



## Chapter 6 - Increasing Accountability

Earlier chapters have suggested that UK Governments might 'blunder' less often if a light could be shone on their inner workings, and in particular on interactions between ministers and civil servants. Why should officials be sheltered from informed parliamentary and other external comment on their role in major failures? Should it not be possible for those harmed by such failures to tell whether:

- Ministers refused to listen to sensible advice, or
- Officials failed to communicate sensible advice in a persuasive way, or
- Officials advice was very poor?

The possibility of subsequent scrutiny might encourage senior officials to push back more strongly when they encounter obviously wrong-headed or excessively short-term Ministerial proposals.

This chapter accordingly summarises some tentative moves that have already taken place towards increased accountability for civil servants.

It also warns that progress will be slow unless and until Members of Parliament themselves improve the way they interact with both ministers and officials.

I have divided the discussion into these sections:

- 6.1 The Story So Far
- 6.2 Corporate Manslaughter etc.
- 6.3 Policy Directions

- 6.4 Procedural Directions
- 6.5 Feasibility Directions
- 6.6 Senior Responsible Officers
- 6.7 Accounting Officer Assessments
- 6.8 Will We Notice the Difference?

## 6.1 The Story So Far

Whatever the strength of the arguments for and against greater civil service accountability, there does seem to be a long-term if almost imperceptible trend towards increasing the public accountability of the most senior officials.

The first sign of this trend was the creation of Next Steps Executive Agencies when the Thatcher administration decided that it was reasonable to hold officials rather than Ministers accountable for failures of administration. It was felt that the doctrine that Ministers should be held personally responsible for every failure in a department, however distant and minor, had never made much sense in theory or in practice. Ministers should certainly look for assurance that the right people and systems were in place, but they should not feel they need hands-on control. The more control they assert, the more they will attract blame for failures.

Next came a proliferation of regulators, charged with making many politically sensitive decisions independently of Ministers, including setting energy prices, encouraging competition in postal services, and deciding what medicines may be prescribed. The regulators are often criticised for being unelected, but their Boards and their staff are certainly much more accountable than their opposite numbers (and often ex-colleagues) in Whitehall departments.

Other developments which might have encouraged more effective accountability include:

- Corporate Manslaughter, Human Rights, and Freedom of Information legislation,
- the increased use of Judicial Review
- the Inquiries into events etc. such as Hillsborough, Bloody Sunday, Child Abuse and Grenfell Tower, often years after the events being investigated.

Parliamentary scrutiny has improved, too, since Departmental Select Committees were first established in 1979. Their Chairs are no longer appointed by the Government, and they have the opportunity (if they wish) to question senior officials about *Feasibility Directions* and *Accounting Officer Assessments*. These are two of five proposed or implemented innovations within government:-

- **Policy Directions** were intended to encourage Ministers to follow robust policy processes.
- **Procedural Directions** were intended to encourage Ministers (including the Prime Minister) to follow the processes outlined in the Cabinet Manual
- **Feasibility Directions** are intended to encourage Ministers to authorise expenditure only on feasible projects,
- **Senior Responsible Officer** appointments require senior officials in charge of major projects to report progress direct to Parliament (thus ensuring that officials would challenge projects with over-demanding objectives etc.)

- **Accounting Office Assessments** require senior officials to approve in advance all significant initiatives, policies, programmes and projects, and so be able to provide assurance to Parliament that those activities provide value for money and are feasible etc.

I look at each of these later on in this chapter, but I first return to the possible effect of the Corporate Manslaughter legislation.

## 6.2 Corporate Manslaughter etc.

Senior officials are increasingly aware of the threat of manslaughter and other criminal and civil litigation, but seem to be struggling to respond.

The problem is that civil servants will willingly implement policies which increase death rates (by increasing speed limits or cutting prison staffing numbers, for instance) but they would not follow an instruction that would lead to the death of a known individual. Can this distinction hold firm?

Here are some examples.

- Ministry of Defence civil servants discovered that they might be prosecuted for criminal negligence following the 2006 crash of an RAF Nimrod aircraft. The subsequent Inquiry held the MoD procurement team accountable for failure to maintain oversight of the cumulative and dangerous effect of changes to the aircraft. The report described an MoD stricken by "organisational trauma" induced by the overwhelming objective of finding savings.

