

Chapter E - Improving the Running of Government

The fourth set of Jury Team Proposals will give back to the House of Commons its right to choose the Prime Minister rather than having that choice based on a narrow party political system. This will change the focus of future general elections from being based on little-read national party manifestos and shallow promises being marketed for floating voters to the priority being for each constituency to elect the best person to represent their views and contribute to the election of the head of the government. The constant reshuffling of ministers will be reduced, government departments will be run by boards with proper governance, in a similar way to charities and companies, and all Government statistics will be produced independently.

Recommending a Prime Minister to the Monarch

In the last 35 years since 1974, the UK has had six Prime Ministers. Labour held power from 1974 to 1979 (Wilson and Callaghan), the Conservatives from 1979 to 1997 (Thatcher and Major) and New Labour from 1997 to 2010 (Blair and Brown). In each case the Prime Minister elected at the beginning of the Government resigned under a serious cloud and the successor, not elected by the voters, lost (or in the case of Brown may well lose) a general election. These six people came from very different backgrounds with markedly diverse political philosophies and personal character traits but none of them has been able effectively to run the current system of Government for the long-term benefit of the country and its people.

The inevitable conclusion of these more than three decades of political frustration is that it is very unlikely that whoever is elected at the next general election will be able to deal with the key issues facing the country within the current confrontational party political system. Given the huge ramifications for millions of people it is clearly not sensible just to wait for a "Master or Mistress of the Universe" to appear who can operate this system effectively. A better approach must be to review what is wrong with the current party political system and to see how it can be improved so that the issues facing voters can be better resolved.

Government is run by the Prime Minister and the appointment of that person by the monarch is the fundamental decision to be made in our political system. However despite its importance, half of our last six Prime Ministers have been recommended to the monarch following highly politicised and often unclear processes within political parties to decide on their leader. They have had no democratic mandate either from the electorate or even from a true majority of the House of Commons.

This has resulted from the increasing strength of the party political system which now allows the majority party in the House of Commons to use its whipping power to get its MPs to vote for the person that its party has elected as its leader, even if they voted against that person in the party ballot.

This means that all the MPs from parties other than the government party (typically over two-fifths of the total) have no say in who will become the Prime Minister. They are disenfranchised in that vital decision as are all those members of the electorate in the constituencies they represent, many millions of people. With the government party and its majority of MPs now only securing votes from just over one-fifth of the electorate in a general election, this is even more graphic than it used to be.

The Prime Minister is meant to be the person who commands the support of the majority of members of the House of Commons. However this can only be achieved if the Prime Minister is elected by a secret vote of all MPs rather than by a clouded mechanism within a particular party.

Baroness Helena Kennedy, Chair of the 2006 Power Inquiry, has said: *"Experience has taught us a lot of important lessons about power. Particularly political power. The great Lord Acton's words are often quoted: 'Power corrupts and absolute power corrupts absolutely'. And I have now developed it into 'Power is delightful and absolute power is absolutely delightful'."*

The Politicisation of Government

Government's prime responsibility is the management of the laws which have been passed by Parliament. The 6+ million people employed in the public sector have the task of implementing this legislation whether in health, education, the armed forces, the emergency services, tax collection, social security or the many other tasks given to Government by Parliament.

The central Government machine has changed little in its structure of ministers and civil servants for over 150 years despite the massive increases in its scope and reach. Departments are now led by

politicians with short-term political aspirations, minimal management experience and fast career changes who generate initiatives more for media consumption than for the benefit of the public.

Decisions made by politicians with their eye constantly on their electoral prospects now lead to government offering continual bribes to the electorate. For instance, following the publication in September 2009 of the report into the collapse of the Rover car company, Rod Liddle wrote in The Sunday Times about the support which two Secretaries of State for Industry had given to the flawed management consortium which bought the company from BMW in 2000: *"Patricia Hewitt bunged the new company £6.5m of public money, a sum considered at the time "a waste" by the National Audit Office. But the 2005 election was only weeks away — what are you going to do, let the company go bust with all those votes up for grabs in the West Midlands? Even the administrators told Hewitt that there was little or no chance that the company could be successfully sold off. But both Byers and Hewitt were motivated by selfish, party political concerns — and so to hell with the public's money."*

