

# Civil Servants Speaking Out

[This is an annex to chapter 3 of [Civil Servants, Ministers and Parliament](#).]

A key feature of the UK's unwritten constitution is that even the most senior officials - those working the most closely with Ministers - must not show any political allegiance. Individual civil servants may not even publicly defend the decisions and views of their Ministers, for that would imply they agreed with them, which could clearly cause problems if the official were subsequently asked to work for a Minister with different views. It is even more obvious, one would think, that civil servants may not criticise Ministers' policies or performance. These rules have however been breached a number of times in recent years. The rest of this note lists some examples and offers some discussion and explanations.

But first ...

## Who Can talk to the Media?

Subject to the impartiality constraint summarised above, the basic rule, for many years, was that senior and/or knowledgeable officials could talk to the media, (a) if they felt confident in doing so, (b) if their managers approved, and (c) with the prior approval of a press officer, who would often join the conversation. The Civil Service Management Code said that *'Civil servants must not take part in any activities or make any public statement which might involve the disclosure of official information or draw upon experience gained in their official capacity without the prior specific approval of their department or agency. They must clear in advance material for publication, broadcasts or other public discussion which draws on official information or experience.'*

But the coalition government tightened the rules in March 2015. It added these sentences to the Management Code: *'All contacts with the media should be **authorised in advance by the relevant Minister** [emphasis added] unless a specific delegation or dispensation has been agreed which may be for blocks of posts or areas of activities. The Civil Service Code applies to all such contacts. Civil Servants must at all times observe discretion and express comment with moderation, avoiding personal attacks.'* And it amended [the Civil Service Code](#) to provide that civil servants must *"ensure you have Ministerial authorisation for any contact with the media"*. (There was subsequent clarification that these restrictions applied only to contact "in an official capacity".)

This changes appeared to have practical as distinct from constitutional implications. After all, it was obvious that no-one was ever supposed to talk to the media if they felt that their Minister would not have been happy with what they were going to say.

In practice, however, the new rule means that Government will be even less open. And impromptu, short notice, engagement with the media will be impractical unless and until Ministers have made it clear whom they do, and whom they do not, trust.

The senior officials trade union, the FDA, commented as follows: *'Although some guidance has been sent out relating to communications staff, little, if anything, has been provided for the much wider range of roles that routinely engage with the media as part of the job. The changes made do not, we believe, recognise the complexity of the role of civil servants - and the necessity to engage with the media on an almost daily basis - as part of their role as modern public servants. The requirement now to seek Ministerial authority, or the bureaucracy involved in delegating authority to thousands of civil servants in hundreds of different potential situations where they may be proactively or reactively dealing with the media, simply has not been justified.'*

More generally, it appeared that a general distrust of officials, or a Government peculiarly lacking in confidence, lay behind the publication of the new rules only seven weeks before the 2015 General Election. It would not be surprising if, after the election, many Ministers were to give blanket approval to their more senior officials so as to avoid having to deal with too many one-off and/or urgent requests for approval. In the meantime, however, the Government began to backtrack in response to criticism of the changes to the text. About two weeks later they wrote to the FDA to offer consultation and likely post-election further redrafting, and said that *'The changes were intended to be purely clarificatory and were not intended to change the normal and proper culture or practice of civil servants.'* This was of course nonsense.

Something very similar happened again after the 2025 General Election. The Institute for Government, for instance, expressed concern that new guidance would have a chilling effect on external engagement by civil servants and damage the effectiveness of government. [The Government's response](#) assured the IfG that Civil servants remained able to take part in stakeholder engagement and sector engagement activity. Where media outlets were likely to be present at public events, further approvals might be needed, subject to the judgement of departments on the nature of the activity.

## What About After Retirement?

Up to and including Robert Armstrong - Cabinet Secretary 1979-87 - retired mandarins did not talk about their time in office, nor did they comment on the performance of later governments. Armstrong, it was said, strongly believed that civil servants should remain silent to the grave. His successors have generally also refrained from commenting on their time in office but have increasingly been willing to criticise subsequent governments - especially over Brexit preparations. These instances are not included in the following examples of comments by serving civil servants and others, and retired officials commenting on their time in office.

The willingness of ex-ambassadors to the USA - to talk and write about their work in Washington is more troubling. Christopher Meyer was strongly criticised for writing *DC Confidential* and Kim Darroch was surely wrong to criticise Presidential candidate Joe Biden just before the 2020 election.

