



House of Commons
Public Administration
Select Committee

**Response to the
Government's
Consultation on the
Civil Service Bill**

Third Report of Session 2004–05



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Report, together with formal minutes

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The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration, of the Health Service Commissioners for England, Scotland and Wales and of the Parliamentary Ombudsman for Northern Ireland, which are laid before this House, and matters in connection therewith and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and the committee shall consist of eleven members.

Current membership

Tony Wright MP (*Labour, Cannock Chase*) (Chairman)
Annette Brooke MP (*Liberal Democrat, Mid Dorset and Poole North*)
Mrs Anne Campbell MP (*Labour, Cambridge*)
Sir Sydney Chapman MP (*Conservative, Chipping Barnet*)
Mr David Heyes MP (*Labour, Ashton under Lyne*)
Mr Kelvin Hopkins MP (*Labour, Luton North*)
Mr Ian Liddell-Grainger MP (*Conservative, Bridgwater*)
Mr Gordon Prentice MP (*Labour, Pendle*)
Hon Michael Trend, CBE MP (*Conservative, Windsor*)
Brian White MP (*Labour, Milton Keynes North East*)
Iain Wright MP (*Labour, Hartlepool*)

Powers

The committee is one of the select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/parliamentary_committees/public_administration_select_committee.cfm. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Philip Aylett (Clerk), Clive Porro (Second Clerk), Lucinda Maer (Committee Specialist), Jackie Recardo (Committee Assistant), Jenny Pickard (Committee Secretary) and Phil Jones (Senior Office Clerk).

Contacts

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Report

1. In November 2004 the Government published a draft Civil Service Bill, and a related consultation document.¹ This implemented the recommendation of the Committee in its First Report of the 2003–04 Session, which contained our own draft Bill. This Report sets out the Committee's response to the Government's consultation.²

The UK Civil Service: a tradition of merit

2. The United Kingdom Civil Service is highly unusual in being composed almost entirely of people recruited on the principle of merit. In many democracies, political appointment without competition is relatively common, and often reaches the highest ranks of the public service. In this country, government work is generally carried out by officials who are in the Service because they have been recruited through open competition. We believe that this tradition, begun in the 1850s when William Gladstone asked Stafford Northcote and C E Trevelyan to consider the future of the Civil Service, leading to reforms which replaced patronage with merit, is one of the most important features of the constitution. It needs to be preserved and strengthened. This is not in any way to suggest that the Service must be regarded as unchangeable; like all public services, it must strive to meet the most exacting standards of performance and be subject to radical reform when necessary.

A draft Bill to be welcomed

3. Northcote and Trevelyan considered that legislation was needed to give their reforms a firm constitutional anchor. In this context we believe that many features of the Government's draft Bill are to be welcomed. Most important, it carries forward the process of putting the Civil Service on a statutory footing. The consultation exercise will allow for the draft Bill to be refined so that it can reflect the emerging consensus about the future of the Civil Service.

4. The consultation document sets out the five principles which the Government would wish to see applied when Civil Service legislation is being considered. These principles include the need for such legislation to command cross-party support and the importance of avoiding anything which would hamper the Civil Service's flexibility and responsiveness. These are principles which can be agreed by all concerned with the future of the Service. The draft Bill sets out the minimum content of the Civil Service Code, closely following the wording recommended by the Committee. We are glad that the Government accepts that the Crown employment nationality provisions contained in the Committee's draft Bill need to be enacted, although the current Government draft does not include them. This is because there is an existing private member's bill which contains identical provisions. **We recommend that should the current private member's bill fail to become law, these provisions should be included in any Civil Service Act.**

¹ Cabinet Office, *A Draft Civil Service Bill*, Cm 6373, November 2004

² First Report of Session 2003-04, *A Draft Civil Service Bill: Completing the Reform*, HC 128-I

The need for legislation

5. However, the consultation document seems to doubt the value of legislating to regulate the Service. It applauds the non-statutory approach which has “stood the test of time” since the mid-1850s:

