2. Central government organisation

Introduction

2.1 This chapter looks at the role of Ministers in decision-making and how they were supported by officials who provided advice and implemented their decisions, during the period with which the Inquiry is concerned.

Ministers

2.2 Ultimate policy responsibility lay with Ministers, who were appointed by the Prime Minister. The most significant decisions were taken by senior Ministers collectively, meeting as ‘the Cabinet’ chaired by the Prime Minister. The agriculture and health portfolios and those for Scotland, Wales and Northern Ireland were all regarded as important enough to justify a Cabinet seat.

2.3 In order to assist with the collective development of policy and the handling of difficult issues, the Cabinet usually met once a week when Parliament was in session. Various Cabinet Ministers and a number of Ministers outside the Cabinet were also members of long-established Cabinet committees that focused on particular policy areas – for example, the Economic Affairs Committee – or ad hoc committees such as MISC 138, set up in 1989 to look at food safety issues. Papers drafted within their own Departments (and sometimes brokered in advance with other Departments) would be submitted by Ministers to these committees.

2.4 Within their Departments, Cabinet Ministers were usually assisted by two or more junior ministers. These were either Parliamentary Secretaries or Ministers of State (a higher rank for particularly responsible posts), one of whom might speak for the Department in the House of Lords. Their responsibilities were decided by the departmental Minister, and they were expected to master the relevant issues and legislation, to be alert to developing problems, and to handle subordinate matters.

2.5 Mr Roger (now Lord) Freeman thought that his role as a junior Minister at the Department of Health had included:

...at least two aspects of keeping my eyes and ears open... I was certainly, throughout that period, from the receipt of the Southwood Report onwards, keeping my eyes and ears open in a Parliamentary sense, listening to what colleagues had to say, picking up comments made to me in letters. I also took

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4 The leader of the political party elected to form the Government of the day
5 The office holders were known as ‘the Minister of Agriculture, Fisheries and Food’ and ‘the Secretary of State for Health/Scotland/Wales/Northern Ireland’
6 ‘The most junior Ministers are Parliamentary Under-Secretaries of State (or, where the senior Minister is not a Secretary of State, simply Parliamentary Secretaries).’ See Britain 2000: The Official Yearbook of the United Kingdom, London, The Stationery Office, 1999, p 54. In those Departments most closely involved with BSE, the formal titles were: MAFF – ‘Parliamentary Secretary’; DH/Welsh Office/Northern Ireland Office – ‘Parliamentary Under-Secretary of State’; and Scottish Office – ‘Minister for XXX’ (as distinct from the higher-ranking ‘Minister of State for XXX’)
2.6 Another former junior Minister (at MAFF), Mr David Curry, put it as follows:

... one of the jobs which I regarded as important in assisting the Minister was trying to look a little bit round the corner ... from time to time I would pull ideas together and say 'What happens if this occurs?' ... I thought it was part of a useful job to make sure the Department was thinking ahead, because so much was happening on a day-to-day basis that from time to time one needed to say 'What might happen if?'

2.7 Junior Ministers processed a heavy load of day-to-day business, including much parliamentary business (for example adjournment debates and the committee stages of Bills) and answering letters from MPs. Such correspondence, or the tabling of a Parliamentary Question (see paragraphs 3.24 and 8.12), could be the initial means by which an issue came to Ministers’ attention.

2.8 Mr (now Sir) Michael Forsyth (Scottish Office) emphasised the subordinate nature of the junior ministerial role –

... I imagine talking to the junior Minister was a bit like talking to the organ grinder – the monkey rather than the organ grinder.

– and the need to avoid embarrassment to colleagues. Lord Skelmersdale (Northern Ireland Office) explained that his senior Minister had indicated that he was:

... only to approach him when ... I was likely to get the Government into trouble, him into trouble and last of all myself into trouble.

2.9 The ways in which senior Ministers involved their junior colleagues in decision-making reflected their personal style of working and preferences. Junior Ministers were included in any ministerial briefing or policy discussions in their particular field of responsibility. Some senior Ministers preferred a systematic pattern of meetings, either daily or weekly (often referred to as ‘Prayers’) to discuss matters of topical interest, often without officials present. One Secretary of State for Health, Mr William Waldegrave, held regular ‘Top of the Office’ meetings which included the Permanent Secretary (the most senior civil servant in the Department), the Chief Medical Officer (CMO) and other officials.

