

**Tomorrow's Government
Lecture, RSA**

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Introduction¹

I want to talk about the mandarin myth: about what changes have taken place in the character and role of the Civil Service and whether they are permanent.

Since I ceased to be Secretary of the Cabinet in September 2002 I have tended to avoid going on the record about the Civil Service because I want to move on and not get in the way of my successors. That is still my position. But I hope I may safely offer some reflections about the changing character of the Service in a historical perspective without getting into hot water. That is my intention tonight.

My remarks are primarily about the senior Civil Service, the top few thousand civil servants who deal with Ministers and provide the senior management of the Service, a relatively small group but an important one in the workings of government.

Persistent Questions

A visiting preacher at our College chapel recently described how in a previous appointment he had had to take confession regularly from a group of nuns. He said that it felt like 'being pecked to death by ducks'. I confess I sometimes feel the same about the questions which I am asked about the Civil Service. Let me deal with some of them briefly.

Is the Civil Service being politicised? Answer: no. Civil servants have always worked in an intensely political environment. Perhaps this is only now becoming evident.

How do you see the role of special advisers? Answer: they can be a real asset to a department if they play their role well.

Can civil servants really be politically impartial? Answer: yes, of course. I always saw my Ministers as clients trying to do difficult jobs who needed my support, in the interests of the country, regardless of their politics.

Is 'Yes Minister' accurate? Answer: this is much the most difficult question to answer. Yes and no. I shall try to illuminate it a little through this talk.

My point is that the questions do not go away. There is a lot of curiosity about the Civil Service and what *really* goes on in government. The public may be disenchanted with politics and politicians but, my goodness, they are interested in how things work, what really happens. This interest perhaps reflects a sense that a lot of things are changing in the sphere of government which people do not fully understand, and a worry that somehow, somewhere, something that was important about the role and character of the Civil Service may be being lost. I am not suggesting that citizens are greeting each other in alarm at every street corner about the state of the Civil Service. But the questions are persistent.

¹ This article is based upon a public lecture delivered at the Royal Society of Arts in March 2006. The text has been edited and updated but the voice of the lecture has been allowed to remain.

Is the Civil Service Changing?

Is the Civil Service changing? The answer is undoubtedly: yes. The Civil Service has always been changing. 100 years ago it was different from today. Departments enjoyed considerable autonomy. Nearly thirty per cent of permanent secretaries appointed between 1900 and 1919 had begun life in another profession. Their average age was under 40. It was not unknown for former MPs and junior ministers to become permanent secretaries.

The Civil Service which I joined in 1966 was essentially the Civil Service created by the Treasury under Sir Warren Fisher in the inter-war years, united in one centralised structure with three main classes - administrative, executive and clerical. It was the mandarin model. We have been steadily moving away from the mandarin model for forty years. The Civil Service I left was not the one I joined. It may be that a new kind of mandarin is being invented. But in any event the Civil Service is changing.

The Myth of the Mandarin

Let us turn to this concept of the mandarins. What is or was this myth of the mandarin? I know of no definition of 'mandarin' beyond the definition in the OED which says: 'a grotesque toy figure in Chinese costume that goes on nodding after it is shaken'. I do not want to pursue that line of thought!

Taking a pot shot, I would say that mandarins – people such as Hankey, Fisher, Bridges, Normanbrook, Evelyn Sharp, Burke Trend and all their generation - were public figures of intelligence, character and ability, who worked behind the scenes managing the processes of government excellently and without political involvement. They were dedicated public servants schooled in the values of Northcote Trevelyan. Their skills lay in the effective use of the written word, in the deployment of argument and in the giving of advice. They were not afraid of speaking truth unto power and they made available to Ministers the corporate memory and wisdom of the Service built up over many years.

Their heyday was in the post-war years when the performance of the Service was strong. Like Sir Humphrey, they were figures of fun along with Wigan pier and mothers-in-law, as Lord Bridges (1950) said in his famous lecture, *Portrait of a Profession*. But they were members of the best Civil Service in the world and with their Rolls Royce brains and subtlety they could be relied upon – so the myth runs - to make sure that governments were well run, and if necessary kept in check, and that the constitutional conventions were observed. I suspect that somewhere in the public subconscious people were reassured by their presence and by the belief that the constitution and good government were safeguarded by them.

