

**What is the Executive's role in legislation?**

The Government has the dominant role in legislation. This is because there is a fusion of powers. This means that the legislature is dominated by the Executive. In most cases, the Government will have a clear majority in the House of Commons enabling it to push through its legislative agenda. Most bills that become laws are Government Bills. In addition, although the Government do not have a majority in the House of Lords there are a number of mechanisms that protect their authority over legislation:

- The Salisbury Convention prevents the House of Lords from voting against anything that was in the Government's Manifesto.
- The House of Commons has Financial Privilege, meaning that the Lords do not vote against the Budget or other Money Bills.

**How are Government Departments organised?**

Government departments are headed by a Secretary of State. However, there are three ranks of Government Minister:

- **Secretary of State (Cabinet Member)**
- **Minister of State**
- **Parliamentary Under-Secretary of State**

The lower Cabinet ranks often serve as a testing ground for MPs, before they are allowed to become a Secretary of State and Cabinet Minister.

**The Transport Ministry****Chris Grayling – Secretary of State for Transport**

Jo Johnson – Minister of State for Transport

Jesse Norman – Parliamentary Under Secretary of State for Transport

Baroness Sugg – Parliament Under Secretary of State for Transport

Nusrat Ghani – Parliamentary Under Secretary of State for Transport

**Example of a Minister's Responsibilities – Baroness Sugg**

Aviation

Transport Security

International

EU and EU Exit

Legislation in the Lords

Corporate

Civil Contingencies

Overall, there are a number of different types of Government Ministers:

Prime Minister – 1

Cabinet Ministers – 23

Other Ministers (Ministers of State and Parliamentary Under Secretaries) – 99

Total Government Ministers - 123

There are 24 **Ministerial Departments**, 22 **Non-Ministerial Departments** and over 300 Executive Agencies and other public bodies. Ministerial Departments are those headed by a Government Minister.

### Current Ministerial Departments

Attorney General's Office  
 Cabinet Office  
 Department for Business, Energy and Industrial Strategy  
 Department for Communities and Local Government  
 Department for Culture, Media and Sport  
 Department for Education  
 Department for Environment, Food and Rural Affairs  
 Department for Exiting the European Union  
 Department for International Development  
 Department for International Trade  
 Department for Transport  
 Department for Work and Pensions  
 Department of Health  
 Foreign and Commonwealth Office  
 Her Majesty's Treasury  
 Home Office  
 Ministry of Defence  
 Ministry of Justice  
 Northern Ireland Office  
 Office of the Advocate General for Scotland  
 Office of the Leader of the House of Commons  
 Office of the Leader of the House of Lords  
 Scotland Office  
 UK Export Finance  
 Wales Office

Non-Ministerial Departments are those headed by Civil Servants, without a Minister directly overseeing them. Executive Agencies are semi-independent organisations set up by the Government to carry out some of their responsibilities. An example of this is the DVLA (Driver and Vehicle Licensing Agency), which is an [Executive Agency](#) of the Department of Transport.

### How do Government's Department's differ?

Government departments differ in a number of ways. Some are large and some are small and they all have a different variety of remits and tasks. The most obvious ways a department will differ from others are:

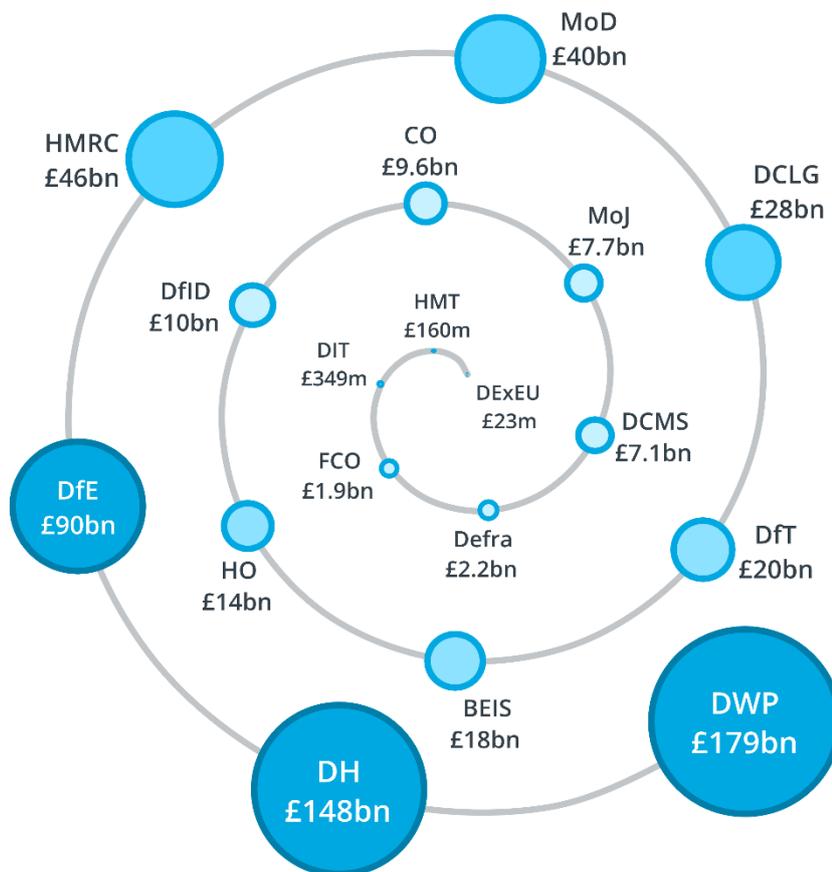
- The number of Ministers in a Government department.

### Number of Ministers in different Departments

**Cabinet Office - 5**  
**Treasury - 5**  
**Home Office - 6**  
**Department of Transport – 5**  
**Scottish Office - 2**

- The size of the department’s budget

Total managed expenditure by department, 2016/17



HMT spending covers the administration budget only. Total Managed Expenditure is negative due to a net income for various policy programmes.

Source: Institute for Government analysis of HM Treasury, Public Expenditure Statistical Analyses 2017, Table 1.12 and Table 1.7 (for HMT).

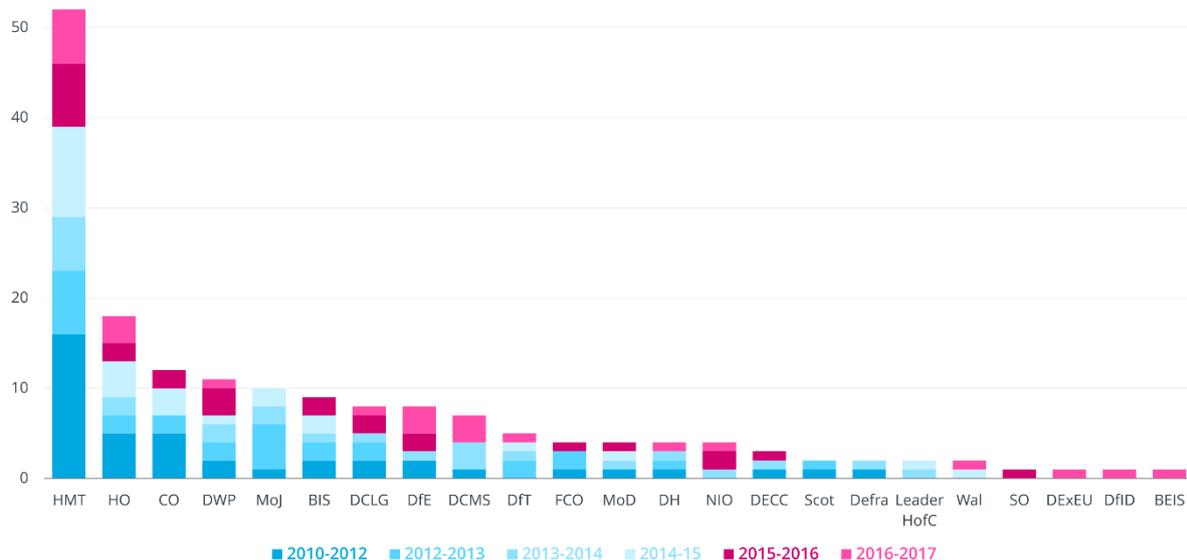
Source: [www.instituteofgovernment.org.uk](http://www.instituteofgovernment.org.uk)