"There was no doubt that the culture of the time had switched. In the days of the RAF chief engineer in the 1990s, you had to be on top of airworthiness. By 2004 you had to be on top of your budget if you wanted to get ahead."

Put shortly, the MoD had sacrificed safety to cut costs, and this had led to the deaths of 14 people. In the event, there were no prosecutions although compensation of £15m was paid.

A book published in 2019 went further and claimed that a hundred British military personnel had died in avoidable accidents over the previous 35 years because of cost cutting etc. by the Ministry of Defence.

- The Times reported (8 February 2020) that the danger of a corporate manslaughter prosecution had been raised in 2011 when officials were discussing the removal of hard shoulders on some stretches of motorways. The consequential danger of a car being stranded in front of fast-running traffic caused a lawyer to ask "whether corporate manslaughter had been considered" if a motorist were to die as a result.
- The 2017 Grenfell Tower tragedy, in which 72 people died, is still being investigated, including by the police who might decide to bring prosecutions. Might this include the department responsible for drafting or enforcing building regulations?
- In April 2022 the High Court ruled unlawful the policy of discharging patients from hospitals to care homes during the Covid pandemic. Health Secretary Matt Hancock later admitted to the Covid Inquiry that the Government had not (as he had claimed in 2020) thrown their protective arms around care homes.

The above examples suggest that senior officials need to be aware of their departments' possible liability if asked to implement, or work within, policies which they believe likely to harm others. But it will be difficult to design sensible, practical advice and training.

Should civil servants also be concerned that they might individually be investigated following an avoidable death?

I am not aware that such an investigation has ever taken place but the General Medical Council has grappled with a similar problem. Its answer was not impressive:-

- Dr Bawa-Garba was a well-respected and experienced doctor who agreed in 2011 to work in an understaffed and unsafe hospital environment but then, under pressure, made mistakes which led to the death of a child. She was prosecuted and found guilty of manslaughter. The GMC in response issued guidelines telling doctors that if they were required to work in understaffed, unsafe environments then they must create a paper trail flagging that up. But this put doctors in the impossible position of being forced to choose between
  - refusing to work in such circumstances, and therefore not only being in breach of contract but also potentially harming patients, or
  - risking civil or even criminal action if they do choose to work, having identified the danger.

I am not aware that that advice was superseded, although Dr Bawa-Garba was eventually allowed to resume caring for patients.

### 6.3 Policy Directions

The Institute for Government were the first to suggest that it might be possible to improve civil service accountability by expanding the role of Ministerial Directions<sup>1</sup> beyond those which give ministerial cover for a decision to spend money which does not meet the tests of regularity, propriety, and value for money.

The Institute's 2011 report *Making Policy Better* speaks for itself:

We propose adding a fourth Ministerial Direction:- poor policy process, where the Accounting Officer (usually the Permanent Secretary) is not satisfied that the fundamentals of policy making have been adequately observed. This recommendation builds on current practice. The Treasury currently recommends that AOs should exercise judgement on when they need to “take a principled decision”.

One of the standards they should use to make this judgement is whether “clear, well-reasoned timely and impartial advice” has been provided, and whether the decision is in line with the aims and objectives of their organisation – both of which relate closely to our proposed fundamentals. Furthermore, this new criterion could be seen as an extension of the current value for money criteria, since there is a good case that a poorly made policy will provide poor value for money.

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<sup>1</sup> <https://www.civilservant.org.uk/directions-overview.html>

The Treasury is already considering extending AOs' responsibilities to 'feasibility', but our proposal would also embrace the wider way in which policy is made.

Where the Minister wanted to override the objection, they could do so, but would need to give a 'policy direction'. Such a change would sharpen the incentives for both parties. AOs would act in the knowledge that they could be held to account by the departmental select committee for the quality of the policy process, whether or not a direction was issued.

Since the direction would be sent to the relevant select committee and published on the department's website, the Minister would be publicly accountable for taking action despite civil service concerns. The point of extending the AO remit in this way is not to ensure more directions are issued, but to make clear to officials, and in particular the head of department, that they must take responsibility for good process. **By extension, this will give Ministers a stronger incentive to observe good policy process.**

I have emphasised the final sentence above because it indirectly explains why there was very little chance that Ministers would accept this constraint on their ability to seek political advantage by making bold promises.<sup>2</sup> Indeed, I am not aware of any later consideration of the idea. However, as noted by the IfG, the Treasury were already examining the introduction of Feasibility Directions (see further below).