What drives these people? I suspect that they greatly miss having the power that they wielded within Whitehall or in overseas embassies. They therefore seek attention from the media - and in some cases (such as Meyer and Darroch) they are keen to sell their memoirs.

## Examples

Although the following notes suggest (I think correctly) that there has recently been more 'speaking out' than in previous decades, it is certainly not an entirely new phenomenon. Sir George Murray may not have gone public but, as Permanent Secretary to the Treasury, he wrote to former Prime Minister Lord Roseberry in 1908 inciting him to oppose the current Chancellor's budget !!

The Government seems to me to be going straight on the rocks financially (and perhaps otherwise) and nobody will listen to me when I tell them so. ... I cannot believe that your House will swallow the Budget if the mature infant turns out to be anything like the embryo which I now contemplate daily with horror.

Then in the 1920s, Ernest Gowers noted that:

In all essentials the theory of ministerial responsibility is still firmly established. And it is right that I should add that, on the whole the fiction is maintained by those whom we serve, even in the most trying circumstances, with a loyalty that ought to command our warm admiration. Perhaps on the other hand there may have been cases - although I think they have been very rare - in which civil servants, finding themselves unexpectedly in the warm glow of limelight, have not skipped back into the wings with that alacrity which constitutional theory demands.

The following are some more recent examples of (current and former) civil and other public servants commenting publicly on Ministerial decisions etc.

**1** A Director-General in the Lord Chancellor's Department wrote to the Financial Times in January 2003 defending the transparency of the system for making judicial appointments.

**2** The Chief of the Defence Staff wrote an article in The Times on 22 July 2004 expressing his personal support for the Defence Secretary's statement, the previous day, which announced big cuts in the numbers of soldiers, ships etc.

**3** The Chief Scientific Adviser announced, at a September 2005 meeting of climate change specialists, what he called a "reasonable" target for stabilising carbon dioxide levels, and said that it would be "politically unrealistic" to demand anything lower, and that if he recommended a lower limit he would lose credibility with the government. He went on to suggest that nuclear power was likely to be the answer to climate change. One commentator said that he feared that the government's chief scientist was mutating into its chief spin doctor!

**4** The Head of the Prison Service gave an interview to the Guardian on 26 October 2005 in which he said that "the fundamental problem is that we lock up too many. We have to reduce the prison population." Although these comments were made only shortly before he retired, they were clearly at odds with the policies of the then Home Secretary.

**5** The Chief Medical Officer, Sir Liam Donaldson, told a Commons committee, on 24 November 2005, that he had considered resigning over the government's refusal to back his call for a full ban on smoking in public places. It was interesting, however, to note that he did not repeat his call - in public at least - and the Government then implemented such a ban in 2007. Sir Liam later went on to call for a minimum price for alcohol, a policy which has yet to be adopted by Government.

**6** A former ambassador to the United States (Sir Christopher Meyer) published a book in November 2005 ("DC Confidential") in which he criticised Prime Minister Tony Blair for failing to use his leverage in Washington to delay the Iraq war, and said that many British Ministers who had visited the US capital were "political pygmies".

**7** The army's Chief of General Staff, General Sir Richard Dannatt, told the Daily Mail, in October 2006, that British Forces' presence in Iraq exacerbated the security situation, having "effectively kicked the door in" when they invaded Iraq in 2006, and they should leave Iraq "some time soon". Although these remarks (somewhat qualified by the General over the next day or two) could be interpreted as being consistent with Government policy, they caused a stir at the time and former Home Secretary David Blunkett criticised Gen. Dannatt for "interfering" in politics, saying it was a "constitutional" issue. General Dannatt was also subsequently critical of the Government's treatment and equipment of front-line soldiers in Iraq and Afghanistan. It was therefore perhaps no great surprise when his later expected promotion to Chief of the Defence Staff did not take place, although there was greater surprise when the Conservative Opposition announced, shortly after the General's retirement in 2009, that he was likely to become a Minister in any future Conservative Government. This did appear to be final proof that General Dannatt had failed in his professional duty to avoid showing political allegiance whilst in office.