“In fact, the Northcote Trevelyan principles have survived and prospered even though neither Gladstone nor any of his successors thought it a priority to give them legislative force. Over the past 150 years, Ministers have managed the Civil Service under the executive authority of the royal prerogative without being subject to statute law or parliamentary approval. But Parliament’s general authority as the ultimate sovereign body and source of the Government’s right to govern has ensured that over this entire period successive governments have taken seriously Parliament’s concerns about the organisation, management and culture of the Civil Service”.³

6. The Government’s document then goes on to say that “The period has been marked by a solid and largely uncontested political consensus on the benefits of an impartial and politically neutral permanent Civil Service recruited and promoted on the basis of merit.” The Government suggests here that there is a general consensus that regulation of the Service by means of Parliament’s “general authority as the ultimate sovereign body and source of the Government’s right to govern” continues to be adequate.⁴ It is unusual, even bizarre, for a government to publish a draft Bill as a clear prelude to legislation, while still seeming to suggest that legislation is not necessary or desirable.

7. It is indeed clear that the old political consensus on the special values of the Civil Service has recently been complemented by a new consensus. This sees the need for early legislation to give those values greater force, as part of a growing perception that the Service’s values are under threat. Sir Robin Mountfield, formerly Permanent Secretary at the Cabinet Office, told the Government in response to its consultation that Civil Service principles “have been under increasing pressure for some years” from governments of both main parties. He gives a number of examples, including allegations that in the early 1990s there was Ministerial influence on senior Home Office appointments, and says that there are “strong and disturbing signs” that “civil servants are increasingly excluded by Ministers and special advisers from the crucial stages of the policy formulation process” which reduces “the extent to which policy proposals are subjected to rigorous analysis and impartial challenge”. According to Sir Robin, the conclusions of the Butler Inquiry show that civil servants were drawn into “prejudicial relationships with Ministers and political advisers” in the months before the war with Iraq.⁵

8. This sense of a set of values under pressure accords well with the views of other witnesses who gave evidence to us during our original inquiry into Civil Service legislation. These included Lord Wilson of Dinton, a former Cabinet Secretary, who said that “if major changes are to be made, they should be the subject of political debate and Parliament should have oversight of the basic framework within which the Service operates. I think that gives Parliament and the public confidence that, at a time of considerable change, the

³ Cm 6373, para 13, p 5

⁴ *Ibid*

⁵ Sir Robin Mountfield, response to the Cabinet Office consultation

basics of the Civil Service are being observed”.⁶ Lord Lipsey judged that an Act would be “highly desirable, in order to entrench the virtues of the evolving British civil service in something more solid than custom, practice and whim”.⁷

9. The political parties appear increasingly to be agreed on the need for an Act. Apart from the Government's often-stated intention to legislate, the two main opposition parties are in favour of a statute, and the Conservatives last year introduced a Civil Service Bill in identical terms to the one proposed by the Committee, a move which was supported in the House by the Liberal Democrats.⁸ The Government notes that the Committee on Standards in Public Life has joined our Committee in arguing for early legislation.

10. Other parts of the consultation document itself demonstrate clearly why legislation is necessary. In several important passages, the document sets out the arguments for statutory underpinning of the neutrality of the Civil Service. The document says that:

“the codification in the 1990s of the constitutional and practical role of civil servants and special advisers marked an important step in clarifying and publicising the values that govern the conduct of government business and the administration of public services in this country. The next logical step in entrenching these values and protecting against the risk of some future Government departing from them arbitrarily would be to provide for the Codes to be made under a statutory power and to be subject to parliamentary scrutiny”.⁹

11. As if to remove any doubt as to the value of legislation, the document continues:

“A key policy purpose of the Bill is to ensure that whichever Government happens to be exercising stewardship over the Civil Service at a particular time can have complete confidence that it has its loyal and professionally committed support. But at the same time, that Government of the day must recognise that the same support will in due course be extended to another Government of a different political persuasion ... The Government believes that it is most important that the politicians should uphold their side of this bargain, and will abide by the current position that Ministers and their special advisers should “uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the Civil Service Code”.¹⁰

12. The logic of the Government's position is clear: that politicians can only “uphold their side of the bargain” with civil servants if there is a Bill whose “key policy purpose” is to secure cross-party agreement on the principles of the Service.¹¹ To make this a reality, the Government proposes a Bill which would “facilitate good working relations [between Ministers, career civil servants and special advisers] by seeking to maintain and improve the clarity and precision of the limits within which special advisers work”.¹² To this end, the