#### 6.4 Procedural Directions

In parallel with all the above, the Public Administration and Constitutional Affairs Committee supported a proposal from *the Better Government Initiative* informed by Chilcot's criticisms of Blair government decision-making before the Iraq War. The suggestion was that

- Prime Ministers should continue to be asked to consider, after appointment and after each election, how they propose to make important and sensitive policy decisions, including the way in which they expect to work with Cabinet colleagues, share legal advice, and the like. Their decisions should continue be recorded in an updated Cabinet Manual.
- However, unlike now, Ministers would know that they would be held to account if they were to deviate from the processes laid out in the Manual.
- This accountability would be ensured by having the Cabinet Secretary and/or individual Permanent Secretaries seek a 'Procedural Direction' when asked to support Ministers operating outside the terms of the Cabinet Manual.
- Unlike the already well-established Financial Directions, Procedural Directions might be kept quiet until the need for secrecy had passed, but the responsible Ministers would know that they would one day be held to account for their decision.

One example, had this mechanism already existed, might have been Tony Blair's failure to circulate pre-Iraq War legal advice to Cabinet colleagues. Another might have been a challenge

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<sup>2</sup> Policy Directions might, for instance, have obstructed Prime Minister Cameron's *Big Society* and Prime Minister May's *Social Mobility* announcements. Peter Hennessy recalled that he had been told that the Big Society was more "a state of mind" than a specific idea. An official said that the Big Society announcement was "like publicising a new car badge without first designing the car".

to David Cameron's instruction that officials should not undertake contingency planning for a 'leave' vote in advance of the Brexit referendum.

*The Constitution Society* supported the proposal and suggested that a revised and extended version of the Cabinet Manual should be subject to Parliamentary approval.

This attempt to fetter Ministers' discretion was, of course no more welcome to the Government than had been the IfG's suggested Policy Directions (see above). Even so, the quality of the Government's two formal responses was disappointing.

Rather depressingly, since the proposal was clearly directed only at departures from established procedures, not the merits of a policy, the initial response completely misrepresented it as being "for a formal Ministerial direction to be given, if Ministers decided to go ahead with a policy against the advice of officials". Having set up this misrepresentation HMG then (quite rightly) rejected its own foolish proposal.

The second response wasn't much better. The rejection of the case for a procedural direction was based on a distinction between Accounting Officers' direct responsibility to Parliament and Permanent Secretaries' responsibility to Ministers and the Prime Minister for the conduct of departmental business. But this was a false distinction since permanent secretaries have a duty to Parliament as Accounting Officers for the efficient conduct of their departments.

The committee's first report, the Government's first response, the committee's second report and the Government's second response can all be read on the *Understanding the Civil Service* website<sup>3</sup>.

## 6.5 Feasibility Directions

Feasibility Directions were introduced in 2011 and allowed officials to require Ministers to direct them to proceed with projects even if officials had put on record their doubts that the project's objectives could be achieved either at all, or within the timescale and resources stipulated by the Minister.

The Treasury defined feasibility as follows:

Feasibility often overlaps with value for money and/or propriety. The judgement to be made is whether government has the ability to carry out the proposed policy effectively and credibly. Precedents, market testing and pilot studies can give confidence that a new policy or proposal will be feasible. Conversely, warning signs include novelty, high administration costs, high error rates and significant compliance costs. Where there is doubt about the quality of administration, the proposed course may well also be inefficient or improper.

The deliverability assessment of a major project is also an aspect of feasibility. Where delivery concerns have been raised (for example, in a gateway review), the full accounting officer assessment would normally be expected to note those concerns, and reflect any mitigating actions taken or planned as a result. Although the accounting officer might expect to be notified of these concerns as soon as they are raised, it is preferable for the

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<sup>3</sup> <https://www.civilservant.org.uk>

written assessment of feasibility to be prepared once any mitigating actions have been taken, so that the accounting officer can also take those into account.

Whitehall watchers awaited the first feasibility direction with great interest. Would it be seen as evidence, yet again, of Ministers unrealistic expectations, driven by short term political considerations? Or would it be evidence, yet again, of the need for Ministers to be able to override their cautious, unimaginative and unambitious civil servants?

It was quite telling, therefore, that a 2016 National Audit Office report asserted that Accounting Officers "appear to lack confidence to challenge Ministers where they have concerns about the feasibility or value for money of new policies or decisions, not least because standing up to Ministers is seen as damaging to a civil servant's career prospects".