Similarly, Stephen Byers, the former Labour minister mentioned above, wrote in The Sunday Times in May 2008: *"In the past year far too many decisions about tax have been taken to try to secure a tactical advantage. This has led to some damaging mistakes. Whether in relation to the changes to inheritance tax, capital gains tax, the treatment of non-doms or the abolition of the 10p income tax band, the whole approach has been about political positioning. What has been lacking is a strategic and principled view of how we should change our tax regime."*

It is now clear that the economic growth of the last 15 years has been built on too much debt. In their pandering to the voters, the political parties have been guilty of setting the scene for regulation which allowed financial institutions to take risks that were unjustified for the wider economy. For example in his Budget speeches to the House of Commons, Gordon Brown said:

2005: *"Those in this House who have forecast recession and those who have called our spending unaffordable have been consistently wrong and with the most recent figures published today for both economic growth and receipts, they are wrong again."*

2006: *"As I have said before Mr Deputy Speaker: No return to boom and bust."*

In August 2007, just a month before Northern Rock had to seek government support, George Osborne launched the *Final Report of the Conservative Party Economic Competitiveness Policy Group* which advocated the complete deregulation of the mortgage industry and stated: *"Mortgage regulation. We see no need to continue to regulate the provision of mortgage finance, as it is the lending institutions rather than the client taking the risk."*

The Weakness of Current Government Management

Anthony Seldon, Tony Blair's biographer, stated that the then Prime Minister was *"much more interested in - and better at - politics than management"*. Blair himself admitted that he had to *"learn to be Prime Minister"*. In 2001 Blair told his Cabinet Secretary Sir Richard Wilson that he had *"managed the Labour Party"* but Wilson replied that Blair *"never managed them, you merely led them. There's a big difference"*.

There is now only a small difference on the key policy issues between the stated intentions of the traditional parties. Most of their policy statements relate to how they would *"better manage"* the particular issue. This focus on delivery however makes ministers into managers which is a function for which they are normally peculiarly unsuited with no training either formally or in terms of their previous career.

Minette Martin described this in The Sunday Times in July 2008:

"Government, particularly a dirigiste and micromanaging one like ours, is a matter of management. "Delivering on" depends on competent management. Yet, incredibly, almost no one in government has any experience of management at all. None of the present cabinet has experience of managing a large business. The supposedly heavy hitters Brown, Darling, Straw, Smith, Johnson, Hutton and Balls have no management experience at all, according to the TaxPayers Alliance."

Ministers have increasingly shorter and faster moving careers and have become more involved with defending themselves and their own political party rather than with progressing sound governance. This was brought to life in *"Yes Minister"* which has been attested to by Prime Ministers from Margaret Thatcher onwards as realistically portraying the view that many ministers are out of their depth with their departmental briefs and are mainly interested in the image which they can portray to the public and especially to their party leadership.

The issues relating to the clash between the short-term ministerial political culture and the longer-term civil service management culture were graphically described by Sir John Bourn, the former Comptroller and Auditor General in charge of the National Audit Office, in an article in The Financial Times in May 2007:

"The whole culture of the senior civil service needs to be changed. The top jobs should go to those who have successfully managed programmes and projects – in health, social welfare and taxation as well as in construction and defence. At the moment they are given to those best at helping their ministers to get through the political week."

Projects and programmes should be designed to produce good results. Too many schemes today are like the structures children build with toy bricks – unbalanced, constantly wobbling, complicated to shore up and only too likely to come tumbling down – as in the arrangements for child support, and in the recent ill thought-out schemes for capital gains tax and the taxation of non-domiciled residents, which had to be amended even before they were put into operation."

In July 2009 the independent Institute of Government stated according to The Financial Times:

"Only 40 per cent of broad targets set by government – the public service agreements – were met fully during the three years to 2008, at a time of generous government spending."

Just seven of the 20 "joined up" goals that involve several departments – including reducing child poverty and teenage pregnancy – were met."

In July 2009, Labour's top donor, Lord Sainsbury of Turville, who was Science Minister for eight years, was reported in The Times by Rachel Sylvester, Alice Thomson and Sam Coates as follows:

"Gordon Brown is being warned today by Labour's top donor that he is leading a "dysfunctional" Government. In an interview with The Times, Lord Sainsbury of Turville, who served for eight years as Science Minister under Tony Blair, says that the lack of clear leadership in Whitehall is damaging public services on the ground."