**8** Ex-Treasury Permanent Secretary, and ex-Head of the Civil Service, Lord (Andrew) Turnbull told the Financial Times, in March 2007, that the then Chancellor of the

Exchequer Gordon Brown operated with "Stalinist ruthlessness", used denial of information as an instrument of power, held his colleagues in contempt, and had a Macavity-like ability to evade responsibility for problems that he had caused. Whatever one's view of the Chancellor's effectiveness, none of these descriptions of the Chancellor were new or surprising, and most commentators said that they thought they were essentially true. It is less clear whether Lord Turnbull meant them as criticisms, for many would argue that Gordon Brown was a successful Chancellor because of those qualities. It is also not clear whether Lord Turnbull meant his comments to be published. He was talking to a journalist he had known for 20 years and may well have forgotten the basic rule that newsworthy comments are never definitely "off the record". Lord Turnbull appears to have regretted his comments as soon as he saw them in print. Refusing an opportunity of further interviews, he told the BBC that he thought he had "done enough damage already". (See also Note 1 below.)

**9** Professor Adrian Smith, Director General of Science and Research in the Department for Business, Universities and Science, hit the headlines in February 2009 when he criticised the new school diplomas - such as the new Science Diploma - as "schizophrenic", claiming they fell between the twin aims of pushing the brightest and aiding weaker students. Ministers were understood to believe the diplomas could replace GCSEs and A-levels altogether but Professor Smith said the government should first aim to get GCSEs and A-levels right and that there was a lack of joined-up thinking. His comments were immediately seized upon by Opposition MPs. The Conservative shadow science minister, said: "It is extraordinary that such a senior civil servant should launch such a blistering attack on the Government's failure on science". The Liberal Democrat schools spokesman said: "This is a damning criticism of the Government's education policy. Ministers cannot simply ignore these comments from someone working at such a senior level in their own department. ... The fact that such a senior civil servant believes that ministers are exaggerating improvements will shatter confidence in the Government's entire education strategy." Professor Smith subsequently told Ministers that he deeply regretted what he had said, and wrote personal letters of apology to two Secretaries of State.

**10** A somewhat different example occurred in January 2009 when, writing in an academic journal, Professor David Nutt, Chairman of the Advisory Council on the Misuse of Drugs, said that taking ecstasy was no worse than the risks associated with "equasy" (short for Equine Addiction Syndrome), a term he invented to describe people's addiction to horse-riding which causes 10 deaths and more than 100 road traffic accidents a year. This caused a fuss which was tolerated by Ministers.

But then, in October 2009, the Centre for Crime and Justice Studies published a lecture by Professor Nutt accompanied by a press release which said that "*Professor Nutt argues strongly in favour of an evidence-based approach to drugs classification*

*policy and criticises the 'precautionary principle', used by the former Home Secretary Jackie Smith to justify her decision to reclassify cannabis from a class C to a class B drug". The press release also quoted the Centre's Director as saying that "Professor Nutt's briefing gives us an insight into what drugs policy might look like if it was based on the research evidence, rather than political posturing and moralistic positioning". This was a step too far for the Home Secretary who promptly sacked the professor even though he was not a civil or public servant. Indeed, he was unpaid. Home Secretary Alan Johnson nevertheless took the view that Professor Nutt had gone beyond giving advice and had begun to campaign on an essentially political issue. In a letter to The Guardian he noted that "There are not many kids in my constituency in danger of falling off a horse - there are thousands at risk of being sucked into a world of hopeless despair through drug addiction". (See also Notes 3 and 4 below.)*

**11** The Treasury's Permanent Secretary, Sir Nick Macpherson, published an analysis in February 2014 which was highly critical of one key policy of the Scottish National Party, even though it was conceivable that the the SNP could become a junior member in a future UK government. The advice had been specially prepared for publication at the request of current Ministers, and the key paragraph read as follows: *'Currency unions between sovereign states are fraught with difficulty. They require extraordinary commitment, and a genuine desire to see closer union between the peoples involved. As the Treasury paper points out, the great thing about the sterling union between Scotland, Wales, Northern Ireland and England is that it has all the necessary ingredients: political union, economic integration and consent. What worries me about the Scottish Government's putative currency union is that it would take place against the background of a weakening union between the two countries, running counter to the direction of travel in the eurozone.'*

See the *Discussion* below for the critical reaction of the Public Administration Select Committee to Sir Nicholas' actions.

**12** In early 2015, both the Head of the Armed Services (Chief of Defence Staff General Sir Nick Houghton) and the Head of the Army (Chief of the General Staff General Sir Nick Houghton) implicitly criticised Ministers in the previous Blair Government for their 'folly' of committing to the conflict in Afghanistan without understanding the country's politics, economics, tribes and culture. They also criticised their predecessors for not telling Ministers of their concerns.