Some of this was, and is still, true. The British Civil Service is still excellent. It comprises outstanding people who are committed to public service. It still follows the great Victorian principle of appointment and promotion on merit, and holds to longstanding values of integrity, honesty, objectivity and political impartiality, as Gus O'Donnell's new draft Code spells out. But it has undoubtedly changed.

Cracks in the Image

It would be wrong to glorify the mandarin period. Senior civil servants of that time were not always at one with their ministers. During the Suez crisis for instance a number of permanent secretaries seriously discussed whether they should resign in protest against a government behaving illegally.

It would be wrong to think that Ministers always liked the mandarins. Many politicians were - and some still are - ready to see the Civil Service as a force of inertia who through malice or incompetence, or if they disagreed with a policy, could make sure that nothing happened when they pulled the levers of power. Some saw them as secretly biased politically or as manipulators of power who could use their permanence to the disadvantage of the temporary politicians. Read the diaries of Richard Crossman (1965), or Brian Sedgmore's (1980) book on the Secret Constitution, if you want to sample those viewpoints.

And even when they were trusted the mandarins did not always live up to their reputation. Douglas Hurd has written of Mr Heath's impatience when in the early 1970s 'at a crucial moment they fell below what was required'. He identified three such occasions (the aftermath of Bloody Sunday, the discussions of inflation in 1973 and the deepening oil crisis of that year) and wrote:

'No one who was present at any of these three meetings could believe that the Civil Service runs this country' (Hurd 1979 cited in Hennessy 1989: 238).

Equally, in their efforts to support Ministers, not all the mandarins were immune to the danger of appearing over mighty. Sir William Armstrong became nicknamed the Deputy Prime Minister. As Professor Peter Hennessy has said, Armstrong made a huge mistake when he allowed himself to appear alongside Mr Heath at a Presidential-style press conference in Lancaster House to announce a statutory incomes policy, which should have been announced first to the House of Commons (Hennessy 1989: 238).

Latent Inner Tension

The truth is that the relationship between Minister and civil servant has always had a latent inner tension. Part of this, brilliantly caught by *Yes, Minister*, lies in the fact that the relationship is one between master and servant which has always been a rich vein of humour going back to classical times. Civil service jokes are some of the best in the world.

But there is a more serious side which lies at the root of much Civil Service change. To understand it requires an understanding of the pressures on Ministers

The Pressures on Ministers

The jobs of most Ministers are often only just on the right side of possible and some are impossible. They are expected to appear on top of the job from the moment of appointment, without any training, while climbing a steep learning curve. They have to maintain their reputation in Parliament and are only as good as their last performance at the despatch box. Anyone who has witnessed a Minister facing a baying Opposition while their own backbenchers sit in grim silence behind them will understand this. They

have to face the critical scrutiny of the media which in the case of a personal attack may feel like being mugged in the street. I sometimes wonder whether the media understand their own power or the impact they can have on the inner workings of government. They have to nurse their constituencies, usually in their free time at the weekend, and ensure their own re-election.

If they are ambitious – and most of them are: otherwise what is the point of it? -they have to keep an eye on the next reshuffle, a weapon which Number 10 are not afraid to use to encourage loyalty. Above all they are under pressure to produce results on timetables which in management terms are often unrealistic. It is a mistake to think that the needs of politics and the needs of management always coincide. Politicians and managers often see the world through a different prism. In short, the pressures on Ministers are immense and difficult. And they may not hold office for long.

Implications for the Civil Service

So Ministers come to power and they want to make a difference and they want to do so *now*. And they are faced with civil servants who are permanently in office and free from at least some of these pressures. The Civil Service is very good at handling the immediate transition from one political party in power to another, as we showed in 1997 under Robin Butler's leadership.

It is the more fundamental adjustment which follows over the years that is really testing. I have already referred to Mr Heath's dissatisfaction with the Service. The Service which Mrs Thatcher inherited from Jim Callaghan was not in every respect the Service she needed for her purposes; and the same was true of the Civil Service which New Labour inherited from Mr Major.