⁶ HC (2002-03) 837-i, Q23

⁷ HC (2003-04) 128-II, Ev 97

⁸ HC Deb, 21 January 2004, cols 1329-88

⁹ Cm 6373, para 44, p 14

¹⁰ Ibid, para 45, p 15

¹¹ Ibid, para 46, p 15

¹² Ibid, para 37, p 13

Bill “would clarify what special advisers can do” and “it would also clarify what special advisers cannot do”.¹³ We welcome this restatement of the need for clear and statutorily-set boundaries for the work of those small numbers of civil servants who are not appointed on merit by fair and open competition.

13. The argument for legislation is also well made in the document's discussion of the need to support the central role played by the Civil Service Commissioners in upholding the principle of merit in appointments. The Government's draft Bill provides for the establishment of a Civil Service Commission as an independent statutory body “whose primary responsibility will be to uphold the principle of selection on the basis of fair and open competition”.¹⁴ The document continues, in a significant passage:

“Putting the Commission on this statutory basis would remove the possibility of any government being able, without reference to Parliament, to dilute or even overturn the merit principle ... In view of the Commission's central role in upholding this core principle, its independence must be beyond dispute across the political spectrum. This means that there must be complete confidence in the person appointed as First Civil Service Commissioner. The First Commissioner will be appointed by Her Majesty upon the recommendation of the Minister for the Civil Service following statutory consultation with the leaders of the main Opposition parties and the leaders of the devolved Administrations ...”.¹⁵

14. We note that here the Government makes the essential case for statutory means to uphold the Commission's independence, which “must be beyond dispute across the political spectrum”.¹⁶ The logic of this passage—and it is one with which we, and most of the political parties, agree—is that only statutory provision will suffice to ensure that all parties will maintain the consensus.

15. There are those, including Sir Robin Mountfield, who advocate the placing on Ministers of statutory obligations to act with propriety towards civil servants and to take proper account of their advice. This would give statutory support to the stipulations of paragraph 58 of the Ministerial Code, which states that “Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching policy decisions; a duty to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Civil Service Code”.¹⁷

16. We are not minded to recommend that statutory form needs to be given to the obligations of Ministers towards their civil servants. It is right that the Prime Minister should continue to be the final judge of Ministers' compliance with the Code. Yet the question of the effectiveness and enforcement of the Code is a real one, and we will continue to keep it under active review.

¹³ Ibid, para 38, p 13

¹⁴ Ibid, para 27, p 10

¹⁵ Ibid, paras 27-8, p 10

¹⁶ Ibid, para 28, p 10

¹⁷ Cabinet Office, *A Code of Conduct and Guidance on Procedures for Ministers*, July 2001, www.cabinetoffice.gov.uk

Unintended consequences?

17. More widely, the Government harbours doubts about the possible “unintended consequences” of enacting Civil Service legislation, and in particular the potential loss of the “welcome flexibility” offered by the present non-statutory arrangements in respect to the management of the Service.¹⁸ The suggestion is that it would be difficult in any Act to avoid trammelling the freedom of Ministers to reform and adapt the Civil Service to the changing demands and expectations of the public.

18. Yet this apprehension is shown to be unfounded by the appearance of the Government's own draft Bill. The Government expresses complete confidence that the Bill is workable in the sense that it is limited in effect and contains nothing which would damage the flexibility of the Civil Service: “[the Government] shares with the current advocates of legislation the consensus that any such legislation must not inhibit the Civil Service's continuing evolution, development and reform. Certainly, the draft Bill that the Government is bringing forward for consultation is confined to securing the non-partisan status of the permanent Civil Service ... ”.¹⁹