**13** In June 2015, Bob Kerslake (now Lord Kerslake) strongly criticised the new Conservative government's 'right to buy' housing association policy only weeks after ceasing to be Head of the responsible government department, and only months after ceasing to be Head of the whole Civil Service. Strictly speaking, he was not criticising his previous employers' policies - he had worked for the Coalition government and the new policy had appeared only in the Conservative manifesto. But he was making a strong political point only weeks after ceasing to be one of the

key guardians of political impartiality. Maybe it was partial revenge for what appeared to be [years of suffering working for Cabinet Office Minister Francis Maude](#), but it established another precedent which will not have impressed Conservative politicians, and may even have caused the leaders of other political parties to wonder at another crack in the fabled [Westminster Model](#).

Incidentally, Bob Kerslake was another of those senior officials who had been appointed to a very senior position in government from outside Whitehall (in his case from local government). Perhaps, therefore, he had not assimilated the need for impartiality in quite the same way as longer-serving officials.

**14** [The office of] Jeremy Heywood, Head of the Civil Service, tweeted as follows in October 2015: "*Great speech from [Cabinet Office] Matt Hancock on building a smarter, nimbler, more responsive & accessible state*". This was pretty innocuous - Mr Hancock's speech was hardly controversial - but still a mistake as it could have led to other Ministers asking that their speeches, too, should be retweeted and complimented - and how could Sir Jeremy say '*No!*'? Subsequent tweets from his office drew attention to speeches, but shied away from complimenting them.

**15** Chief of Defence Staff (Head of the UK's armed forces), General Sir Nicholas Houghton, gave a Remembrance Day interview in November 2015 in which he criticised Labour leader Jeremy Corbyn's statement that, if he were elected as Prime Minister, he would never fire the UK's nuclear weapons. Sir Nicholas said Mr Corbyn's stance "*would worry me if [it] was translated into power*" because "*the purpose of the deterrent is that you don't have to use it because you can successfully deter*". He also criticised Parliament's failure to agree that the UK could join its allies in bombing Islamic terrorists in Syria.

The first was a statement of the bleeding obvious, but nevertheless overstepped the boundary of what a general should say about the policy of someone to whom he might one day report. Mr Corbyn responded by saying that "*I don't think it is appropriate for serving officers to make political comments or engage in political debate*".

The second statement attracted less attention because it echoed current Ministers' own frustrations, although it again probably overstepped that same invisible line.

**16** Children's Mental Health Czar Natasha Devon ran into similar problems to David Nutt (10 above) when she felt ignored by Ministers which caused her to criticise them publicly - whereupon her role was axed in May 2016. Like Professor Nutt, she was unpaid and not a civil servant - but her story drives home the lesson that the rules of engagement between advisers and the Government need to be made crystal clear, including the extent of Ministers' exposure to advice, and what happens - and what can be said - if the advice is not taken.

**17** Several previous Cabinet and Permanent Secretaries were quoted in Tom Bower's 2016 book *Broken Vows: Tony Blair, The Tragedy of Power*. They were fairly disobliging about the Prime Minister that they had all served, as well as sometimes about each other. As David Walker commented in *The Guardian*, they were failing to uphold "one of British public service's main conventions ... you don't diss your politicians, certainly not in public."

**18** The UK's Permanent Representative to the European Union, Sir Ivan Rogers, unexpectedly resigned in January 2017 and sent an email to staff which hit the headlines because parts of it were perceived to be highly critical of the current government. (The full text, with a BBC commentary, is in the Annex below.) Sir Ivan had had an unusual career including time as a the Private Secretary/Chief of Staff to previous Prime Minister, a very Europhile Chancellor of the Exchequer, and a European Commissioner, as well as several years in the City. He thus had a wealth of experience but was hardly a natural diplomat, being described by some other civil servants as "not suffering fools gladly" and as someone who "talked down to everyone else". His style was clearly unwelcome to Prime Minister Theresa May and her team and he was clearly not best placed to work effectively with Brexit Ministers after the Brexit vote in June 2016.

Sir Ivan drafted his email whilst on holiday and before returning to the office, and presumably without consulting senior colleagues. The IFG's Jill Rutter commented that she had "*never seen an official resignation letter like Ivan Rogers.. more like a ministerial resignation statement...*". Ex-Treasury colleague Nick Macpherson tweeted in support of Sir Ivan:- "*Ivan Rogers huge loss. Can't understand wilful & total destruction of EU expertise, with Cunliffe, Ellam & Scholar also out of loop. #amateurism.*" But Sir Nicholas himself has form in this area - see 11 above.