2.10 The day-to-day running of Ministerial offices – the management of papers, meetings, diary and transport – was in the hands of the Private Secretaries or ‘Private Office’. This was a small team of civil servants, led by high fliers whose
spell in Private Office was a recognised stage in their career progression. The senior Private Secretary (PS) in each office determined which parts of the large volume of material passing through it should be particularly drawn to Ministers’ attention, or required a meeting. One PS would attend and record all such meetings, and would also listen in to and make a written note of the Minister’s important telephone conversations.

2.11 Because of pressure on time during the day, important submissions would normally be put in the Minister’s ‘Red Box’ of papers for him or her to take home and read during the evening or the following morning before coming into the office. The ‘weekend box’ would be particularly substantial.

To facilitate easy contact and informal discussion between all the Private Offices within a Department (which included those of the Permanent Secretary and, within DH, of the CMO, as well as one for each Minister), these were usually located close together. Private Offices also worked closely with the Department’s Chief Information Officer on how issues were presented in public, including responses to requests for media interviews. The role of departmental Information Officers is considered in Chapter 3.

2.12 Many Ministers appointed ‘special’ or ‘political’ advisers who commented on submissions and attended policy meetings. These were personal appointments from outside the established civil service. Their role was specifically to address the political aspects of policy and its presentation, in which the role of civil servants was restricted by longstanding conventions of impartiality and propriety that were set out formally in Departments’ codes of conduct for staff. Constituency business was dealt with outside the Private Office.

Departmental hierarchies and roles

2.13 Officials had three roles. The first was to alert and advise: ie, to identify and consider issues on the basis of appropriate information; to identify options for addressing them; and to present the information and recommendations to Ministers. This was mainly done by a relatively small number of policy staff in each Department. The second was to assist in carrying out Ministers’ decisions, a role that involved policy planning and problem-solving. The third – by far the largest in terms of the number of staff employed – was to manage and deliver services for which the Government was responsible.12 Policy staff, especially at senior levels, were also expected to be efficient managers in terms of keeping the administrative machine running smoothly and directing resources to where they were needed, and of ensuring that the executive outcomes of policy decisions (eg, abattoir inspection programmes, systems for licensing animal and human medicines) were implemented by:

i. the Department itself;

ii. an agency of the Department (see Chapter 6); or

12 These three roles are described in Note by the Head of the Home Civil Service: The Duties and Responsibilities of Civil Servants in Relation to Ministers (known as the ‘Armstrong Memorandum’ and hereafter cited as such in this volume), Hansard, 26 February 1985, col. 129, para. 2. The debate during the late 1980s and early 1990s over the ‘Armstrong Memorandum’ is considered in Chapter 8
iii. external organisations such as non-departmental public bodies (NDPBs), local authorities and health authorities.

2.14 As with all large organisations, senior officials were responsible for advising on a wide range of issues, often simultaneously, and for facilitating the effective performance of large numbers of junior staff. Most Departments were organised in well-defined hierarchies with levels of authority and responsibility indicated by grades. Permanent Secretaries, the most senior officials, were ranked Grade 1; under them were Deputy Secretaries (Grade 2), Under Secretaries (Grade 3), Assistant Secretaries (Grade 5) and Principals (Grade 7). Some posts were graded Senior Principal (Grade 6); one relevant to BSE was held by Mr Alan Lawrence in MAFF’s Animal Health Division. Specialised responsibilities, for example on the medical side in DH and the veterinary side in MAFF, were often at other grades. A number of important figures in the BSE story held such posts: at Grade 1A (the Chief Medical Officers, Sir Donald Acheson and Sir Kenneth Calman), and Grade 4 (Dr Hilary Pickles, a Principal Medical Officer in DH, and Mr Kevin Taylor, an Assistant Chief Veterinary Officer in MAFF). For reasons described in Chapter 4, the Chief Veterinary Officer was, unusually, a ‘Grade 3+’.

2.15 Departmental staff at these various levels were deployed in groups, directorates, divisions and branches (the nomenclature varied between Departments), forming a hierarchical structure of units with varying spans of responsibility. The complexity or significance of an issue generally determined the level from which advice went to the Minister and the degree of involvement of the most senior officials. Annex 1 to this volume sets out the organisation of MAFF and DH, showing the hierarchical structure and responsibilities and the names of those occupying each post. Vol. 9: Wales, Scotland and Northern Ireland contains organisational charts for their relevant Departments.

