put up pointless excuses, and cared more about their departmental interests than of the government as a whole. This is all hard for civil servants in No 10, who need to keep their independence as well, advising the PM – and the powerful SPADs – of what the evidence says, and trying to keep as much as possible to the proper way of going about things, consulting the relevant departments and so on.

Former Cabinet Secretary Robin Butler was quite candid, when briefing his biographer, about his deep involvement in writing speeches for Mrs Thatcher when he was her Principal Private Secretary. He even wrote in a personal capacity, offering her handling advice during the Westland crisis, after he had returned to the Treasury. But he didn't go so far as Charles Powell, another Private Secretary, who became far too closely associated with Mrs Thatcher and eventually could not (and did not want to) return to his civil service career.

On the other hand *The Guardian* once 'revealed' that Press Secretary and civil servant Bernard Ingham had advised Conservative Prime Minister Margaret Thatcher that her first media priority was to "look after the Daily Mail"- despite (the Guardian said) neutrality rules that banned him from doing so. The Guardian was wrong. (Later) Sir Bernard had in fact given perfectly sensible private advice and would have given similar advice to a Labour Minister - although probably mentioning another paper.

Bernard Ingham in fact had strong Labour roots but nevertheless pleaded "utterly, completely and wholeheartedly guilty" to the charge of news management on behalf of Mrs Thatcher. He sought to co-ordinate ministerial pronouncements and flag up important papers, and lunched with journalists almost daily. His job, he said, was to promote government policy to the very best of his ability. He never attended a Conservative party conference, or knowingly visited Thatcher's constituency of Finchley in north London, but he trod a delicate path. As he wrote in his memoirs: "It was this burning love of her country and her manifest determination to restore its fortunes that inspired me. She needed all the help and support she could get if she were to have a fighting chance of achieving half of what she hoped for Britain. It was my duty as a civil servant to give her that full-hearted support. I have never had much time for those civil servants who argue that their proper duty is to withhold that last ounce from the elected government lest they become over-committed."

3.8 General Elections and National Referendums

[5] This is an extract from Dan Corry's chapter in 'impartiality matters'. It is well worth reading the whole chapter, here:- https://www.civilservant.org.uk/library/2019-Smith_Institute-impartiality_matters.pdf.

The term '*purdah*' is often used, unofficially, to describe the period immediately after the dissolution of Parliament and before an election or referendum when there are additional restrictions on the activity of civil servants. More literally, it is also called the 'pre-election period'. The term comes from the Urdu and Persian words for veil or curtain, also used to describe the practice of screening women from men or strangers. Its English usage accordingly suggests Whitehall drawing a veil over itself and cutting itself off, as far as possible, from the electorate.

Here are the basic rules:

Unless it runs for the full extent of a fixed term, Parliament is usually dissolved two or three days after the Prime Minister announces the date of the election. If the Opposition agrees, this allows the completion of important legislation, such as Finance Bills.

MPs cease to be MPs when Parliament is dissolved. Strictly speaking, therefore, all candidates are thereafter on an equal footing. But it is regarded as courteous for Ministers themselves to reply to letters written by MPs before the dissolution, or by former MPs after the dissolution. Private Secretary replies are normally sent to candidates (Government or Opposition) who were not members before the dissolution.

Ministers retain their appointments until the Prime Minister is ready to begin to appoint the next Government.

During the pre-election period, the Government retains its responsibility to govern and Ministers remain in charge of their departments. Essential business must be carried on, but it is customary for Ministers to observe discretion as to initiating any new action of a continuing or long-term nature.

Civil servants are allowed to provide Ministers with facts which might be used in political speeches etc., and are allowed to check Ministers' political speeches for factual accuracy. They are also allowed to comment on the analysis, costings and proposals contained in documents produced by political organisations, including the Opposition, but must not draft Ministers' responses to such documents.

Ministers usually try to avoid official engagements because they want to devote the time to campaigning. But they are free to undertake engagements they regard as important, although they should seek to avoid giving the impression that they are using such occasions for party political purposes. Similarly, attendance at some international meetings remains necessary. However, before undertaking to fulfil international commitments, Ministers should consider whether the subject matter is such that they can speak with the authority proper to a representative of Her Majesty's Government.

So far as the handling of correspondence is concerned, the general rule is that citizens' individual interests should not be prejudiced by the calling of an election. It follows that letters relating to them should be replied to, whether by Ministers or by officials on their behalf. But remember that correspondence may become public and might be used for political purposes. Replies to letters should therefore be as straightforward as possible, should avoid controversy, and, if to a candidate, should not distinguish between candidates of different parties.

All public appointments which might be regarded as politically sensitive should be frozen until after the election and, although routine information activities (i.e. the provision of factual

information) continue during the election campaign, other information activities generally cease entirely.

Further detail is in the relevant chapter of The Cabinet Manual[6] and in detailed guidance issued by the Cabinet Office at the beginning of the pre-election period.

The guidance issued by the Cabinet Secretary before **the 2016 EU Referendum** is on my website[7]. Note, however, that he made it clear (when being interrogated by the (largely Eurosceptic) Public Administration Select Committee) that civil servants would continue to provide easily available factual material for all Ministers, even if such facts might be used by pro-Brexit Ministers to attack the Government's position. But civil servants would not go further and provide briefing and speech material that supporting the 'Out' position.

3.9 Further Reading

The Smith Institute has published an interesting collection of essays: *impartiality matters: perspectives on the importance of impartiality in the civil service in a "post truth" world*[8].

And it is interesting (and entertaining) to read Cabinet Secretary Robert Armstrong's note of the events following the election of a hung parliament in March 1974. This election led to the resignation of Ted Heath's government and the appointment of Harold Wilson as Prime Minister. The document is on the website of *the Margaret Thatcher Foundation*[9].

[6] https://www.civilservant.org.uk/library/2011_cabinet-manual.pdf
[7] https://www.civilservant.org.uk/library/2016_EU_Referendum_Guidance.pdf
[8] https://www.civilservant.org.uk/library/2019-Smith_Institute-impartiality_matters.pdf
[9] http://fc95d419f4478b3b6e5f-3f71d0fe2b653c4f00f32175760e96e7.r87.cf1.rackcdn.com/E39D78DE7FBF4C7583FDFC8F7A029D42.pdf