Sir Ivan was replaced by the (presumably more diplomatic) previous Ambassador to Putin's Russia - a man with Foreign Office rather than Treasury instincts.

**19** I thought that the Cabinet Secretary, Jeremy Heywood, went a little too far in expressing confidence about Brexit when he tweeted as follows in February 2017:

Excellent meeting yesterday with [a supermarket CEO] talking about how the UK food industry can thrive post-Brexit.

In practice, though, I guess the tweet was sent out by a junior in Sir Jeremy's office.

**20** Chief Executive of the NHS (and therefore not strictly a civil servant) Simon Stevens warned very publicly in November 2017 that the NHS needed an extra £4bn in the next financial year if it was to avoid major problems - six times the proposed increase in the government's published plan. 'Some may say "Aren't we spending at the European average?" Well only if you think that bundling austerity-shrunken

Greek and Portuguese health spending should help shape the benchmark for Britain. If instead you think that modern Britain should look more like Germany or France or Sweden then we are underfunding our health services by £20bn-£30bn a year.'

**21** The Head of the General Staff (i.e. Head of the Army) Sir Nick Carter delivered a speech in January 2018 in effect hammering on the Chancellor's door for more money for defence. Matthew Parris called this *a glove-puppet speech* as the Secretary of State for Defence let it be known that he had pre-approved the speech. It was therefore an interesting demonstration of the weakness of the then Prime Minister Theresa May.

**22** Permanent Secretary Clare Moriarty tweeted in February 2019 that "teams across [her department] will miss George Eustice's good humour, understanding of the issues and empathy for #farming and #fisheries. We're very sorry to lose him after nearly 5 years as our Minister." It was clearly well meant and harmless, but observers were forced to ask whether all future Ministerial departures would be accompanied by official praise, or whether we should instead wait with interest to see which Ministers met with officials approval.

**23** Dept of Trade Permanent Secretary Antonia Romeo clearly went too far, in September 2019, when tweeting US Vice President Mike Spence's ridiculous forecast that a US/UK free trade agreement could increase trade between the two countries 3-4 times.

## Discussion

The first point to be made is that it is in truth very difficult for civil servants to avoid giving some indication of whether or not they are comfortable with their Ministers' decisions and policies. Bob Nicholson recounts how one senior official would say '*we believe*' when he agreed with a policy, and '*the government believe*' when he didn't!

The second point that must be made is that all the people mentioned above either are or were very senior public servants etc. who might be expected to have strong views which would not always be consistent with publicly stated Government policy. Indeed, I am pretty certain that many of the critical views summarised above (such as on the Iraq war, education, alcohol and drugs) would be shared by many Ministers and other politicians in all the main parties. (At least one of the interventions was pre-approved by the relevant Minister. ) Anyone not familiar with the subtlety of the UK unwritten constitution might well regard the comments listed above as legitimate and grown-up contributions to important debates by those who might be expected to have relevant views.

The fundamental difficulty, however, is that UK Civil Servants - like doctors and lawyers - are simply not allowed to criticise or breach the confidence of their clients

or patients - even years later. Sir Christopher Meyer's book and Lord Turnbull's comments are particularly noticeable and damaging breaches of this ethical rule. But even thoughtful and intelligent contributions - from non-civil servants such as General Dannatt, Professor Smith and Professor Nutt - can cause enormous political problems for Ministers, even if they secretly agree with the comments. As Sir William Harcourt said two centuries ago: "*The Minister exists to tell the Civil Servant what the Public will not stand*".

It is therefore no coincidence that the majority of the above people were not professional civil servants brought up, so to speak, within the main Whitehall civil service. They were all different sorts of professional experts, and presumably felt that they had a degree of independence from Ministers - a sort of licence to speak their mind. They may have felt, too, that the old rules were breaking down as Ministers gradually achieved their objective of having a significant proportion of the senior civil service recruited 'from outside' and increasingly look to recruit those willing to take more risks than their supposedly fuddy-duddy ex-Whitehall colleagues.

Labour Ministers, too, may initially have been quite relaxed but perhaps became more concerned as the years went by. It is interesting that the first three of the above examples were of officials openly agreeing with Government policies, presumably to quiet applause from their masters. But the mood changed as the Labour Government became less popular and more sensitive to criticism. Following the Meyer book, the Government announced, in March 2006, that it would in future ask those officials working in sensitive areas, and those who have regular contact with Ministers, to sign away to the government any copyright in any future memoirs.