### Departmental Budgets 2016/2017

**Department of Work and Pensions - £179 Billion**  
**Department of Health - £148 Billion**  
**Department of Education - £90 Billion**  
**Ministry of Defence - £40 Billion**  
**Department for Exiting the European Union - £23 Million**

- The amount of laws instigated by each department

Number of government bills receiving Royal Assent by session and department, 2010-12 to 2016-17



Source: Institute for Government analysis of <http://services.parliament.uk/bills/> and House of Commons Sessional Returns

Source: [www.instituteofgovernment.org.uk](http://www.instituteofgovernment.org.uk)

Inevitably, the Treasury passes the most amount of laws in an average year. This is because things like changes in the tax code are written into law and economic mechanisms change regularly, especially after the Government's Budget. The Ministry of Justice and Home Office are other legislation heavy departments. This is because they deal with policing and criminal justice and things like sentencing policy often result in law changes.

### What limitations are placed on Government Ministers?

There are a number of factors that limit the success of Government Ministers. These include:

- They are outnumbered by their senior officials by around six or seven to one. There are far more **Senior Civil Servants** in departments than Ministers.
- They lack permanency staying in one department for two years on average.

Since 1945 the average length of tenure for Conservative Ministers is 28 months, whereas the average Labour Ministers last 25 months.

Since 1945, the average levels of previous experience before appointment are:

- 6.5 Years for a Cabinet Minister
- 3.5 Years for a Minister of State
- 1.4 Years for a Junior Minister
- Under a Year for a Government Whip

- They are non-specialists often lacking knowledge of the department’s work – who rarely have clear objectives and priorities. They never ‘master their brief’. They also often lack prior experience before rising the political ladder.
- They have multiple demands on their time – Cabinet, Parliament, media and role in European Union. 65% of work is non-departmental.
- They may find it difficult to get key information as a department as they are dependent on what officials tell them or what data they are presented. Officials control the supply of information and may purposely embarrass Ministers.
- They may find it difficult to get their policies implemented and their decisions carried out as officials have developed the art of delay to frustrate ministerial initiatives.

### What is ‘Individual Ministerial Responsibility’?

Government Ministers are answerable to Parliament for everything that goes on within their department. Therefore, if something goes wrong, they are ultimately responsible. This convention is known as **Individual Ministerial Responsibility**. Importantly, Individual Ministerial Responsibility is not just about responsibility for the department. There is also an expectation that Minister positively represent the Government in their personal dealings. For example, they should:

- Obey the law of the land.
- Obey the rules and conventions of Parliament.
- Have unimpeachable Financial Dealings.
- Act in accordance with an unwritten moral code.

As part of the convention of individual ministerial responsibility it is the case that:

1. Ministers represent their department in Parliament and must not deliberately mislead Parliament.
2. Ministers represent their department at all times, even in their private dealings.
3. Ministers are responsible for everything that they could, or should, have reasonably known about within their departments.

In order to clarify individual ministerial responsibility, in 1994 a Committee was established called the **Committee for Standards in Public Life**. Its remit included Ministers and Civil Servants, along with other figures in public roles.

The very first report issued by the Committee Standards in Public Life was called ‘The Seven Principles of Public Life’ (the **Nolan Principles**). This report laid out seven key principles that public figures should be held to:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The idea behind these codes was to take away some of the ambiguity that existed in ‘an unwritten moral code’.

