

Response from the Committee on Standards in Public Life to the PACAC inquiry on Civil Service Leadership and Reform

Background on the Committee

1. The Committee on Standards in Public Life (CSPL) is an independent, non-departmental public body that advises the Prime Minister on the arrangements for upholding standards of conduct across public life in England. The Committee does not have investigative powers or consider individual cases. Please see Annex A for the Committee's remit.
2. The Committee articulated the Seven Principles of Public Life – commonly referred to as the Nolan Principles – in its first report in 1995: honesty; objectivity; openness; selflessness; integrity; accountability; and leadership. These principles apply to all public office holders, including those who are elected or appointed, and to private providers of public services.

Consultation response

3. CSPL welcomes the opportunity to respond to this consultation.

The status and constitutional position of the Civil Service

4. At the heart of the relationship between ministers and civil servants is a democratic tension that is integral to the operation of government. The model is effective when each understands and respects the parameters of their constitutional role - ministers have a mandate to make decisions about government policy and it is the role of the Civil Service to support the government of the day to develop and implement those policies.
5. In our report, [*Leading in Practice*](#), published in January this year, we discussed how in recent times the government's willingness to test the boundaries of legality in challenging policy areas has been difficult for some civil servants who have struggled to reconcile their work with their own personal values. It was suggested to us that in some instances officials have mistaken a feeling of dislike or discomfort with policy choices for ethical considerations that could be a breach of the Civil Service Code.
6. While matters of individual conscience should be dealt with sensitively, it is central to our system of government that civil servants recognise that their role is to serve the government of the day and implement its policies, regardless of whether they are personally in favour of them. Civil Service impartiality is set down in statute and explicit in the Civil Service Code, which requires civil servants to carry out their duties with impartiality, alongside the other core Civil Service values of integrity, honesty and objectivity. Ultimately, if a civil servant feels unable to do that, they must move roles or departments or leave the Civil Service.
7. Civil servants then must provide impartial and objective advice and permanent secretaries have a responsibility to lead their departments well by supporting civil

servants in so doing, even when that advice may not be what their minister wants to hear. And in circumstances where the behaviour of a minister does not live up to the high standards required by the Ministerial Code, permanent secretaries should have the confidence to address this directly with their minister.

8. Ministers who are focused, rightly, on delivering for the public, may find it exasperating to be advised to consider risks and pitfalls when they have a clear plan for what they want to achieve. However, it is incumbent on them to recognise that the role of the Civil Service is to stress-test policy options and ensure that the implications of potential decisions are understood. If civil servants are shut down for giving advice that ministers are not keen to hear, the full consequences of a proposed course of action may not be anticipated, with damaging consequences for the public.
9. Ministers have pointed to short-comings in the effectiveness of the Civil Service as a source of frustration. They are right to expect high standards and Civil Service leaders must focus on continuing to improve performance through recruiting people with the right skills and values and ensuring that capability is developed within the Civil Service. High staff turnover has also been cited by ministers as an issue that impacts on institutional memory and therefore the quality of advice.
10. Frustration should never manifest itself in behaviour that is harassing, bullying or otherwise inappropriate. In particular, ministers need to be mindful of the power imbalance that exists between them and the civil servants in their private offices.
11. It is clear to us that permanent secretaries and ministers need to invest time in building a respectful and constructive working relationship. In recent times there has been an erosion of the conventions that have governed the relationship, with public criticism of civil servants becoming increasingly disparaging in tone and an increase in anonymous briefings by civil servants to the media. During and after our review we heard examples of low Civil Service morale. There will be a range of factors to explain this, but public accusations of civil servants being obstructive and furthering their own agenda is undoubtedly damaging for staff retention and is unlikely to attract the very best people to work in the public sector.

What constitutes good leadership in the Civil Service?

12. Good leadership is synonymous with ethical leadership because focusing on *how* government delivers its objectives ultimately has benefits for operational delivery. First, a culture where people see thinking about the ethical implications of a proposed action as part of their job and feel safe to speak up if something does not feel right can help to identify risks. Secondly, as we note above, encouraging high ethical standards is good for morale and helps with the retention of staff. Thirdly, focusing on the right behaviours can lead to strong performance and a culture of excellence.
13. Based on the experiences of leaders across the private, public and charity sectors, [Leading in Practice](#) drew together a number of themes which all leaders must prioritise in order to embed an ethical culture in their organisations. We identified [20](#)

[questions for public sector leaders](#) to prompt reflection and discussion on how to support people to think about the Principles of Public Life and integrate them into all aspects of how their government department or public body operates. These are grouped into the following themes discussed in our report.

Communicating expected behaviours and leading by example

14. Senior leaders in the Civil Service set the tone for their departments through what they say and, perhaps, more importantly, through what they do. Good leaders are clear that they expect civil servants to adhere to the Principles of Public Life and the values in the Civil Service Code, even in high-pressure situations. Bringing the values to life in regular communications with staff about how the department describes its purpose and sharing good examples of the values in action can have a powerful effect. Leaders also need to check that the messages are being understood by regularly engaging with staff.
15. Good leaders role-model the behaviour they want to see in their departments and the way they approach their work and behave towards staff, stakeholders and the public is in line with the Civil Service values. They ensure that performance management assessments give proper weight to how people have carried out their objectives as well as the outcomes achieved and are prepared to address behaviour that is not consistent with the Civil Service values.
16. Leadership matters at all levels. The regular interactions that people have with their immediate and middle managers is critical to shaping organisational culture and all leaders have a responsibility to reinforce the behavioural norms and expected conduct in the Civil Service through their own behaviour.