Scientific and medical advisers appear to have a lot more licence than their civil service colleagues. The Chief Medical Adviser ('5' above) seems to have stayed on the right side of the invisible line separating permissible from non-permissible comment, as did Professor Nutt ('10' above) before eventually straying over it. The outcome of the latter controversy was nevertheless very unfortunate and damaging for both sides as the Government lost a highly respected adviser, and also lost the respect of many in the science community. But Professor Nutt does not seem to regret allowing his name to be associated with clear criticisms of senior ministers' decisions, "political posturing" and "moralistic positioning". And there has been no sign either that the Home Secretary regretted his decision to sack his adviser, nor any sign that the British public will vote for politicians who take serious steps to curb alcohol or tobacco consumption - or horse riding - nor for politicians who appear to be 'soft on drugs'. (See also Note 1 below.) ([And follow this link to access a number of web pages which discuss Science and Risk.](#))

The breach of the rules that clearly stands out is the publication of Nick Macpherson's advice in advance of the devolution referendum ('11' above). The Public Administration Select Committee investigated his attack on the SNP's policies

and concluded *'that Sir Nicholas Macpherson's advice should not have been published. Its publication compromised the perceived impartiality of one of the UK's most senior civil servants. It remains the view of this Committee that Civil Service advice should remain protected. The decision to publish will have unintended consequences for advice given to ministers on future major issues—including referendums. We invite the Government to make it clear in its response to this report that the publication of advice to ministers will never recur.'* The full report is [here](#)

**Note 1:** Follow this link for [advice on how best to work with the media](#).

**Note 2:** This web page does not deal with the related issue of senior regulators criticising government policies. It is interesting that this seldom happens. One reason may be that regulators generally do no more than apply statute law. In other words, they work within preordained high level policies. Another is that there may be a form of unwritten agreement that Ministers do not criticise regulators' decisions, and vice versa. Please [click here for more information about regulation](#).

**Note 3:** I have written [a short blog explaining why ministers do not always follow scientific advice](#).

**Note 4:** And I was asked, in November 2015, for advice for external scientists and others who want to influence government policy. My response is [here](#).

**Note 5:** Here are extracts from a useful commentary published by Dennis Grube in 2015:

"Throughout the twentieth century, the all-powerful mandarins who wielded immense influence at the centre of government were largely unknown to the wider public. To quote Peter Hennessy "they were scarcely household names in their own household". ... Things have changed. The environment in which senior civil servants work today is fundamentally different. A 24/7 news media with a voracious appetite and attack-dog instincts provides a ceaseless stream of electronic and print-based communication, incorporating video and audio that can immediately bring mistakes to life. The advent of forums such as Senate committee hearings in Australia and select committees in the UK have seen civil servants brought before MPs to publicly answer for aspects of public administration. The arrival of social media has seen bureaucracies embrace the opportunities of Twitter and Facebook, adopting direct forms of public communication that were previously simply unavailable. ...

The question for scholars and practitioners is: should we care? Does it in fact matter if civil service leaders become more public figures than they have previously? I argue that the reason these changes matter is because the traditional anonymity of civil servants is linked in important ways to the impartiality of the civil service. To dispense

with the former is to endanger the latter in ways that re-shape the core role of civil service leaders in a Westminster system.

The late Canadian academic, Peter Aucoin argued that what we are seeing is the emergence of what he termed "promiscuous partisanship", the idea that civil servants are now expected to support government policy with the same fervour as if they were in fact partisans. The only difference being that they must then turn around and offer exactly the same fervour in turn to the next government when a change of government occurs. To quote Aucoin directly:

"The anonymity of public servants, as invisible to parliament or the public, disappeared some time ago ...[M]inisters, sometimes explicitly, usually implicitly, expect those public servants who are seen and heard in countless public forums to support government policy, that is, to go beyond mere description and explanation. ... [W]hen the public value of what the government is doing is disputed, they expect public servants to rise to the challenge. To the degree that ministers can expect public servants to do so without instruction, the culture is infested with the norm of promiscuous partisanship."

Aucoin's insight is significant, and his concerns about any decline in impartiality very real. But I argue that what has changed is not that civil service leaders have suddenly become partisan but rather that they have recently become 'public', allowing for perceptions of partisanship to emerge. Senior mandarins work at the interface of politics and administration. Their job is self-evidently not removed from the politics which surrounds it. That is why only anonymity can protect them from perceptions that they are partisan or political in the statements they make.