He rounds on the Prime Minister and his predecessor, saying that they carried out "far too many" reshuffles, undermining ministers' ability to carry out their job. The last reshuffle resulted in new jobs for almost half the Cabinet. "The average length of time ministers stay in post is about 18 months. . . You lose so much knowledge and experience," Lord Sainsbury says.

"It's dysfunctional," Lord Sainsbury says. "The way it is organised and managed is out of date . . . It's like a Rolls-Royce which was made 60 years ago but isn't really appropriate for racing in today. It was once a good machine but now it's frustrating both ministers and civil servants."

The views of Lord Malloch-Brown were reported in The Sunday Times in July 2009 by Jonathan Oliver:

"Gordon Brown's government is more "chaotic" than many administrations in the developing world, according to one of his Foreign Office ministers. Lord Malloch-Brown, who quits his ministerial post this month, told colleagues he had seen better "strategic thinking" in Latin America and southeast Asia than at No 10."

According to colleagues, Malloch-Brown had become increasingly frustrated with ministerial life. "Mark said that the goldfish bowl nature of Westminster and the pressures of the 24-hour news cycle meant there was a lack of strategic thinking in British politics – on both sides of the political divide," one colleague said.

Current Departmental Leadership

Given the fast rate at which ministers are moved, many departments have established supposed boards of management during the last few years. However these have purely an administrative role and look at matters such as budgets and headcount and do not have any real authority over policy. They are chaired by the Permanent Secretary and ministers are not present. They do not have any legal persona and are purely advisory in relation to departmental policy. Their advice is only very rarely critical as the members of the boards are mainly the senior civil servants who anyway work together on a daily basis. They typically only have a minority of two or three non-executive directors who depend for their remuneration and status on the goodwill of the Department.

The boards were a response to the need for better departmental governance but have been a serious disappointment to anyone who might optimistically have expected that they would change ministerial behaviour. For instance the Cabinet Office Board, which stands at the centre of the Whitehall machine, just has the following restricted remit:

- *To recommend a business plan and resource allocation, and strategy for achieving the Department's business objectives to ministers*
- *Monitor and improve the Department's performance against these*
- *Ensure that risks are identified and effectively managed*
- *Oversee the Better Cabinet Office programme*
- *Ensure that standards and values within the Cabinet Office support the aims of the Department, and good Government more generally*
- *Safeguard and enhance the Department's standards and values.*

Ministers have resisted any proposals to reduce their own power and to give this to less political boards. For instance given the constant change in direction in the National Health Service as a result of different ministerial initiatives there has been strong support by health professionals for the establishment of a Board of Health to oversee the NHS. However a Department of Health Permanent Secretary recently said privately that his Secretary of State did not want any such body as: *"He enjoys playing with his train set, especially as it is the biggest one in Whitehall"*. It is essential that we stop this *"toys for boys"* attitude by ministers to the administration of massive organisations.

The Consequences of Uncontrolled Initiatives

In February 2009, Richard Thomas, the Information Commissioner, was reported in The Times as criticising proposals going through parliament to allow mass data sharing between government departments and the private sector. He said that other key government surveillance measures had been *"pushed through"* without proper scrutiny or parliamentary debate.

In the same month, Sir Ken Macdonald, Director of Public Prosecutions from 2003-08, wrote in The Times:

"In Britain we had an additional burden: legislators who preferred criminal justice to be an auction of fake toughness, so long as the toughness was not too tough to design. So no one likes terrorists? Let's bring in lots of terror laws, the tougher the better. Let's lock up nasty people longer, and for longer before they are charged. Let's stop medieval clerics winding up the tabloids. Let's stop off-colour comedians outraging homophobic preachers. Let's pretend that outlawing offensiveness makes the world less offensive.

This frequently made useful headlines. But it didn't make our country or any other country a better or safer place to live. It didn't respect our way of life. It brought us the War on Terror and it didn't make it any easier for us to progress into the future with comfort and security.

