

THE CIVIL SERVICE: WHAT IS ITS ROLE?

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Lisa James, Meg Russell and Alan Renwick

Summary

- The civil service plays a key role in the UK's constitutional and governmental system. But recent years have seen significant tensions between ministers and civil servants, with allegations of bullying by ministers and leaking by civil servants, and a number of permanent secretaries forced out.
 - The civil service supports the government of the day in policy development and delivery. Its role is to give ministers unbiased and evidence-based advice, enabling them to take informed decisions.
 - Various proposals have been made for civil service reform, but any changes should have at their heart the core civil service principles of integrity, honesty, objectivity and impartiality.
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Background

The civil service is a vital part of the UK's constitutional system, and is central to helping the government of the day to develop and implement policy. Nonetheless, there are perennial tensions and questions about its role, which have heightened in recent years. The volume and tenor of recent attacks by some politicians on the civil service have provoked [particular concern](#).

This briefing explains the role of the UK civil service, and how it works with ministers. Some civil servants have frontline delivery roles – for example, jobcentre workers, border officials and prison officers. But the briefing focuses on those civil servants who work in central government departments, particularly those working with and around ministers on policy.

What is the role of the civil service?

The UK civil service is permanent and [politically impartial](#). Civil servants continue in post when governments change, and are forbidden from offering political advice to ministers – a role performed instead by special advisers. They must also maintain individual impartiality (which precludes, for example, senior civil servants engaging in party political activities even outside their work).

However, the civil service is not independent. Its fundamental role is to serve actively the government of the day in policy development and delivery. This does not simply mean following ministers' instructions: good governance requires ministers to draw on a range of objective, evidence-based advice and balanced perspectives before making decisions. Hence civil servants provide such advice on the pros and cons of policy options – even if that sometimes contains unwelcome messages. Civil servants also translate policy decisions into action, implementing the policy direction set by ministers.

Because civil servants continue in post when ministers change, the civil service functions as a keeper of institutional memory – though this can be threatened by so-called 'churn', whereby civil servants move rapidly between departments due to promotion and pay incentives. The civil service is also

expected to act as a constitutional guardian when needed – warning ministers if a potential course of action might be unlawful or could violate constitutional norms.

Which values govern the civil service?

Since the [nineteenth century](#), appointments to the civil service, and promotion within it, have been based on merit. This replaced an earlier system based heavily on personal patronage.

The values governing the UK civil service are laid out in the [Civil Service Code](#). Separate codes govern the [Scottish](#), [Welsh](#) and [Northern Ireland](#) civil services, and the [Diplomatic Service](#), but all contain the same core values of:

- Integrity: civil servants should put public service above personal interest.
- Honesty: they should be truthful, use public resources only for their intended purpose, and not be influenced by the prospect of personal gain.
- Objectivity: civil servants should base their advice on evidence, including expert or professional advice. They should not disregard inconvenient facts or seek to frustrate policy decisions.
- Impartiality: as indicated above, civil servants should serve governments of different political persuasions with equal commitment, and should preserve their ability to build relationships with future governments as well as serving current ministers.

These core values, and the existence of the Civil Service Code, are prescribed by the [Constitutional Reform and Governance Act 2010 \(CRAG\)](#). The independent [Civil Service Commission](#) oversees the code and considers complaints from civil servants who believe they are being asked to act in conflict with it, or who believe that a colleague is doing so.

Impartiality and special advisers

The UK model of a permanent impartial civil service is not the only option. Some countries – such as the US, France and Germany – operate a more political model, in which some or many senior roles are appointed to by politicians.

- Most members of the public appear to support the principle of an impartial civil service. A [Constitution Unit survey](#) found that, when asked ‘Do you think that unelected senior officials who advise government ministers should be people who are neutral and permanent government employees, or do you think they should be people who are appointed by the government of the day?’, 60% of people chose the first option, compared to just 13% who preferred the second.
- Other [academic research](#) on overseas systems also shows that politicised civil services deliver worse outcomes for citizens.
- In the UK, political advice is provided by special advisers (‘spads’). Spads are employed on temporary civil service contracts, but are personally appointed by ministers and are [exempt from](#) the requirement for political impartiality. They cannot line manage or instruct civil servants.
- Though the role is sometimes criticised, it is [widely acknowledged](#) that spads perform a useful function in providing political support to ministers. They can help to maintain links both between ministers and officials, and across departments, expanding a busy minister’s reach and helping broker political policy decisions.

Relationship with ministers

CRAG grants ministers the power to manage the civil service – a power that they had previously exercised under the royal prerogative.