Since 1992, a codified document called the **Ministerial Code** has developed. It started in the 1980s as the Question of Procedure for Ministers. However, this was confidential and was not made public until 1992. In 1997, the document changed into the 'Ministerial Code'. It is now the convention that each Prime Minister publishes his own version. The last version was published in January 2018. Among other things, the code says that Ministers should not use their position for financial gain.

This was put to the test in the case of Liam Fox who was from May 2010 to October 2011 Secretary of Defence. He was accused of contravening the ministerial code because it was alleged that he had given a close friend, and lobbyist, Adam Werrity exclusive access to overseas trips. As a result, Fox was accused of breaching the Ministerial Code. Ultimately, Fox resigned over the scandal.

One of the potential problems with the Ministerial Code is that the Prime Minister has the ultimate say on whether or not it has been breached. They are unlikely to want to find one of their own Ministers guilty of breaching the Ministerial Code, because it reflects badly on the rest of the Government.

### **Ministers removed or having resigned for personal misconduct**

#### **Peter Mandelson - 1998**

In 1998 he failed to disclose that he had secretly received a £373,000 loan from his then fellow minister Geoffrey Robinson to buy a house in London. He was forced to resign.

#### **Ron Davies – 1998**

His career peaked as the leader of the Labour party in Wales after Labour came to power in 1997. First he was the architect of Welsh devolution. Then he became the architect of his own destruction. His political career began unravelling on Clapham Common in October 1998. He first claimed he had been mugged, then admitted he had been robbed by a Rastafarian, whom he had just met but was about to dine with, in the presence of others. His car, telephone, wallet and Commons pass were stolen. Six people were arrested. Journalists were summoned to Downing Street and told Davies had admitted to the Prime Minister "a serious lapse of judgment" on the common the previous evening, but denied any sexual element. He was forced to resign.

#### **David Laws – 2010**

The Daily Telegraph disclosed that he claimed as much as £950 a month in parliamentary expenses for eight years to rent rooms in two London properties. The houses were owned by his partner, James Lundie, a political lobbyist. In 2006, MPs were banned from "leasing accommodation from a partner". Mr Laws issued a full apology and said he would repay the money. The minister had not previously made his sexuality public.

It is relatively rare for Ministers to resign, or be sacked, due to a lack of competency. This is again because it reflects badly on the Prime Minister and Government as a whole, it suggests they may have appointed the wrong person for the job. However, one way a Prime Minister is able to remove a Minister who appears to be underperforming is via a Cabinet Reshuffle. Cabinet Reshuffles occur on average every two years and are a chance for the Prime Minister to demote or promote members of the Government, or simply as chance for them to ‘freshen up’ their ministerial team.

### **Ministers removed or having resigned for ministerial mistakes**

**1954** – Sir Thomas Dugdale, Agriculture Minister, resigned when his department had failed to give back land that had been requisitioned during World War Two. He resigned even though at the time he was not even believed to have known about the mistake. This is often seen as the setting of the modern standard of Ministerial Responsibility.

**1982** – Lord Carrington resigned as Foreign Secretary in 1982 for failing to notice that the Argentinians were planning to invade the Falkland Islands.

**1993** – Norman Lamont resigned as Chancellor of the Exchequer after the British had to withdraw from the European monetary System after Black Wednesday, a day that cost the UK £3.3 Billion Pounds.

**2002** – Labour Transport Minister Stephen Byers quit after a number of scandals within his department, including when he defended a Special Advisor who had said that September 11th 2001 was a “good day to bury bad news”. He was also criticised for a failure of his 10-year Transport Plan and suggestions that he had lied to Parliament.

**2018** – Home Secretary Amber Rudd was forced to resign after it became clear she had misled Parliament. In evidence to the Home Affairs Select Committee, Rudd said that the Home Office did not have targets for the removal of immigrants and that this was “not how we work”. However, other evidence to the committee contradicted this and it later emerged that an email sent to her outlined these targets. Although she claims not to have read this email, she had to accept responsibility for misleading Parliament.