Recent cases in countries that share the Westminster system of government demonstrate that once civil servants are publicly associated with a particular piece of policy advice and analysis, allegations of politicisation frequently follow. To give just three examples: In the UK in 2014 George Osborne publicly released the advice of the Treasury Permanent Secretary, Sir Nicholas Macpherson, on the potential consequences if Scotland voted to leave the union. A row ensued over whether this politicised the position of the Treasury Secretary. In Australia in 2014 Treasury Secretary Martin Parkinson was accused of politicising his position when he gave a public speech interpreted as criticising the Labor Opposition for their response to the government's budget. In Canada, a 2014 report by the think tank 'Canada 2020' suggested that the Clerk of the Privy Council Wayne Wouters had taken on 'the highly political role of spokesperson for blocking parliamentary oversight of public finance', in his dealings with the Parliamentary Budget Officer.

These are just three cases amongst many. Once the advice of civil servants becomes public, it opens their views to everyone who may wish to comment upon them. Frank and fearless advice that was once confined to a private office becomes instead a

matter of public debate. Inevitably, this then leads to charges of politicisation and partisanship, as civil servants are attacked for being too close to government policy, or sometimes for being seen to contradict it. It seems an invidious position. It is in fact the job of senior civil servants to be close to government policy, to discuss it with ministers, and to seek to implement it. When they do so privately, no wider perceptions or debates around politicisation can ensue. But when those debates are taken into the public domain, senior civil servants can find themselves engaged in exactly the kind of public that [many feel is] was beyond their scope.

If governments are moving towards expecting civil servants to play a more public role, then some reconsideration of what we expect of administrative leaders is required. Westminster tradition needs to catch up with the new realities of practice and evolve some conventions that allow civil servants to fulfill their public roles without being targeted with allegations of partisanship."

## **ANNEX**

### **This is the BBC's Report & Commentary on Sir Ivan Rogers' resignation email to staff.**

"The UK's ambassador to the European Union, Sir Ivan Rogers, has resigned. Here is his message to staff in full. **We have highlighted key passages in bold**, and added *BBC political reporter Justin Parkinson's commentary in italics.*

Dear All,

Happy New Year! I hope that you have all had/are still having, a great break, and that you will come back refreshed and ready for an exciting year ahead.

I am writing to you all on the first day back to tell you that I am today resigning as Permanent Representative.

As most of you will know, I started here in November 2013. My four-year tour is therefore due to end in October – although in practice if we had been doing the Presidency my time here would have been extended by a few months.

As we look ahead to the likely timetable for the next few years, and with the invocation of Article 50 coming up shortly, it is obvious that it will be best if the top team in situ at the time that Article 50 is invoked remains there till the end of the process and can also see through the negotiations for any new deal between the UK and the EU27.

It would obviously make no sense for my role to change hands later this year.

I have therefore decided to step down now, having done everything that I could in the last six months to contribute my experience, expertise and address book to get the new team at political and official level under way.

This will permit a new appointee to be in place by the time Article 50 is invoked.

Importantly, it will also enable that person to play a role in the appointment of Shan's replacement as DPR. (Shan Morgan was Deputy Permanent Representative)

I know from experience – both my own hugely positive experience of working in partnership with Shan, and from seeing past, less happy, examples – how imperative it is that the PR and DPR operate as a team, if UKREP is to function as well as I believe it has done over the last few years.

I want to put on record how grateful I am to Shan for the great working relationship we have had.

She will be hugely missed in UKREP, and by many others here in Brussels, but she will be a tremendous asset to the Welsh government.

From my soundings before Christmas, I am optimistic that there will be a very good field of candidates for the DPR role.

But it is right that these two roles now get considered and filled alongside each other, and for my successor to play the leading role in making the DPR appointment. I shall therefore stand aside from the process at this point.

I know that this news will add, temporarily, to the uncertainty that I know, from our many discussions in the autumn, you are all feeling about the role of UKREP in the coming months and years of negotiations over “Brexit”.

I am sorry about that, but I hope that it will help produce earlier and greater clarity on the role that UKREP should play.

My own view remains as it has always been. **We do not yet know what the government will set as negotiating objectives for the UK’s relationship with the EU after exit.**

*This could be read as a hurry-up to the UK government to decide what it actually wants from Brexit talks, expected to start as early as April. This differs from criticism from some MPs that not enough is being divulged – Sir Ivan is implying a lack of direction at the heart of government, rather than vagueness in its public message. And he is suggesting that UK diplomats in Brussels need to be better informed.*

There is much we will not know until later this year about the political shape of the EU itself, and who the political protagonists in any negotiation with the UK will be. But in any negotiation which addresses the new relationship, the technical expertise, the detailed knowledge of positions on the other side of the table – and the reasons for them, and the divisions amongst them – and the negotiating experience and savvy that the people in this building bring, make it essential for all parts of UKREP to be centrally involved in the negotiations if the UK is to achieve the best possible outcomes.