Even then, nothing much appeared to change. *The Times* reported, in early 2019, that the retiring head of the National Audit Office, Sir Amyas Morse, was concerned that the balance of power between Ministers and senior civil servants had shifted, with officials increasingly unable to challenge bad decisions.

"I still don't think we've sorted out the question of the interaction between the political agenda and delivering good results and value for money," Sir Amyas said. "There's pressure to do things too quickly or to announce very high-profile world-beating projects. Allowing Ministers to have a say in the appointment of senior officials has led to a position where Ministers have a great deal of power over their civil servants. That's unfortunate. They're intelligent people. They understand that the consequences of disagreeing with a Minister are likely to be pretty ugly."

The first Feasibility Direction eventually appeared in 2018 when a Minister took responsibility for the risks associated with accelerated introduction of new 'T Level' exams. This was a perfectly sensible and uncontentious use of the mechanism.

A small number of further Feasibility Directions were issued by the Business Secretary as his officials rushed to support the private sector during the 2020 Covid crisis.

## **6.6 Senior Responsible Officers**

The 2013 introduction of SROs looked more promising. SROs were to be personally accountable, including to Parliament, for the delivery of major projects such as the National Cyber Security Programme. The key principle had until then been that civil servants who gave evidence to such committees do so "as the representative of the Minister in charge of the Department and subject to the Minister's instructions". But MPs could now, for the first time, question civil servants about their delivery of major projects such as the (delayed) introduction of Universal Credit. The new rules now provided that "Senior Responsible Owners (SROs) for Major Projects" are "expected to account for and explain the decisions and actions they have taken to deliver the projects for which they have personal responsibility".

It was hoped that newly appointed SROs might be concerned to ensure – before accepting their appointment – that they were not suffering from appraisal optimism, and that their project was properly resourced and had sensible timescales and objectives. This would reduce the chances of their having to account to their Permanent Secretary and Parliament when things went wrong. And it would ensure that a senior official – the SRO – was forced to challenge Ministers if a major project were being established without proper resources etc. But it could work very

badly if SROs were to do what officials had done in the past, which was to accept that Ministers are entitled to demand rapid action with limited resources, and so sign up to achieving what they privately believe to be unachievable.

In practice, little at first appeared to have changed. SRO appointment letters were little more than that. They specified neither the programme's objectives nor its resources or timescales. And most departments at first decided to appoint very senior staff as part-time SROs, rather than nominate those officials who were truly responsible for key projects. The SRO for the National Cyber Security Programme was for instance told that he would need to devote only two days a month to the role:-

"I am writing ... to confirm your appointment as Senior Responsible Owner (SRO) of the National Cyber Security Programme ... This will be a part time role which requires two days per month. As SRO you have personal responsibility for delivery of National Cyber Security Programme and will be held accountable for the delivery of its objectives and policy intent; ..."

But SROs were strengthened by the introduction of Accounting Office Assessments - see further below. The (later stage) Universal Credit SRO appointment letter, for instance, required the SRO to prepare an Accounting Officer Assessment 'if the programme might depart from the four standards (regularity, propriety, value for money and feasibility), or from the agreed plan – including any contingency – in terms of costs, benefits, timescales, or level of risk'. It was also firmly linked to the Business Case, so the SRO was personally accountable for delivering the intended economic and net present values.

Indeed, the various publicly available Universal Credit appointment letters show that the relevant SRO was able to renegotiate the programmes timescales and be clear to Parliament what the reasons were. This will have followed private negotiations with his Ministers. So this particular Minister/official dynamic appeared to be working very well.

## 6.7 Accounting Officer Assessments

As from 2017, and following a Public Accounts Committee recommendation, the Treasury announced that '*Accounting Officers should personally approve, in advance, all significant initiatives, policies, programmes and projects*' and so be able to provide assurance to Parliament that those activities provide value for money and are feasible etc. The guidance went on to say (emphasis added):

The analysis should consider the issue in the round. **A Ministerial policy decision cannot be sufficient justification alone for proceeding.** The accounting officer's job is to try to reconcile Ministers' policy objectives with the standards for use of public funds.

The full accounting officer assessment should provide a frank examination of the key issues including any sensitive issues. It should address the essence of the policy which is being delivered, its purposes and its prospect of successful delivery or implementation. **It is therefore not usually published in full**, but is shared with the Treasury. A summary of the key points from an accounting officer assessment of a major project should however be prepared and published.