However, some Ministers are removed, or forced to resign, simply because they have been underperforming in their job.

In the Cabinet Reshuffle of July 2014 Michael Gove was removed from his position as Education Secretary. Despite David Cameron claiming this was a tactical move, because he needed him as Chief Whip, many commentators suspect it was due to Gove’s failure to win over groups such as Teaching Unions to his reforms. Gove was replaced by Nicky Morgan.

However, there are also occasions when a Minister might resign in order to take the pressure off of the rest of the Government.

A good example of this is in 2002 when Estelle Morris resigned as Education Secretary because “she wasn’t as good at her job as she was at the last one”. Actually, it may have been to deflect attention from the failure of the Labour Government to raise literacy standards.

It is often discussed whether individual ministerial responsibility still exists. It certainly does, but the doctrine of individual ministerial responsibility had been watered down in recent years:

- Government departments have become bigger and more complex and it is less reasonable to expect Ministers to have a complete understanding of everything that goes on in their department.
- Government MPs often rally behind a Minister in trouble, for example when Jeremy Hunt was accused as Conservative Culture Secretary of feeding information to Rupert Murdoch about his bid for BskyB.
- Often resignations weaken the Government as a whole and the Prime Minister will continue to stand by his Ministers.

### **What are the merits and problems with of Individual Ministerial Responsibility?**

The merits of the doctrine of Individual Ministerial Responsibility include:

- It makes sure that someone is accountable – MPs have someone to question and someone to find out information from.
- It keeps the Civil Service on its toes – Civil Servants know that they will not be named if something goes wrong. However, they are still kept on their toes by knowing that their mistakes could mean their minister gets in trouble. Although Civil Servants are unlikely to be sacked for making mistakes, their chances of future promotion and harmony will be damaged by it.
- It facilitates the work of the opposition – The fact each Government Minister has a direct opponent in the Shadow Cabinet means that they proactively try to justify Government policy.

However, problems with the doctrine include:

- Ultimately, only the Prime Minister decides if someone has contravened the doctrine.
- It is often used selectively, when it suits the Government.
- There is no grounding in law. It is purely down to convention and is often down to interpretation.

### **What is 'Collective Responsibility' and does it still exist?**

Collective Responsibility is the convention that all Cabinet Ministers publicly support the decisions made in Cabinet, even if they do not personally support them. If a Cabinet Member does not feel that they can support a decision, they must resign.

In recent decades the doctrine has been extended downwards, now encompassing all Government Ministers.

The doctrine is important because:

- It ensures that Ministers all portray the same views and opinions thereby helping to make policy clear and coherent.
- It helps to maintain a united front in public, thereby increasing public confidence that the Government is fully in control.
- It avoids confusion that can arise from different members of the administration saying different things.

However, Collective Responsibility lacks the force it once had. This is because:

- Some ministers get around the obligation by leaking their views to the media, although they sometimes use coded language.
- Sometimes in the face of disunity a Prime Minister might actually allow Ministers to disagree.

### European Referendums and Collective Responsibility

In 1975 Harold Wilson allowed Labour Cabinet Ministers to campaign differently in the Referendum on Britain's membership of the European Economic Community. This was because it was such a divisive issue within the Labour Party. This also happened in the EU Referendum of 2016, when David Cameron allowed Cabinet Members to campaign against the Government.

### Robin Cook and the Iraq War

The most famous example of the doctrine of Collective Responsibility in action is when Robin Cook resigned as Leader of the House of Commons in 2003 because he did not feel Britain should go to war in Iraq.