Areas of divergence

19. Although we offer it a general welcome, the Government's approach differs in a number of ways from that taken by the Committee, and raises a number of other concerns. These include:

i. The powers of the Civil Service Commission

- The Government does not believe that the Civil Service Commission should have the right, recommended by the Committee, to undertake inquiries into the operation of the Civil Service Code and the Code of Conduct for Special Advisers. The Government's argument is that “it must ultimately be for management in Departments to ensure the effective application and operation of these Codes”. The Government continues “Management cannot abdicate such central responsibilities to outsiders.” Where it is necessary to inquire into the operation of the Codes, the inquiry should be undertaken instead by the Cabinet Secretary, who would “report the outcome to the Minister for the Civil Service and other Ministers as appropriate”.²⁰ **We disagree with the Government on this point and maintain our view that the Civil Service Commission should be given the power to undertake such inquiries. The Government's argument against the involvement of “outsiders” in such staff matters would also be an argument against the long-established involvement of the Civil Service Commissioners in the recruitment and promotion of civil servants. The power to undertake such inquiries would be an entirely logical and modest extension of the powers already successfully exercised by the Commission, and we are surprised at the Government's opposition to this proposal.**

¹⁸ Cm 6373, para 14, pp 5-6

¹⁹ Ibid, para 19, pp 7-8

²⁰ Cm 6373, para 32, p 11

ii. Role of special advisers

- We believe that there should be further clarification of the references to the work of special advisers in the footnote to paragraph 39. The paragraph says that the Government's draft Bill would provide that "no special adviser can authorise expenditure, exercise line management supervision over permanent civil servants or discharge any statutory power".²¹ However, the footnote to this passage appears to blur the line: "The Government believes that in order to do their jobs effectively special advisers need to be able, on behalf of their appointing Minister, to commission work from civil servants. It does not believe that this amounts to exercising a line management function especially as such commissions must reflect departmental priorities and the impact on the workload of the department."²² We believe that the distinction between "line management" and "commissioning work" would be much easier to sustain in principle than in practice. What, for instance, if a permanent civil servant judges that work commissioned from him or her by a special adviser is unduly burdensome, or would interfere unreasonably with other work for which he or she is responsible? Sir Robin Mountfield fears that the commissioning of work would lead to special advisers "acting as conduits for instructions from ministers". This would imply that special advisers "would replace permanent civil servants in the private secretary role" and "confuse lines of accountability". We described in "These Unfortunate Events" the dilemmas that can from time to time arise when a special adviser exerts or tries to exert effective executive power over permanent civil servants.²³ **We believe that the Government must clarify this issue during the passage of the Bill.**

iii. Number of special advisers

- The Government does not believe that an upper limit should be placed on the overall number of special advisers. This differs from our view that although an arbitrary cap is not desirable, a mechanism should be established for the approval by each House of Parliament of a maximum number of special adviser appointments. The Government doubts that "the important constitutional and management issues raised by the emergence of special advisers are somehow susceptible to resolution or control by the imposition of an upper limit on their numbers".²⁴ Instead, the Government proposes that an annual report should be prepared for Parliament, detailing the "names, responsibilities, activities and cost" of special advisers.²⁵ Consistently with this approach, the Government envisages that the Bill would remove the current cap on the number of special advisers for ministers in the Welsh Assembly and the Scottish Parliament.²⁶ **We acknowledge the force of the Government's argument that the nature of the functions and responsibilities of special advisers is far more important than their overall numbers. We do not accept the case for an arbitrary cap on numbers, but maintain our support for parliamentary approval of the total**

²¹ Ibid, para 39, p 13

²² Ibid, n 15

²³ Eighth Report of Session 2001-02, *These Unfortunate Events: Lesson of Recent Events at the Former DTLR*, HC 303

²⁴ Cm 6373, para 41, p 14

²⁵ Ibid, para 42, p 14

²⁶ Ibid, para 43, p 14

number. Our recommendation would, we believe, increase transparency and help to maintain public confidence, without in any way drawing Parliament into detailed management questions.

iv. Role of Parliament in approving the Civil Service Code

- The Government considers that the role of Parliament in overseeing the regulation of the Civil Service should be restricted. The Government's draft Bill (Clause 5(3)) contains a provision that the Minister for the Civil Service (the Prime Minister) should "lay the Civil Service Code before each House of Parliament". This low-key scrutiny (via the negative resolution procedure) is significantly less powerful than that proposed by us, which recommended that a draft of the Code should be laid before each House "and if either House of Parliament passes a resolution requiring the Code or any alteration in it to be withdrawn the Minister for the Civil Service shall withdraw the code or alteration and, where he withdraws the code, shall prepare a Code in substitution for the one which is withdrawn".²⁷ **We continue to believe that it would be entirely appropriate for Parliament to debate and have the opportunity to amend the Code. This is at the heart of the role we envisage for Parliament as guarantor of the values of the Civil Service. At a time of radical change in public services, such a role is even more important, and Parliament needs to be able to discharge it properly. We maintain our belief that our approach is the only one that would be effective.**