So when they come into office Ministers often want to convey to the Civil Service not only a clear idea of what they stand for and what they want to achieve but also a sense of urgency. I have heard one perceptive former Minister describe the relationship in this way. Civil servants deal with things from their understanding of reality, with the real world in which there are difficulties and problems which they know well from experience. Ministers have to be a little bit unreal in order to change things. They have to stretch reality, they have to brush aside the objections if they can, they have to make things happen. The problem of course comes if they tip over into complete unreality but that is another issue.

Many radical reforms seem unreal when first mooted. To take one random example, privatisation certainly did when it was first mooted under Mrs Thatcher, particularly among those who remembered how unsuccessful it had been as a policy under Mr Heath. One flaw in *Yes, Minister* perhaps is that Jim Hacker is a bit too normal, not quite unreal enough.

Trust

The art of the best senior civil servants is, and always has been, to create trust, a framework within which this tension between reality and aspiration can be hammered out, to find a path through the pitfalls to meet the Minister's needs. This framework of trust is paramount in understanding the relationship between Ministers and civil servants.

It has to be won by the civil servant across the gulf which separates the temporary politician from the permanent official, without becoming politically partial. Once established it often produces excellent working partnerships. And it explains much about the sense of loyalty and duty which is strong in the Service. It explains the outcry for instance which followed Christopher Meyer's book and indeed my own reluctance tonight to talk to you about current events.

Unfortunately the sense of trust which individuals may win does not always extend beyond them to the Civil Service as a whole. There is often a lingering feeling that beyond the individuals whom the Minister deals with and trusts, there are lurking hordes of civil servants who are not so supportive. I can remember too many occasions over the years when Ministers in different governments have said: 'I know what you, and the other officials whom I see, do and I am grateful; but what are the other thousands of the people in this department doing?'. The only answer then is to persuade the Minister to go out and see for him or herself

It is this inner tension between Ministers and Civil Servants which is the mainspring of change in the character of the Service. Ministers need to change things. Civil Servants need to win trust. There is a deal to be done. It may be that the presence of a number of special advisers changes the terms of trading, but that is not my point today. My focus is on the inner drives for change.

Ministerial Pressures for Change

Wave upon wave of politicians, of whatever political party, have borne down on the Civil Service over the years, like an ocean beating against the shoreline, and urged it to transform its performance. Generation after generation of newly appointed politicians have come into office and demanded that while they are in power the Civil Service should comply with their needs, their priorities, and their vision of the role of Government, as if no other Minister, no other government, were ever likely to take over from them. And generation after generation of civil servant have accepted their pressures, while quietly preserving their ability to serve whatever future governments the electorate may put into power.

Roll Call of Initiatives

Thus, the Wilson government, propelled to power by the 'white hot technological revolution', commissioned the Fulton Report of 1967 which went for the jugular and attacked the cult of the generalist. It contained the seeds of many of the reforms of the next decades. You may think that 'capability reviews' or 'professional skills for government' are new. They were in the Fulton Report (Civil Service Commission 1968).²

Policy

Mr Heath, propelled to power by 'Selsdon Man' put forward a new vision of modern management in his White Paper of October 1970 and focussed on 'the central mechanism by which public policy is made and carried out' and the setting up of the

² See Summary of Main Findings, para. 2: 'We propose a simple guiding principle for the future. The Service must continuously review the tasks it is called on to perform; it should then think out what new skills and kinds of men are needed and how these men can be found, trained and deployed.'

Central Policy Review Staff (CPRS). Discomfort with policymaking has characterised every government since then, with the regular introduction of fresh mechanisms for challenging policy advice from departments. Policy Units, Performance and Innovation Units, Strategy Units, blue sky thinkers: they have all been tried and reinvented and tried again.

The significance of this challenge to policy-making is that it implicitly rejected what a great mandarin, Lord Bridges (1950) praised as 'the departmental point of view'. The concept of 'policy' lay at the very heart of the role of the old Administrative class. It had a powerful cultural connotation which was an important element of the self-definition of top civil servants after the war.