He said that:

“From the start of the present crisis, I have insisted, as Leader of the House, on the right of this place to vote on whether Britain should go to war. It has been a favourite theme of commentators that this House no longer occupies a central role in British politics. Nothing could better demonstrate that they are wrong than for this House to stop the commitment of troops in a war that has neither international agreement nor domestic support. I intend to join those tomorrow night who will vote against military action now. **It is for that reason, and for that reason alone, and with a heavy heart, that I resign from the Government**”

It resulted in what is widely acknowledged as one of the greatest speeches ever made in the House of Commons – for which Robin Cook received the unusual accolade of a round of applause from the House.

### How did Collective Responsibility work under the Coalition?

The Prime Minister can waive the doctrine when it suits them or is necessary. This issue arose between 2010 and 2015 with the formation of the Coalition Government. The convention of Collective Responsibility was deliberately overlooked to enable the Conservative and Liberal Democrats could remain as partners, but still allow for fundamental differences in policy. Vince Cable, the Liberal Democrat Cabinet Minister for Business, Innovation and Skills was for example criticised government policy despite being in the Cabinet

In 2013 this was evidenced by the fact that Conservative Cabinet Members and Liberal Democrat Members voted separately on the issue of Electoral Registration and Administration Bill. This split was organised by Nick Clegg in view of the fact that the agreed House of Lords Bill had been withdrawn by the Conservative Leadership.

**What is the Civil Service and how does it work?**

The Civil Service is the Government **bureaucracy** made up of made up of professional and permanent paid officials who administer/run the government departments. Currently there are approximately 450,000 Civil Servants in the UK.

Those at the top of the Civil Service are called the ‘Senior Civil Servants’. However, they are often nicknamed ‘**Mandarins**’.

The highest civil servant is the Cabinet Secretary, but in each department there will be a Permanent Secretary, Deputy Secretaries, Under Secretaries, Assistant Secretaries, Senior Principals and Principals. There are Ministerial Departments which are led by a Government Minister and cover matters that require direct political oversight. Each of these Ministerial Departments also has a **Permanent Secretary** from the Civil Service.

There are four key roles of Senior Civil Servants. These are:

**Preparing Legislation** - This means turning the policy ideas of the Government into legislative language and preparing answers to parliamentary questions for the Minister.

**Administration** - This means overseeing the day-to-day running of the Government department. This might mean meeting with Trade Unions or other pressure groups or dealing with casework.

**Developing Policy** - This means consider alternative lines of policy to those that might be being taken and consider the pros and cons of certain decisions. However, the final decision on which policy to take belongs to the Government Minister.

**Policy Implementation/Management** -When the Minister decides on a policy to follow, it is the role of the Civil Service to put it into action .

In order to carry out their roles, there three key principles that Civil Servants are expected to follow:

**Permanence** - In Britain, Civil Servants do not change when the Government changes. In the USA, they do. This permanence offers stability and continuity and can support the incoming Government and its ministers. The permanence also means that they are not reliant on Ministers for a job. This means that they can speak ‘truth to power’, without fear of being sacked. However, permanence may also mean a lack of new ideas. The Civil Service is often seen as a particularly conservative body that is resistant to change.

**Neutrality** – Civil Servants are meant to be politically impartial. Of course, they will have their own personal political ideas, but they are not meant to allow that to affect the advice they give. Senior Civil Servants are advised by the Civil Service code to avoid joining political parties. Towards the end of the 20th Century, however, it has been argued that the Civil Service has become increasingly politicised.

**Anonymity** – It is the Ministers who are answerable for what happens in their departments. If Civil Servants lost their anonymity, it would make it more difficult for the Civil Servants to maintain their neutrality and make honest and objective statements to their Ministers. Losing their anonymity would also make them subject to direct lobbying by outsiders and reduce their effectiveness.