v. Informing Parliament about the Service

- The Government disagrees with our recommendation that Civil Service management orders should be made by statutory instrument. The Government argues that this would "interpose a third party in matters that are properly handled as part of the employer-employee relationship".²⁸ This treats the running of the Civil Service as if it were wholly a matter of private law between the Crown and its servants, with Parliament seen as a third party. **We continue to believe that our recommendation of a statutory instrument procedure has merit. The parliamentary procedure we propose is not elaborate and would not involve any debate; it is simply a way of ensuring that both Houses are properly informed about the operation of a Service for which they vote the funds. It is hardly an accurate reflection of the case to suggest that the operations of the country's Civil Service, in which the public has such a strong interest, are equivalent to a normal "employer-employee relationship".**

Definition of a civil servant

20. The issue of the definition of a civil servant is an important one in the context of the draft Bill. The Government addresses it indirectly, by proposing a comprehensive listing of every part of the Civil Service to which the Bill should apply. This list is contained in a Schedule to the Bill. The Consultation Document sets out the Government's conviction

²⁷ HC (2003-04) 128-I p 9

²⁸ Cm 6373, para 51, p 16

that, because of the particular nature of their work, the Secret Intelligence Service and the Security Service should not be covered by any of the proposed Codes. On the other hand, the staff of GCHQ would be covered by the provisions of the Bill, “because there is no operational impediment” to their inclusion.²⁹ **We accept the logic of that decision.**

From a draft to a Bill

21. We believe that the momentum towards legislation must be maintained. The next step is for the Government to consider the results of the consultation and then submit a further draft Bill to Parliament. Early scrutiny by a joint committee of both Houses might then be most appropriate, although the exact mechanism is less important than the political will to see the legislation through and to achieve a cross-party consensus. We hope that a Civil Service Bill will be enacted early in the next Parliament.

Conclusion

22. There is wide support for a Civil Service Bill. It has had a protracted genesis; but there is now no reason why there should be delay in converting draft into actual Bill. This Committee demonstrated in its own draft Bill that it was perfectly possible to give legislative protection to certain key constitutional relationships without impeding change and development in the Civil Service. We welcome the fact that the Government has now accepted this in bringing forward its own draft Bill. Although we believe that it is capable of improvement in the ways we suggest, its implementation will represent a significant constitutional moment. We would expect this moment to come in the first session of the next Parliament.

²⁹ Ibid, para 25, p 9

Conclusions and recommendations

1. We recommend that, should the current private member's bill fail to become law, these provisions should be included in any Civil Service Act. (Paragraph 4)
2. We disagree with the Government on this point and maintain our view that the Civil Service Commission should be given the power to undertake such inquiries. The Government's argument against the involvement of "outsiders" in such staff matters would also be an argument against the long-established involvement of the Civil Service Commissioners in the recruitment and promotion of civil servants. The power to undertake such inquiries would be an entirely logical and modest extension of the powers already successfully exercised by the Commission, and we are surprised at the Government's opposition to this proposal. (Paragraph 19(i))
3. We believe that the Government must clarify this issue during the passage of the Bill. (Paragraph 19(ii))
4. We acknowledge the force of the Government's argument that the nature of the functions and responsibilities of special advisers is far more important than their overall numbers. We do not accept the case for an arbitrary cap on numbers, but maintain our support for parliamentary approval of the total number. Our recommendation would, we believe, increase transparency and help to maintain public confidence, without in any way drawing Parliament into detailed management questions. (Paragraph 19(iii))
5. We continue to believe that it would be entirely appropriate for Parliament to debate and have the opportunity to amend the Code. This is at the heart of the role we envisage for Parliament as guarantor of the values of the Civil Service. At a time of radical change in public services, such a role is even more important, and Parliament needs to be able to discharge it properly. We maintain our belief that our approach is the only one that would be effective. (Paragraph 19(iv))
6. We continue to believe that our recommendation of a statutory instrument procedure has merit. The parliamentary procedure we propose is not elaborate and would not involve any debate; it is simply a way of ensuring that both Houses are properly informed about the operation of a Service for which they vote the funds. It is hardly an accurate reflection of the case to suggest that the operations of the country's Civil Service, in which the public has such a strong interest, are equivalent to a normal "employer-employee relationship". (Paragraph 19(v))
7. We accept the logic of that decision. (Paragraph 20)