Our legislators faltered because they seemed to ignore the fact that what makes good politics doesn't always make good policy. And they didn't want to tackle the more complex issues that really affect safety in people's lives. It was easier to throw increasingly illiberal sound bites at a shadowy and fearsome enemy."

The volume of legislation has grown hugely with there now being about eight new laws or regulations a day. According to Sweet & Maxwell, the legal publishers, in Margaret Thatcher's time as Prime Minister there were an average of 1,724 pieces of legislation per year. Under Tony Blair this increased by over a half to 2,663 laws per year. Gordon Brown's first year saw a further 6% increase to 2,823 new laws (64% more than the figure for Thatcher) despite his repeated pledges to cut down on the amount of red tape with which businesses and other organisations have to comply.

The UK now has the world's longest tax code. The "bible" for tax experts is Tolleys Yellow Tax Handbook which contained 4,555 pages in 1997 but has now more than doubled to 10,134 pages (and a smaller type size). Similar massive legislative activity has come from the Home Office where in the five years since 2003 there have been five new Criminal Justice Acts, a total of 910 sections and 104 schedules. Across all departments, 1,036 new criminal offences have been enacted since 1997.

The Sixth Report on *The British Regulatory System* published by the British Chambers of Commerce stated:

"Despite expressed concern with the total volume of regulation, their pace of introduction, as measured by (R)IAs, has continued to increase. About 130 regulations per annum were generated in the first four years of this Government. The number has increased progressively to about 350 in the year covered by this report, the year to 30th June 2007. The cumulative burden on British business since 1998 is, according to the (R)IAs themselves, £66bn., of which 70 per cent arises from EU sourced regulation (73 per cent last year). In terms of the number of regulations, the EU accounts for only about 35 per cent."

Jeremy Clarkson expressed a popular resentment about the tide of regulation when he wrote in The Sunday Times in June 2008:

"The machine needs to be fed. When you have 650 members of parliament elected to make laws, and an army of 500,000 civil servants whose job is to make sure that those laws work, and more legions in Brussels making more laws, there is never going to be any respite. The machine can never rest until absolutely everything is illegal."

Whenever I let my mind wander, I become quivery-lipped and frightened thinking about all the things I could do 10 years ago that I cannot do now. I may not smack my children, for instance, or talk on a mobile telephone while driving or put too much salt on my mashed potato or smoke at home if my cleaning lady objects or give my donkey a tender burial or encourage my dogs to kill rats. And if I put the wrong thing in the wrong-coloured dustbin, I'm likely to spend the next five years digging tunnels."

Improving the Leadership of Departments

One great strength of the UK is the breadth of civil society outside of the Government, operating through what are generally described as non-governmental organisations ("NGOs"). These include registered charities, community groups, women's and ethnic minority organisations, faith-based groups, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy services. Such organisations have a tremendous sense of independence and integrity. The contrast between the ethos and practice of these many voluntary organisations and the world of politics is stark. The standards and experience of civil society can be better used in helping to run our major departments of state.

We need to bring experience of charity and company organisations and boards into the leadership of departments. There are many people who could make a real contribution who cannot work full time for the government or would not wish to stand as an MP. A key element of the Jury Team's Proposals is that there should be more independent directors monitoring departments and running such bodies as the Independent Politicians Complaints Commission and the Statistics Authority. The appointment of "non-executives" is well established in other parts of the public sector. This is the normal format for NHS and school governing bodies with it being the board, rather than any individual person, which is the legal persona. Similarly many Government agencies, especially those whose credibility and independence is paramount, have a requirement for a majority of non-executive directors. Given all of these precedents, there is no reason why departments of state should not follow the governance principles that they mandate for others.

In its report *"Shaping Up: A Whitehall for the Future"* in January 2010, the Institute for Government stated: *"Departments should be led by strategy boards, which will bring together top officials, non-executive directors and the ministerial team to develop policy and long-term strategy for departments."*

It is important that the non-executives are of high calibre and are appointed independently. It is therefore proposed that for each such Board seven relevant NGOs will be designated by the Commissioner for Public Appointments, following consultation with the relevant Select Committee, to form an appointments panel to select the independent Board members (normally six members for a department Board and nine for an independent one). These NGOs will represent relevant consumer as well as producer interests. The NGOs will be paid a small fee for providing their panel member.