That is less so now. The ability to give policy advice to Ministers is still very important but it is seen as one of the professional skills on which a civil servant may build his or her career, not as *the* skill. You may wonder incidentally whether all this effort to improve policy-making has actually worked. It's a good question. The history of policy on, say, health or education or transport over the last twenty years should not fill anyone with pride. The Royal Commission may be old-fashioned and dead but we still need a way of reconciling the relentless demands of the news media with the capacity for long-term thinking. How can new leaders of political parties conceivably have long-term policies on major issues when they have only just taken over the leadership? But time and again over the years they are.

Management

Mrs Thatcher gave characteristic impetus to the drive for reform. She launched the Financial Management Initiative and efficiency drives which have continued in one form or another through the 1980s and 1990s up to the current Gershon Review, accompanied by drives for deregulation and better regulation. It is worth recalling that in the 20 years from 1978 the size of the Civil Service was cut by nearly 40 per cent, from roughly 746,000 to 460,000 (if I remember the numbers right): an astonishing achievement which passed unnoticed. John Major added a dimension of fundamental importance with the Citizen's Charter; and most recently of course the thunderous arrival of New Labour has impelled the Civil Service to make strenuous efforts towards 'delivery', 'targets' and 'modernisation'.

I could go on but I have made my point. No Sir Humphrey however obdurate could in reality be oblivious to the message from his political masters of all Parties over the decades, reinforced by countless reports of the National Audit Office, Select Committees and think tanks, that change and reform must happen.

External Pressures

These pressures have been further reinforced by the world outside, by Parliament, the public and the media. The public are no longer patient or deferential or prepared to put up with second best. They have paid their taxes. They are demanding. They put huge pressure on politicians to improve services and they demand accountability when their expectations are not met; and politicians look to the Civil Service to produce the response, and indeed to be accountable.

The media add to the pressure. There has been a growing willingness, even eagerness, to put public officials under the spotlight. Being attacked in the press or cross-examined in a televised appearance before a Parliamentary Select Committee or a public inquiry is a daunting experience for people who chose a career in which, if they are older, they expected to avoid the limelight.

How the Civil Service has Changed

So how has the Civil Service changed in response to these pressures, these rising waters of change, the institutional equivalent of global warming? With great adaptability.

Much more is now expected of senior civil servants: leadership skills, good management ability, a good grasp of financial accountability, good communication skills with the ability to face the media, an appreciation of diversity, as well as being a good policy adviser, a commitment to meet targets accompanied by performance pay: everything, one is tempted to say, except being a generalist. It is a big change from the post-war world where the top civil servant was concerned with 'policy' leaving implementation to the Executive Class. It is not that the mandarins did not understand the importance of public service. There were splendid documents from the 1940s and 1950s about the conduct of business in government departments which contained a lot of wisdom.

It is not that civil servants have been uncooperative. Some of the most important reforms have come from within the ranks of the Service. The development of 'next step' agencies in the late 1980s, for instance, was a great achievement by Kate Jenkins and Peter Kemp. Most recent reform programmes, including the one which I and my permanent secretary colleagues launched in December 1999, were designed by civil servants for civil servants. Most Ministers, not being managers themselves, have simply wanted reassurance, indeed evidence, that change was happening. It is just that the accumulation of pressures from Ministers and the outside world have required the Service to make the cultural change their new reality.

This is permanent. The boundaries of the State may roll backwards and forwards. Priorities will undoubtedly change. There will be new thinking, new initiatives, new philosophies. But the trend towards professionalism will last. So, too, will greater accountability. We now have greater accountability to Parliament, with officials appearing before Select Committees in televised hearings. We have management accountability linked to performance pay. We have accountability to individual members of public backed up by the right to information. And we have accountability to the media.

The Future

And the process of change is not an end. It will continue, driven by the forces which I described earlier. What the changes will be is not easy to predict but I would like to suggest two areas to watch: greater openness and constitutional change.