**What is the relationship between Ministers and Civil Servants?**

Traditionally, there was an understanding of the maxim that ‘Ministers decide, Civil Servants advise’. Civil Servants were said to be ‘on tap, but not on top’. However, there are a number of arguments that say that Civil Servants are able to exert a great deal of authority on Government Ministers:

- Ministers come and go over short periods of time. Officials have been in departments for a long time and have expertise in policy choices available. The Civil Service views become the ‘department view’. This may come in to conflict with Minister’s own priorities. If a Minister has time to gain experience, master details and become involved in shaping rather than presiding over departmental policy they will be able to have greater influence.
- Mandarins are those civil servants who have close and regular contact with Ministers. It is believed that because of their experience and expertise they have powerful influence over the department. They are seen to be opposed to change and development and may frustrate Ministers and conceal information from them.
- Some say it depends on the strength of the Minister. Strong ministers will use their individuality and strength to ensure they dominate their Civil Service. Crossman talked about the efforts “not to be taken over by the civil service” but Healey said “the minister who complains that his civil servants are too powerful is either a weak minister or an incompetent one.”

**Why are Special Advisors becoming more prominent in the UK Political System?**

In recent years Special Advisors (SPADS) have become increasingly common in the UK Political system. In particular, the increase in the use of Special Advisors by Government Ministers has become an increasing threat to the position of Senior Civil Servants. Most Special Advisors work in Downing Street, directly supporting the Prime Minister. Special Advisors have two broad roles:

- o To make the Government less reliant on the work of the Civil Service.
- o To help the Prime Minister keep up-to-date with often far better staffed and resourced Government departments.

Special Advisors are not always paid for out of Government budgets, this means they are not constrained by the principles of the Civil Service that we have discussed. Many are employed by the political party in Government. However, some are paid from the public purse.

Traditionally each Cabinet Minister has been allowed to appoint two Special Advisors. However, this has grown dramatically in recent years.

**Growth in the number of Special Advisors in Government**

1996-97: 38  
 1997-98: 70  
 2004-05: 84  
 2006-07: 68  
 2008-09: 74  
 2009-10: 71  
 2011-12: 85  
 2012-13: 98  
 2013-14: 103

Between 1997 and 2014 there was a 171% increase in the numbers of Civil Servants.

There were 103 ‘SPADS’ in Government departments in 2014, costing the taxpayer a total of £8.4million pounds a year. This has since dropped to 83 by 2017.

### **Downing Street Advisors and Controversy**

David Cameron’s highest paid Special Advisor was his Chief of Staff, Ed Llewellyn. He is paid a Government salary of £140,000 a year. Educated at Eton and Oxford, before becoming Special Advisor to David Cameron he worked a political aide to various figures, including former Liberal Democrat Leader, Paddy Ashdown.

Previously, David Cameron had hired former News of the World Editor, Andy Coulson, as his Director of Communication. Coulson was sentenced to 18 Months in Jail in 2014 for Phone Hacking whilst Editor of the News of the World. This led to Ed Miliband being able to claim that David Cameron had “bought a criminal to the heart of Downing Street”.

Some special advisors are nicknamed ‘Spin Doctors’. Spin Doctors became increasingly common after Labour’s landslide victory at the 1997 General Election. The job of a Spin Doctor is to sell the message of the Government and control the message being given by Ministers across the Government. One of the big criticisms of Spin Doctors is that they have become incredibly powerful over elected Government Ministers, despite not being elected themselves.

### **Alistair Campbell**

Alistair Campbell became Tony Blair’s Director of Communications in 1997. He is seen as the founder of modern day ‘Spin Doctoring’.

In particular Alistair Campbell became famous for being accused of ‘sexing up’ the ‘Dodgy Dossier’ that was used to justify military action in Iraq.

Special Advisors are very different from Civil Servants. Special Advisors are appointed and tied to the Government of the day. Therefore, they are **partisan** and do not have to offer impartial advice, like Civil Servants do.

In addition, they are often visible public figures. For example, Tony Blair’s Director of Communications, Alistair Campbell, would regularly hold press briefings and make television appearance. This is opposed to Civil Servants who aim to remain anonymous.

Finally, they are not permanent, if the party that appointed them is kicked out of Government, they also leave. Therefore, their advice might be based on short-term considerations, unlike Civil Servants who can worry about the long-term.