**Serious multilateral negotiating experience is in short supply in Whitehall, and that is not the case in the Commission or in the Council.**

*Sir Ivan is suggesting there’s a danger the UK could be outclassed in the Brexit talks – and lose out as a result. Diplomats must be better prepared, he is apparently arguing.*

The government will only achieve the best for the country if it harnesses the best experience we have – a large proportion of which is concentrated in UKREP – and

negotiates resolutely.

**Senior ministers, who will decide on our positions, issue by issue, also need from you detailed, unvarnished – even where this is uncomfortable – and nuanced understanding of the views, interests and incentives of the other 27.**

*Sir Ivan is saying that only civil servants, rather than campaigners and activists, can provide a true picture of the complexities ahead.*

The structure of the UK's negotiating team and the allocation of roles and responsibilities to support that team, needs rapid resolution.

The working methods which enable the team in London and Brussels to function seamlessly need also to be strengthened.

The great strength of the UK system – at least as it has been perceived by all others in the EU – has always been its unique combination of policy depth, expertise and coherence, message co-ordination and discipline, and the ability to negotiate with skill and determination.

UKREP has always been key to all of that. We shall need it more than ever in the years ahead.

As I have argued consistently at every level since June, many opportunities for the UK in the future will derive from the mere fact of having left and being free to take a different path.

But others will depend entirely on the precise shape of deals we can negotiate in the years ahead.

**Contrary to the beliefs of some, free trade does not just happen when it is not thwarted by authorities: increasing market access to other markets and consumer choice in our own, depends on the deals, multilateral, plurilateral and bilateral that we strike, and the terms that we agree.**

*Sir Ivan does not name those he is effectively accusing of over-optimism and naivety, but this could be read as a criticism of pro-Brexit ministers – those said to favour a "hard Brexit", under which the UK could leave the European single market and customs union and be subject to the rules of the World Trade Organization. There is much hard work ahead, it suggests.*

I shall advise my successor to continue to make these points.

Meanwhile, I would urge you all to stick with it, to keep on working at intensifying your links with opposite numbers in DEXEU [Department for Exiting the EU] and line ministries and to keep on contributing your expertise to the policy-making process as negotiating objectives get drawn up.

The famed UKREP combination of immense creativity with realism ground in negotiating experience, is needed more than ever right now.

On a personal level, leaving UKREP will be a tremendous wrench. I have had the great good fortune, and the immense privilege, in my civil service career, to have held some really interesting and challenging roles: to have served four successive UK

prime ministers very closely; to have been EU, G20 and G8 Sherpa; to have chaired a G8 Presidency and to have taken part in some of the most fraught, and fascinating, EU negotiations of the last 25 years – in areas from tax, to the MFF to the renegotiation.

Of all of these posts, I have enjoyed being the Permanent Representative more than any other I have ever held.

That is, overwhelmingly, because of all of you and what you all make UKREP: a supremely professional place, with a fantastic co-operative culture, which brings together talented people whether locally employed or UK-based and uniquely brings together people from the home civil service with those from the Foreign Office.

UKREP sets itself demanding standards, but people also take the time to support each other which also helps make it an amazingly fun and stimulating place to work. I am grateful for everything you have all done over the last few years to make this such a fantastic operation.

For my part, I hope that in my day-to-day dealings with you I have demonstrated the values which I have always espoused as a public servant.

**I hope you will continue to challenge ill-founded arguments and muddled thinking and that you will never be afraid to speak the truth to those in power. I hope that you will support each other in those difficult moments where you have to deliver messages that are disagreeable to those who need to hear them.**

*The most-reported part of Sir Ivan's email, this implies that more planning is needed, and that ministers are unwilling to listen to the advice civil servants are offering. It gives a strong hint that his colleagues feel intimidated.*

I hope that you will continue to be interested in the views of others, even where you disagree with them, and in understanding why others act and think in the way that they do.

I hope that you will always provide the best advice and counsel you can to the politicians that our people have elected, and be proud of the essential role we play in the service of a great democracy.

Ivan

[Martin Stanley](#)