Formal minutes

Thursday 10 February 2005

Members present:

Tony Wright, in the Chair

Mr David Heyes

Mr Kelvin Hopkins

Mr Ian Liddell-Grainger

Mr Gordon Prentice

Brian White

Iain Wright

The Committee deliberated.

Draft Report (Response to Government's Consultation on the Civil Service Bill), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraph 1 read and agreed to.

Paragraph 2, amendment proposed, in line 1, to leave out the words "is highly unusual in" and to insert the words "prides itself on"—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes

Mr Kelvin Hopkins

Mr Ian Liddell-Grainger

Mr Gordon Prentice

Iain Wright

Another amendment proposed in line 4, after "public service", to insert the words "including some countries which have outperformed the United Kingdom"—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed in line 5, to leave out the words “We believe that this tradition, begun in the 1850s when William Gladstone asked Northcote and Trevelyan to consider the future of the Civil Service, leading to reforms which replaced patronage with merit, is” and to insert the words “The Northcote/Trevelyan reforms, implemented, as they were, between their ‘excellent administration’ of the Irish famine of the 1840s and the equally ‘successful’ Indian famine a decade later, are”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 2 agreed to.

Paragraph 3, amendment proposed, in line 5, to leave out the words “emerging consensus” and to insert the words “disparate views”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 3 agreed to.

Paragraph 4 read and agreed to.

Paragraph 5, amendment proposed, in line 1, to leave out the words “seems to doubt the” and to insert the words “also recognises that there is some doubt about”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 5 agreed to.

Paragraph 6, amendment proposed, in line 6, to leave out the words “It is unusual, even bizarre, for a government to publish” and insert the words “We welcome that the Government has published”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 7, to leave out the words “seeming to suggest” and insert the words “recognising”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 7, to leave out the word “is” and to insert the words “may be”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 7, at the end, to insert the words “and requires considerable public debate”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 6 agreed to.

Paragraph 7, amendment proposed, in line 1, to leave out the word “indeed” and to insert the word “not”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 2, after the word “consensus”, to insert the words “despite attempts to do so”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 2, to leave out the words “This sees” and to insert the words “Many argue”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 12, to leave out from the word “According” to the end of the paragraph—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 7 agreed to.

Paragraph 8, amendment proposed, in line 9, at the end, to insert the words “However, some would argue this is because senior civil servants are now being expected to deliver outcomes rather than endless policy options”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 8 agreed to.

Paragraph 9, amendment proposed, in line 1, to leave out the words “be agreed on” and to insert the word “accept”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 9 agreed to.

Paragraph 10, amendment proposed, in line 1, to leave out the word “legislation” and to insert the words “this debate”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Noes, 5

Brian White

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 3, to leave out the words “neutrality of the Civil Service” and to insert the words “need for Civil Service to be partial to the Government of the day irrespective of who that is”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 10 agreed to.

Paragraphs 11 and 12 read and agreed to.

Paragraph 13, amendment proposed, in line 3, after the words “of merit in”, to insert the word “senior”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 13 agreed to.

Paragraph 14 read, as follows:

“We note that here the Government makes the essential case for statutory means to uphold the Commission’s independence, which ‘must be beyond dispute across the political spectrum’. The logic of this passage—and it is one with which we, and most of the political parties, agree—is that only statutory provision will suffice to ensure that all parties will maintain the consensus”.

Motion made, and Question put, to leave out paragraph 14—(Brian White).

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 14 agreed to.

Paragraph 15 read and agreed to.

Paragraph 16, amendment proposed, in line 1, at the beginning, to insert the words “This would go too far the other way and”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 16 agreed to.

Paragraph 17, amendment proposed, in line 1, after the words “the Government”, to insert the word “rightly”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 17 agreed to.