- Some of the conventions and requirements governing this relationship are laid out in the [Cabinet Manual](#). In particular, ministers are prohibited from asking their officials to act in ways which would conflict with the Civil Service Code.
- Though ministers are required to give ‘fair consideration and due weight’ to civil service advice, they are not required to follow it. They will frequently also need to weigh political considerations – for example, needing to consider manifesto commitments, political positioning, or party management. Ministers may also seek policy advice from external experts or others.
- Some have suggested that – given their reliance upon officials for delivery – ministers should be able to hire and fire their own senior civil servants. In reality, Director General and Permanent Secretary appointments (i.e. the two most senior civil service grades) are approved by the Prime Minister. This means ministers can express a preference to No. 10 about which of a shortlist of appointable candidates they would prefer when vacancies occur. As former ministers have [pointed out](#), they may seek to attract civil servants to their departments with whom they have worked well in the past.
- Tensions between ministers and the civil service are far from new, and are in some ways inevitable and healthy. Such friction was well-documented under New Labour, and the [Public Administration Select Committee](#) reported on growing strains a decade ago. But there is concern that the relationship has deteriorated significantly under recent governments, with threats at one time of a ‘[hard rain](#)’ falling on the civil service. There are concerns that some ministers have become too openly critical, and have failed to respect civil servants’ key constitutional role.
- Under the Johnson and Truss governments [concerns were raised](#) about the number of permanent secretaries who were sacked or pressured to resign. Ministers can force out senior civil servants when working relationships have irretrievably broken down – either by influencing the Head of the Civil Service to dismiss them, or by pressuring them to resign. But ministers have a responsibility to use this power with restraint, and to respect that civil servants should be able to deliver honest advice without fear of reprisal.
- There have also been clear stresses arising out of bullying allegations – most recently those against Dominic Raab, which were partly [upheld](#) by an investigation. At the same time, there have been concerns that some civil servants may have reacted to a difficult working environment by [leaking to the press](#), which threatens to further undermine their relationship with ministers.

Civil servants and parliament

Under the 1918 Haldane Convention, ministers are ultimately responsible for the performance of their departments, and accountable to parliament. Civil servants are accountable to their ministers, but not directly to parliament (except that ‘accounting officers’ – generally permanent secretaries or agency chief executives – are accountable for their use of public funds).

As the Lords Constitution Committee [argued in 2012](#), the Haldane Convention reflects the needs of a system where the government is formed from and accountable to parliament. Many scrutiny functions – for example, departmental questions – cannot be performed by civil servants. If ministers were not accountable for the full range of their department’s business, scrutiny gaps would emerge.

- Nonetheless, the growth in scale and complexity of the state, and of government departments, since 1918 has made it increasingly difficult for a minister to oversee the totality of their department's work. This '[unresolved compromise](#)' has led to questions about whether the balance of ministerial and civil service accountability is correct.

What proposals have been made for change?

The civil service is a large and complex organisation, and reform is a perennially difficult topic. But two key problems are often identified which have constitutional bearing.

- First, as indicated above, the ability of the civil service to act as a keeper of institutional memory is threatened by churn. Reducing churn, particularly by addressing the promotion and pay incentives that exacerbate it, has been a key recommendation of numerous [civil service reviews](#) and [select committee inquiries](#).
- Second, proposals have been made to clarify ministerial and civil service accountability. In particular, the Institute for Government has [suggested](#) a new Civil Service Act, which would lay out core civil service objectives to implement the government's programme and respond to events as directed by ministers, and to maintain UK government capability to carry out such activities. It would also establish a new Civil Service Board to hold the organisation to account. A government [review of civil service accountability and governance](#), led by Lord (Francis) Maude, is underway.

Maude is among those who [have argued](#) for greater politicisation of the civil service, and particularly for allowing ministers greater say in appointments. But (as seen above) this has limited public support and would create new dangers.

What is the role of MPs?

Ministers, who work with the civil service day to day, have a particular responsibility to be careful with their rhetoric. Public attacks may lead civil servants to self-censor and avoid delivering unwelcome advice to ministers. That risks reducing the quality of advice that ministers receive – ultimately leading to worse policy outcomes.

More broadly, all MPs have a duty to respect the role played by the civil service and to refrain from attacks on it.

About the authors

Lisa James is a Research Fellow in the Constitution Unit.

Meg Russell FBA is Professor of British and Comparative Politics at UCL and Director of the Constitution Unit.

Alan Renwick is Professor of Democratic Politics at UCL and Deputy Director of the Constitution Unit.

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