Officials are not obliged to prepare an AO Assessment immediately a Minister indulges in some blue sky thinking. And the Treasury's guidance allows a bit of wriggle room later on:

Often, big intricate decisions have long lead times. In such cases, it is good practice to make the accounting officer assessment in principle at an early point, firming it up at suitable strategic points as the policy or proposal is developed. This makes for orderly evaluation of the key features of the policy, with no surprises at the final decision point. Apart from providing time to redesign a policy or proposal, early assessment may flag up how the proposal can be better designed to meet both Ministers' and parliament's requirements, or whether there is a for a Ministerial (or board) direction, particularly when proposed spending is imminent or an existing spending stream no longer complies with the four accounting officer standards.

It is useful to distinguish *major projects* assessments from *policy* assessments.

The Treasury allows summaries of *major projects* assessments to be shared with MPs. Here is their guidance:

Parliament has been given a role in monitoring 'major projects':

Accounting officers who have considered an assessment for a project in the Government's Major Projects Portfolio (GMPP), in line with this guidance, and approved it, should provide to Parliament a summary of the key points from the assessment which informed their judgement.

But *policy* AO Assessments (for plans that fall outside the GMPP) do not need to be shared with Parliament. Here is the Treasury again:

Accounting officers may choose to publish similar information from assessments made in other circumstances at their discretion, but there is no requirement to do so.

It is of course very unlikely that Accounting Officers will choose to publish the more controversial policy assessments. So MPs will not be able to assure themselves that sensible policy decisions are being made ... unless – perhaps supported by the National Audit Office and the media – Select Committees start insisting on seeing individual AO Assessments. If this were to happen, we might begin to see a significant improvement in the way this country is governed. But Parliament has seemed relatively weak since 2016, and possibly well before then, so this author, for one, is not optimistic.

My pessimism was not dissipated by an exchange in a Public Accounts Committee hearing in September 2020 when the PAC asked to see the Accounting Officer Assessment of the approach taken by Ministers in deciding which 'struggling' towns (and hence constituencies) were to benefit from the £3.6 billion *Towns Fund*. There were fears that too much politics had intruded into decision making but the relevant Permanent Secretary politely refused to publish his assessment of the program. "My understanding is that they are not normally published".

The Committee asked whether the Accounting Officer might nevertheless 'be willing for the Committee to have a private look at the papers? We have done this a number of times with other documents from Departments.' Next month, however, the Committee reported that (emphasis added):

The £3.6 billion Towns Fund was introduced at pace by the Ministry of Housing, Communities and Local Government (the Department) in summer 2019. It relied upon Ministers selecting which towns would receive funding from a ranked list prepared by

officials. The Department claims it had good reasons for this approach, but we are not convinced by the rationales for selecting some towns and not others. The justification offered by ministers for selecting individual towns are vague and based on sweeping assumptions. In some cases, towns were chosen by ministers despite being identified by officials as the very lowest priority (for example, one town selected ranked 535th out of 541 towns).

**The Department has also not been open about the process it followed and it did not disclose the reasoning for selecting or excluding towns. This lack of transparency has fuelled accusations of political bias in the selection process, and has risked the Civil Service's reputation for integrity and impartiality. We are therefore disappointed that, although the Department's Permanent Secretary confirmed he was satisfied the selection process met the requirements of propriety and regularity, a summary of his Accounting Officer assessment remains unpublished.**

It is still far from clear what impact the Department expects from the Towns Fund, when it expects to see the benefits, and how it will measure success both at the town level and across the whole programme. The Department says that it wished to give money to towns which it deemed unlikely to have the expertise to succeed at bidding for funding through an open competition; which also raises concerns about whether those towns will have the capacity to spend the money well.

A July 2022 National Audit Office report about AO Assessments revealed that they could not tell how many AO assessments had been carried out. The NAO concluded that Accounting Officers were not consistently publishing and sharing their assessments in line with Treasury guidance. Many of the summaries that were published were published far too late to permit proper transparency and scrutiny. And those assessments that had been published did not always make clear that issues had been considered by AOs when making their judgements.

All in all, therefore, it does not appear that AO assessments are as yet achieving the objectives that were envisaged when they were introduced.