Paragraph 18, amendment proposed, to leave out the words “Yet this apprehension is shown to be unfounded by the appearance of the Government's own draft Bill”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 8, at the end, to insert the words “However, we recognise that this aspect requires proper debate”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 18 agreed to.

Paragraph 19 read and agreed to.

Paragraph 20, amendment proposed, in line 8, at the end, to insert the words “but recognise that until there is a proper definition of a civil servant as distinct from a public servant there is likely to be doubt in the minds of some whether this is workable”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 20 agreed to.

Paragraph 21, amendment proposed, in line 5, to leave out the words “We hope that a Civil Service Bill will be enacted early in the next Parliament”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 21 agreed to.

Paragraph 22, amendment proposed, in line 1, after the words “There is”, to leave out the word “wide”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 2, to leave out the words “is now no reason why there should be delay in converting draft into actual Bill” and to insert the words “are still good reasons for progressing slowly. When changing the vital part of our constitution it is important that the changes command wide cross-party support and retain the confidence of the whole of the civil service, not just the senior civil servants around Whitehall”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 3, after the word “Committee”, to leave out the word “demonstrated”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 3, after the words “own draft Bill”, to insert the word “suggested”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Another amendment proposed, in line 8, after the words “to come in”, to leave out the words “the first session of”—(Brian White).

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Brian White

Noes, 5

Mr David Heyes
Mr Kelvin Hopkins
Mr Ian Liddell-Grainger
Mr Gordon Prentice
Iain Wright

Paragraph 22 agreed to.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

[Adjourned till Thursday 24 February at 9.30am

Reports from the Public Administration Select Committee since 2001

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Second Report	Work of the Committee in 2004	HC 306
Third Report	Response to the Government's Consultation on the Civil Service Bill	HC 336

Session 2003–04

First Report	A Draft Civil Service Bill: Completing the Reform	HC 128–I
Second Report	The Work of the Committee in 2003	HC 229
Third Report	Ministerial Accountability and Parliamentary Questions	HC 355 (<i>HC 1262</i>)
Fourth Report	Taming the Prerogative: Strengthening Ministerial Accountability to Parliament	HC 422 (<i>Cm 6187</i>)
Fifth Report	A Matter of Honour: Reforming the Honours System	HC 212–I
First Special Report	Ministerial Accountability and Parliamentary Questions: Government Response to the Committee's Third Report of Session 2003–04'	HC 1262

Session 2002–03

First Special Report	The Public Service Ethos: Government's Response to the Committee's Seventh Report of Session 2001–02	HC 61
First Report	Ministerial Accountability and Parliamentary Questions: The Government Response to the Ninth Report from the Committee (Session 2001–02)	HC 136
Second Report	The Work of the Committee in 2002	HC 447
Third Report	Ombudsman Issues	HC 448 (<i>Cm 5890</i>)
Fourth Report	Government By Appointment: Opening up the Patronage State	HC 165–I
Fifth Report	On Target? Government By Measurement	HC 62–I (<i>HC 1264</i>)
Sixth Report	On Target? Government By Measurement: the Government's Response to the Committee's Fifth Report	HC 1264

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First Report	Public Participation: Issues and Innovations: The Government Response to the Committee's Sixth Report of Session 2000–01	HC 334
Second Report	The Ministerial Code: Improving the Rule Book: The Government Response to the Committee's Third Report of Session 2000–01	HC 439

Third Report	Special Advisers: Boon or Bane: The Government Response to the Committee's Fourth Report of Session 2000–01	HC 463
Fourth Report	Ministerial Accountability and Parliamentary Questions: The Government Response to the Committee's Second Report of Session 2000–01	HC 464
Fifth Report	The Second Chamber: Continuing the Reform	HC 494–I (<i>HC 794</i>)
Sixth Report	The Second Chamber: Continuing the Reform: The Government Response to the Committee's Fifth Report	HC 794
Seventh Report	The Public Service Ethos	HC 263–I (<i>HC 61</i>)
Eighth Report	"These Unfortunate Events": Lessons of Recent Events at the Former DTLR	HC 303–I (<i>Cm 5756</i>)
Ninth Report	Ministerial Accountability and Parliamentary Questions	HC 1086 (<i>HC 136</i>)

The response to the report is printed in brackets after the HC printing number.