2.16 During the period 1986–96, many posts acquired new titles to mirror private sector nomenclature. For example, the new Executive Agencies (described in Chapter 6) were headed by Chief Executives or Directors. There was also a move towards shorter reporting lines. But recognisable hierarchies persisted, to define responsibilities and pay and to clarify reporting lines and channels for consultation.

2.17 Generally, officials were expected to discuss issues or raise concerns with colleagues (including professionals) at their own level. Where matters could not be resolved in this way, junior staff did not make independent approaches to senior members of other divisions or to Ministers. Instead, they would ‘put things up’ through their line managers to raise with colleagues ‘at their level’. All those with an interest – even if not actually in the policy lead – who needed to be kept informed of progress would receive copies of the relevant submissions, minutes or letters, either inviting observations or simply ‘for information’.

2.18 Officials also aimed to ‘keep off other people’s patch’ – ie, to let their colleagues exercise their responsibilities while becoming involved themselves only if invited to do so or if the actions of others impinged on their own responsibilities. Dr Jeremy Metters (DH) saw this principle encapsulated in:

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13 By convention, officials put policy advice to Ministers in the form of a ‘submission’; officials within Departments exchanged ‘minutes’ (ie, memoranda); while officials communicated with colleagues in other Departments (and of course with the rest of the world) by letter.
Rogan’s rule . . . is it for this Department? Is it for this Division? Is it for me? I found it very helpful to abide by those rules in deciding whether or not I should intervene.\textsuperscript{14}

Civil service appraisal systems

2.19 The performance of each civil servant was assessed annually within their Department, using a formal process which did not vary significantly from one Department to the next.

2.20 The assessment was conducted by a Reporting Officer one or two grades senior to the individual, and a Countersigning Officer who was senior to the Reporting Officer. It was based on a job description agreed at the start of the reporting year, setting out what was expected of the individual during the next 12 months. From the early 1990s, lists of tasks were increasingly replaced by specified targets and objectives. Job descriptions were supposed to be amended to reflect changes to tasks, targets and objectives. The evaluation at the end of the year considered how well tasks had been performed, whether targets and objectives had been met, and aspects of performance often known as ‘personal qualities’, for example:

i. Judgement.
ii. Penetration.
iii. Problem-solving/creative thinking.
iv. Numeracy.
v. Staff management.
vi. Drive and determination.
vi. Output and reliability under pressure.
ix. Acceptance of responsibility.
ix. Oral communication.
xi. Written communication.

2.21 Common to all assessment systems was the principle that various kinds of skill had to be evaluated: eg, intellectual skills such as judgement and understanding; the ability to manage staff and resources and also the official’s own time and output; and communications skills.

2.22 The final step was to assess overall performance, using a marking scale that ran from Box 1 (exceptional) to Box 5 (unacceptably poor), and to indicate suitability for promotion to the next grade.

2.23 Individuals were assessed against ‘the normal requirements of the grade’ rather than directly against one another or in terms simply of whether they had done
what they had been asked to do. This was intended to avoid penalising those in more demanding jobs who might not have been able to achieve all their targets. In theory, everyone in a particular grade could receive an identical box mark. Where performance standards were specifically related to whether objectives had been achieved, the latter had to be appropriate to the grade, again tending to impose a reasonably similar standard at each level in the hierarchy.

2.24 Since the same list of qualities was used for staff in a wide range of grades, the key to fair and comparable assessment was a common understanding of what could be expected at each grade. However, there was little central or departmental guidance on this. There were centrally devised descriptions of the work appropriate to each grade which were used by Departments’ Staff Inspectors to assess whether posts were correctly graded and loaded,15 but these did not provide the level of detail needed for annual appraisal. Departments sought to achieve some degree of comparability between staff at the same level doing different kinds of work, but it was a frequent criticism that it was easier to obtain good reports in one part of a Department than in another.

2.25 By 1996, many Departments were basing assessments of junior staff (from Administrative Assistant – the most junior grade – up to Grade 6) on ‘competences’ – ie, skills that could be objectively assessed. Written guidance was by then being made available to all concerned on what was expected, in respect of each competence, of individuals in each grade. There was equivalent guidance for senior staff (those in Grades 1–5).

15 In other words, that there was sufficient work of an appropriate quality to justify the retention of those posts