Openness

I believe that greater openness will in time prove to be a major force for change. Governments and the Civil Service have traditionally been secretive. It was a mandarin

trait. Part of that tradition must remain: it is and always will be crucial to ensure that Ministers have a private space in which to discuss options, in which to argue among themselves, before reaching a collective view. The relationship of confidence between Ministers and Ministers and between Ministers and their officials should always be protected, as I explained earlier. So too must certain intelligence and security matters.

But the writing is on the wall. Freedom of Information and greater openness with the media, something which Gus O'Donnell himself admirably personifies, will in time create a more open culture in government than in the past. It will not happen quickly. The grounds have been gradually shifting for thirty years, and there will need to be a new deal, a new settlement, before open government beds down. But it will come.

The implications are however unforeseeable. Openness is not just an end in itself. It leads to other changes, which may be good or which may be bad. It may lead to greater public understanding, more debate, better accountability. It may also lead to poorer standards of record keeping, more informal decision-taking, more power for the media. But it is not neutral. Take a small topical example (and I will not get further into this than the point I want to make).

As a private secretary in the 1960s I was issued with a green document called 'Questions of Procedure for Ministers'. It was classified. In it the Prime Minister, advised by the Cabinet Secretary, offered his colleagues guidance of a most miscellaneous nature about how they should conduct themselves while holding their appointments. It was advice. It was not binding. Ministers were the best judge of their own affairs. But if they ignored the advice, on their heads be it. Few people outside government knew about the document. John Major decided to make it a public document, renaming it the Ministerial Code. Most of us wondered momentarily and then shrugged. We were moving into a more open world.

Earlier this year, I heard the presenter on the *Today* programme say: 'Tessa Jowell is awaiting a ruling by the Cabinet Secretary about whether she has broken the Ministerial Code'. This may have been inaccurate, but with the media the story has a way of becoming the reality. By some fascinating, terrible alchemy, the guidance is in the process of being transmuted into a rulebook which can be used to determine the fate of a Minister in office on the say-so of a civil servant. Openness is a powerful but unpredictable tool.

And there are other kinds of openness. The Civil Service is now much more open than in the past to recruitment from outside at all levels, on the basis of merit. It is much more open to diversity of gender and racial ethnicity among its senior staff, and much more meritocratic in its approach to public appointments thanks to the efforts of recent Commissioners such as Usha Prashar and Rennie Fritchie.

These are permanent cultural changes of fundamental importance for tomorrow's government. I believe they will be of great significance.

Constitutional Change

Finally, constitutional change. We are living through a period of profound constitutional upheaval. As I have remarked before, the British tend to react to such periods as though

they were under anaesthetic, by simply ignoring them. Thus, we entered the Common Market absentmindedly in the early 1970s and woke up a couple of decades later to debate whether we meant to do it. The same is true of devolution to Scotland, Wales and Northern Ireland. That legislation went through Parliament easily - too easily - in the late 1990s. Nearly ten years later we are now beginning to debate the role of Scottish MPs in English affairs. I predict that the implications will not be fully explored for another decade or two, perhaps with crises over public expenditure or oil and gas or Europe.

The Constitutional Roll Call

Just consider the roll call of constitutional change. Between 1950 and 1980 we saw the end of Empire and our entry into Europe, two profound changes which would be enough for a generation one might think. Not so. Since then, and mostly in the last few years, we have seen:

- Devolution to Scotland, Wales and possibly Northern Ireland.
- Reform of the House of Lords with the ejection of hereditary peers.
- Creation of a Supreme Court and reduction of the Lord Chancellor to a departmental Secretary of State.
- The Human Rights Act
- Freedom of Information legislation.
- The weakening of local government over 25 years to a point where local democratic accountability is replaced by agency for central government.
- The proliferation of proportional voting mechanisms.
- A stream of legislation on terrorism which strengthens the hand of the State against the liberty of the individual.
- The decline of Cabinet Government and the criticisms in the Butler report of what has become known as the sofa style of Cabinet government.
- Calls for reform of the Royal Prerogative including the power of the Prime Minister to advise the Monarch to undertake military action without the involvement of Parliament.

And this is not a complete inventory. There are important new challenges to accepted thinking on constitutional matters. For instance, in an article which appeared over his name in the *Observer* in February, the Prime Minister said:

‘In theory, traditional court processes and attitudes to civil liberties could work. But the modern world is different from the world for which these court processes were designed.’