Encouraging a 'speak up' culture

17. The role of leadership in building a 'speak up' culture was a significant theme in the evidence we took for our review. This goes beyond whistleblowing as we heard how the most effective organisations have a broad ambition for people to be comfortable raising concerns when things 'just don't feel right'.
18. Speaking up is difficult for many people. Research from the Institute of Business Ethics shows fear and futility remain powerful barriers.¹ Good practice starts with effective policies, robust procedures and appropriate safeguards for people who raise concerns. However, it is not enough to have processes in place for raising concerns if they are not used and an absence of speak up reports should not be interpreted as a sign of a healthy speak up culture.

¹ Institute of Business Ethics, Ethics at Work: 2021 International Survey of Employees: www.ibe.org.uk/ethicsatwork2021.html

19. We spoke to a group of Nominated Officers as part of the review.² We found there seemed to be a variation in the training provided and senior-level support the officers had received. In some government departments, leaders had shown minimal interest in the Nominated Officer role or even awareness that they have a responsibility for building a 'speak up' culture.
20. We learnt from our review that probably the most important element in encouraging a speak up culture is whether leaders are successful in communicating that they are willing to listen. People will only feel able to speak up if they feel that leaders are prepared to hear what they have to say. It is important that leaders listen with curiosity and with appreciation and that they see speaking up as an opportunity to learn and potentially to put something right.
21. Another important aspect is the feedback loop. Staff need to know that action has been taken or, if not, to have the reasons explained to them. Depending on the circumstances, issues of confidentiality may mean it is not possible to provide details, but leaders have to find a way to let staff know that their concerns have been listened to and action taken where appropriate.

Training, discussion and decision-making

22. Leaders should create space for people to explore what it means to demonstrate the values in the Civil Service Code. In addition to regular training, we want to encourage leaders to discuss the Principles of Public Life and what these mean for their team in the specific context of their roles and organisations.
23. Creating space for the discussion of ethical dilemmas is hugely valuable. There are often no easy answers but it is in the process of discussing the issues and trade-offs that it is possible to end up at a position that can be justified. By practising ethical decision-making civil servants can build their capability to make sound decisions in times of crisis.
24. We came across a variety of mechanisms that leaders can put in place to support ethical decision-making and our report includes examples of manager-led discussion, ethics counsellors, ethics committees and ethical decision-making models.

Governance

25. Departmental boards, while lacking some of the powers or corporate boards (such as appointing leaders and being highest body to which leaders are accountable) have an important influence on how government departments are run.
26. Non-executive directors must both live up to Principles of Public Life in their own behaviour and question how the Principles are understood and applied in

² Nominated Officers are individuals in government departments who can offer impartial support and advice, out of the management chain, to those who suspect wrongdoing and want to raise a concern. Nominated Officers can also provide information about the Civil Service Code and the role of the Civil Service Commission in hearing concerns that relate to a breach of the Code.

departments. Boards should be curious about what is really going on in their organisation. We would like to see stronger guidance developed on the focus that departmental boards should give to ethical issues.

27. Boards need good data to assess how an organisation is living up to its values. This is an area that some of the private companies we spoke to have prioritised. One told us how they triangulate data across a range of functions - whistleblowing data, staff survey data, customer data and more - and bring it together as a single insight for their Board. They use this data to make changes where needed.
28. During the process of gathering evidence we spoke to a number of chief executives and chairs of arms-length bodies (ALBs). Although those we met clearly considered ethical conduct to be a priority for their organisation, we consider there is scope for values and public standards to be a greater part of departmental oversight.

Recruitment and performance management

29. Many leaders told us assessing values was an important aspect of the recruitment processes as it brings in people who are already aligned with the values of the organisation and sets expectations from the start.
30. We would encourage leaders in the Civil Service to consider how they can best incorporate within their recruitment and selection processes an assessment of how the personal values of candidates align with the Principles of Public Life, particularly for senior leadership positions.
31. For senior civil servants, we have said that government departments should ensure that values are considered at the executive search stage. Interviews should test how candidates would handle situations where the Principles of Public Life are under stress and how they would demonstrate to their workforce that the values matter to them.
32. Turning to performance management, we heard that it is standard practice in the private and public sector to look not only at the delivery of objectives, but also at how they have been met. As we explain above, this really matters in the Civil Service. Rewarding those who disregard ethical standards damages the credibility of leaders who claim that high standards are important to them.

Committee on Standards in Public Life

The Committee on Standards in Public Life is an independent, advisory Non-Departmental Public Body (NDPB). The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference:

To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.

The Principles of Selflessness, Objectivity, Integrity, Accountability, Openness, Honesty and Leadership remain the basis of the ethical standards expected of public office holders and continue as key criteria for assessing the quality of public life.

The remit of the Committee excludes investigation of individual allegations of misconduct.

On 12 November 1997, the terms of reference were extended by the then Prime Minister:

To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.

The Committee's terms of reference were further clarified following the Triennial Review of the Committee in 2013. The then Minister of the Cabinet Office confirmed that the Committee:

Should not inquire into matters relating to the devolved legislatures and Governments except with the agreement of those bodies. Secondly the Government understands the Committee's remit to examine "standards of conduct of all holders of public office" as encompassing all those involved in the delivery of public services, not solely, those appointed or elected to public office.

Committee membership:

- Lord Evans of Weardale KCB DL, Chair
- The Rt Hon Lady Mary Arden of Heswall DBE
- The Rt Hon Dame Margaret Beckett DBE MP
- The Rt Hon Ian Blackford MP
- Ewen Fergusson
- Baroness Finn
- Professor Gillian Peele

The Committee's work is supported by a Research Advisory Board, chaired by Professor Mark Philp.