## **6.8 Will We Notice the Difference?**

The story so far is that we don't have Policy or Procedural Directions but we do have Feasibility Directions, Senior Responsible Officers and Accounting Officer Assessments. Will they, after a slow start, eventually make a difference?

The author's view is that there will continue to be limited resistance from senior officials but the main problem is lack of interest from Parliament.

### **Civil Servants**

Most senior officials would of course welcome improved policy- and other decision-making. But they worry that greater openness would in practice open up areas of conflict with their political masters and that would be new, scary territory.

Ex-Cabinet Secretary Sir Andrew Turnbull made this point when interviewed on the BBC's Westminster Hour in January 2015. Describing the 'bargain' entered into between Ministers and civil servants, he noted that the former benefit from frank advice and commitment from

officials, but the civil servants are not then criticised publicly. If officials were to face public criticism then they would need a right of reply.

They would certainly appreciate the chance to push back when weaker ministers tell journalists that unpopular policy decisions were forced on them by their officials. It was, for instance, 'the Treasury' and 'civil servants who live in the South-East' who were apparently to blame for the decision not to extend HS2 to Leeds. This behaviour could not survive the introduction of true and honest accountability for civil servants.

Anonymity also suits senior civil servants, of course, when they do make mistakes. Many are understandably very reluctant to accept blame - especially as there are few comparable jobs outside the Senior Civil Service. Private sector execs who make mistakes can generally rebuild their careers elsewhere. Civil servants cannot.

The good news (as noted above) is that the introduction of SROs seems not to have damaged any individual minister-official relationships. The Universal Credit SRO was able to develop a positive relationship with their minister during the later stages of Universal Credit implementation - and the result appears to have been the exceptional response to the pressures that the Universal Credit system faced during the Covid pandemic. It is to be hoped that other SRO/ministerial teams will be similarly successful.

Much the same applies to Feasibility Directions and AO Assessments. Previous types of Ministerial Direction were once regarded as nuclear weapons - more effective in the silo rather than launched. But they have come to be seen as a grown-up way of allowing Ministers to account for political decisions to override strict value for money criteria. SROs' ability to prepare Accounting Officer Assessments are similarly unlikely to be used every day, but they might, over time, help curb Ministers' desire to order officials to achieve challenging objectives within impossible timescales and with inadequate resources.

## **MPs**

Accountability is effective only if those being held to account know that their behaviour will be judged in a fair and consistent way against a clear model. If they will not be judged in this way then they will not adjust their behaviour to meet the needs of that model.

It follows that if civil servants are to become more publicly accountable then their those who judge them need to have clear principles which are consistent with the Civil Service Code. Can MPs be trusted to be good judges? The signs are not good.

House of Commons Select Committees are supposed to investigate the causes of both policy successes and policy failures with a view to learning lessons rather than ascribing blame. They typically call for a wide range of evidence including from experts outside government, and they often analyse issues very thoroughly. But their influence is severely curtailed by ministers' insistence that civil servants who appear before such committees (other than the Public Accounts Committee) do so under instruction from Ministers<sup>4</sup>. Officials giving evidence are accordingly cautious and defensive, and these traits are carried through - with perhaps more serious consequences - when drafting departmental evidence and responses to committee reports.

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<sup>4</sup> See Part 1.4 - The Osmotherly Rules

Select Committees can also often appear to be more interested in seeking political advantage than in learning useful lessons. MPs will often question in unfair or unreasonable ways in order to make political points and/or to appear 'strong' in the eyes of their colleagues and constituents. They also sometimes criticise officials when they cannot get at responsible Ministers, or at other responsible civil servants. Such behaviour certainly catches the attention of Whitehall - and sometimes the media. The resultant video may get plenty of 'views', especially on social media. But civil service colleagues rally behind such victims so that this form of 'accountability' leads neither to career detriment nor to any change in the behaviour of the victims or others.

Even the Public Accounts Committee (the PAC) seldom attempts to exert real influence over the way the government machine is managed. Most Accounting Officers' primary aim, when dealing with the NAO or the PAC, is to avoid censure. They appear to assume that they won't learn anything from such interactions, and they don't believe that the purpose of the exercise is to improve or learn in any way. Worse still, many very good PAC reports have little or no impact. There is no follow up. The reports seldom if ever feature in civil service training programmes – although videos of embarrassed Accounting Officers certainly do, thus encouraging further defensiveness. Apart from this, everyone involved in a report just shrugs and moves on to the next issue.