This is a profound change of philosophy at the highest level.

Constitutional Uncertainty

Taken together these represent a tremendous stew of constitutional issues, simmering away. And the story is not over. It cannot be. We do not have a coherent package which will provide a lasting settlement for the next century or two. There are too many uncertainties. There are uncertainties about whether there is to be further change, such as the proposals for further reform of the House of Lords which Jack Straw is preparing. There are uncertainties about how the reforms will work in practice, for instance whether

the Judiciary will find themselves drawn into a more political role. There are uncertainties created by inner contradictions, such as the tension between Human Rights legislation and measures against terrorism. There is bound to be further change.

Position of the Civil Service

Where do these constitutional changes leave the Civil Service? Despite its importance in the running of government it has little constitutional existence and little constitutional protection. It certainly cannot be expected to stem the tide of constitutional change, even if it wanted to. Part of the myth of the mandarins was the belief that they would ensure that governments would remain within the confines of convention and the constitution. But the Civil Service does not have, and has never had, the ability to enforce conventional behaviours or processes on a determined government. It has no electoral mandate.

The Civil Service can, and does, give advice, though its advice may be rejected. It can urge Ministers to allow time for mature reflection. It can give guidance which it may be hard for a Minister to disregard: our unwritten constitution contains many grey areas. Very occasionally it can dig in its heels, as when an Accounting Officer gives notice to the Comptroller and Auditor General that he or she cannot defend a decision.

But it cannot enforce the constitution. When push comes to shove it is Ministers of the Crown who are entitled to carry the day. If strong Prime Ministers want to change the constitutional running of the Government or the Civil Service or the country, they can do so, provided only that they can carry their colleagues and their backbenchers with them. The proviso is important but depends on their colleagues and backbenchers being alert and not under anaesthetic (to return to my earlier image).

Any good supporter of democracy should support the supremacy of the elected representative over the unelected official, but we could do more to secure the constitutional position of the Civil Service. I support the case for a Civil Service Bill and indeed Nick Monck's proposals for a Code of Governance for Government. If we have corporate governance for everybody else, why don't we have it for Government, with its supreme powers? We should recognise the potential for long-term change in the character of the Civil Service contained in this avalanche of constitutional measures. Let me just give one example before I wind up this lecture.

To whom do Civil Servants owe their Loyalty?

To whom do civil servants ultimately owe their loyalty? The Armstrong Memorandum of 1985 and the old Civil Service Code gave a foursquare answer:

Civil Servants are servants of the Crown. Constitutionally, the Crown acts on the advice of Ministers and, subject to the provisions of the Code, civil servants owe their loyalty to the duly constituted Government.

Not everyone has accepted this. It is an old debate. As Peter Hennessy has pointed out, Sir Ian Bancroft for instance took a subtler line which focused on the public good and emphasised (rightly) that the Service belonged neither to politicians nor to officials but to the Crown and the nation (Hennessy 1989).

It is interesting that the new Code published in June 2006 has another shot at developing a subtler position. It drops the reference to loyalty to the government of the day and develops an approach based on support for the government and accountability to Ministers combined with 'a commitment *to the Civil Service and its core values*' (my italics). It is a neat approach and it will be interesting to see how it fairs in rough weather. I think it is right to anticipate pressure in this area. As assemblies and parliaments assume their own personality in Scotland, Wales an Northern Ireland and as localism gains a hold on communities, as I believe it will, we may find the Civil Service's loyalties come under pressure to fragment. They may not but my point is that the potential for change is there.

Conclusion

It is time to draw this talk to a close. I could chance my arm at suggesting other ways in which the Civil Service will change. I can easily believe for instance that the new professionalism which I have described may evolve to encompass new attitudes to the environment and sustainable development.

The Civil Service has never remained the same for very long. It holds true to its values but in other ways it has changed, is changing and will go on changing. By the same token the steady stream of questions about the Civil Service will continue. I hope I have helped to increase understanding of the issues involved.

Thank you for listening so patiently.

Richard Wilson

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