

Findings of the Independent Adviser

Sir Alex Allan was asked by the Prime Minister to provide advice about whether the facts established by the Cabinet Office in relation to the conduct of the Home Secretary showed adherence to the Ministerial Code.

Sir Alex's advice is that

“The Ministerial Code says “Ministers should be professional in their working relationships with the Civil Service and treat all those with whom they come into contact with consideration and respect.” I believe Civil Servants – particularly Senior Civil Servants – should be expected to handle robust criticism but should not have to face behaviour that goes beyond that. The Home Secretary says that she puts great store by professional, open relationships. She is action orientated and can be direct. The Home Secretary has also become – justifiably in many instances – frustrated by the Home Office leadership's lack of responsiveness and the lack of support she felt in DfID three years ago. The evidence is that this has manifested itself in forceful expression, including some occasions of shouting and swearing. This may not be done intentionally to cause upset, but that has been the effect on some individuals.

“The Ministerial Code says that “Harassing, bullying or other inappropriate or discriminating behaviour wherever it takes place is not consistent with the Ministerial Code...”. Definitions of harassment concern comments or actions relating to personal characteristics and there is no evidence from the Cabinet Office's work of any such behaviour by the Home Secretary. The definition of bullying adopted by the Civil Service accepts that legitimate, reasonable and constructive criticism of a worker's performance will not amount to bullying. It defines bullying as intimidating or insulting behaviour that makes an individual feel uncomfortable, frightened, less respected or put down. Instances of the behaviour reported to the Cabinet Office would meet such a definition.

“The Civil Service itself needs to reflect on its role during this period. The Home Office was not as flexible as it could have been in responding to the Home Secretary's requests and direction. She has – legitimately – not always felt supported by the department. In addition, no feedback was given to the Home Secretary of the impact of her behaviour, which meant she was unaware of issues that she could otherwise have addressed.

“My advice is that the Home Secretary has not consistently met the high standards required by the Ministerial Code of treating her civil servants with consideration and respect. Her approach on occasions has amounted to behaviour that can be described as bullying in terms of the impact felt by individuals. To that extent her

behaviour has been in breach of the Ministerial Code, even if unintentionally. This conclusion needs to be seen in context. There is no evidence that she was aware of the impact of her behaviour, and no feedback was given to her at the time. The high pressure and demands of the role, in the Home Office, coupled with the need for more supportive leadership from top of the department has clearly been a contributory factor. In particular, I note the finding of different and more positive behaviour since these issues were raised with her.”