Michael Coolican reinforces this impression in his book *No Tradesmen and No Women*:

The repetitive nature of the issues that come before the Public Accounts Committee reinforces the point that there is little interest amongst civil servants in learning from the mistakes of others. Although more senior civil servants are aware of the committee, its reports are not widely read and so it is not surprising that the lessons are not absorbed.

Why do MPs show such little interest in holding the executive to account?

Their behaviour can in part be explained by their character and experience. Politicians are tribal animals and the vast majority have little or no interest in, or experience of, managing large organisations, or even in policy-making. Their career prospects depend upon their debating and deal-making skills and upon their ability to attract favourable media attention, not on their effectiveness in Select Committees.

Most of the media, too, have little interest in government itself, as distinct from its personalities. As Robert Saunders ruefully commented following the First Reading of the Safety of Rwanda Bill in December 2023:

So much of the news coverage of the Rwanda vote is about what it means for the PM's authority, rather than its implications for policy, for the constitution &, indeed, for asylum-seekers. Respectfully, if that's all we're going to focus on, it might as well be in the sports news.

Politicians therefore focus on gaining political advantage by criticising fellow politicians, and ministers in particular, rather than unelected officials. It can be fun to tear into hapless officials, but there are no votes in it.

Ministers, for their part, are reluctant to admit that they are not solely responsible for important decisions and achievements. Every senior official is well used to ministers claiming full public credit for a successful negotiation or initiative to which they have devoted only a tiny fraction of

the time devoted by their officials. (To be fair, however, most decent ministers are very grateful in private.)

Ministers who appear to have made poor decisions will not want to publish the advice they receive. They would of course be happy to do so if the advice had proved to be poor, for they might then be excused for following it. But they wouldn't want to publish advice which was correct - and which they had ignored. As they could hardly be allowed to pick and choose which advice to publish, they can't or won't publish anything, and so blame cannot be allocated or shared.

MPs also want to be able to continue to write to fellow MPs (currently serving as ministers) about all aspects of a department's performance. Their constituents are much more impressed by 'a letter to the Minister' than by a letter to an official, even though they usually amount to the same thing. A small number of MPs have even refused to correspond with Agency Chief Executives, for instance about Driver and Vehicle Licensing decisions.

All in all, therefore, both I and many other commentators think it highly unlikely that either Parliament or the media will begin to hold government to account any time soon. David Allen Green nicely summarised the position in a January 2024 Substack:

Few if any sensible people expect our current political system to require ministers to be honest. Reply-guys and other cynics may aver that it was ever thus: but the resignation of John Profumo seems not only long ago but in another political universe.

This wide acceptance of political dishonesty does not remove the demand, at times, for our ministers to be honest. And it also does not remove the demand, at times, for ministers to provide true and full information. What it means is that the demand for accountability has switched from parliament and our media to judicial and quasi-judicial processes, such as judicial reviews and public inquests.

In judicial and quasi-judicial processes, ministers and senior officials give evidence under pain of the criminal offence of perjury. They are also obliged to disclose information under the potential (and sometimes actual) pain of court orders. They may hold the public in contempt, and they may also be in contempt of parliament; but contempt of court is still a thing that matters.

Perhaps this is why certain types of politician and pundit want to discredit and remove any judicial and quasi-judicial accountability for those with public power. Perhaps.

But, to take two examples familiar to readers of this Substack: it should not have been the Supreme Court that exposed that no minister or official would sign a statement of truth as the genuine reasons for the infamous 2019 prorogation; and it should not have been the Covid inquiry that compelled ministers and former ministers and advisers to disclose the true substance of what was going on (and not going on) during the pandemic.

In both cases it really should have been parliament and/or the news media forcing this hard accountability against an unwilling executive. But it was left to statutory powers of disclosure and the formal requirements for witness evidence instead.

Some may complain that this meant there are judges and lawyers over-stepping some mark. But the sad reality is that it has ended up with judicial and quasi-judicial processes because the political processes have failed to get to the hearts of the matters. The problem is not so much judicial and legalistic expansionism, but a collapse of political accountability by any other form.

This is not a good thing. The solution, however, is not to attack those remaining aspects of our polity that can force accountability on reluctant office holders and officials, but to make parliamentary and other forms of democratic accountability stronger.

It should not take a judicial review or a public inquiry to properly hold a minister or official to account; yet if that is all we have got then, it there is no alternative.