The job roles to be members of the Board itself will be extensively advertised by the Commissioner for Public Appointments. The appointment panels, with suitable support from the Commissioner's staff, will then meet to select the Board members from those applicants. Potential examples of suitable NGOs each to nominate one member of the seven person appointment panels, which in turn would appoint applicants for Board membership, are:

- Department for International Development: Oxfam, World Wildlife Fund, Voluntary Service Overseas, Fair Trade Foundation, BOND (British Overseas NGOs for Development), Overseas Development Institute and the Institute of Development Engineering

- Ministry of Defence: Royal United Services Institute, International Institute for Strategic Studies, Royal British Legion, Royal National Lifeboat Institute, Defence Manufacturers Association, Defence Surveyors Association and the Public & Commercial Services Union
- Foreign and Commonwealth Office: Royal Institute of International Affairs, Royal Commonwealth Society, Royal African Society, Royal Asiatic Society, Middle East Association, British North American Research Association and The Anglo Latin American Foundation
- HM Treasury: Royal Economic Society, Chartered Institute of Public Finance and Accountancy, Chartered Institute of Taxation, Chartered Institute of Securities and Investment, Joseph Rowntree Foundation, Institute of Directors and the Consumers Association
- Home Office: Association of Chief Police Officers, Liberty, Childline, Mind, Addaction, Crime Concern and Migration Watch UK
- Department of Health: Academy of Medical Royal Colleges, Royal College of Nursing, NHS Confederation, UNISON, British Red Cross, Mencap and Age UK
- Department for Children, Schools and Families: Barnado's, National Confederation of Parent Teacher Associations, National Governors Association, NASUWT (National Association of Schoolmasters and Union of Women Teachers), National Association of Head Teachers, Citizens Advice Bureau, and the Chartered Institute of Personnel and Development.
- Department for Culture, Media and Sport: National Trust, British Hospitality Association, Museums Association, Royal Television Society, Equity, British Olympic Association and UK Sport.
- Department for Environment, Food and Rural Affairs: Royal Society for the Protection of Birds, Royal Institute of Chartered Surveyors, National Farmers Union, Country Land and Business Association, Greenpeace, Food and Drink Federation and the British Marine Federation.
- Independent Politicians Complaints Commission: Institute of Business Ethics, Magistrates Association, Confederation of British Industry, Trades Union Congress, National Council for Voluntary Organisations, Police Federation and the Chartered Management Institute.
- Statistics Authority: Royal Statistical Society, Royal Economic Society, Royal Society, Market Research Society, Strategic Planning Society, Social Research Association and the Institute of Mathematics.

Running the country properly is a matter of good judgement in a proper structure in order to make pragmatic and transparent decisions in line with the principles of ethics, effectiveness, efficiency and economy. These Jury Team Proposals will greatly advance this.

27. After each future general election the House of Commons will meet to elect by secret ballot a person who will be recommended to the monarch to be Prime Minister

The monarch appoints as Prime Minister the person who can command majority support in the House of Commons. However in a party political system this is the leader of the majority party in the House of Commons rather than the person with majority support among all MPs.

However three of the last six Prime Ministers have in fact not emerged following a general election but rather from some form of party political vote just within whichever party had a majority in the House of Commons. James Callaghan became Prime Minister in 1976 following the resignation of Harold Wilson. In the first ballot with six candidates Michael Foot beat Callaghan by 6 votes but in the second ballot with three candidates Callaghan beat Foot by 8 votes. In the final third ballot Callaghan received 56% of the vote against Foot's 44%. John Major became Prime Minister in 1990 after Margaret Thatcher resigned, despite her getting 208 votes representing 53.8% of the electorate of Conservative MPs, as this was not the required 15% of the electorate ahead of her challenger Michael Heseltine. In the second ballot John Major achieved fewer votes than had Margaret Thatcher, 185 representing only 49.8%, but his challengers Heseltine and Hurd then withdrew and he was declared Leader of the Party. Gordon Brown became Prime Minister in 2007 following the resignation of Tony Blair. In the Labour Party voting process John McDonnell, the only challenger to Brown, failed to secure enough nominations in order to get onto the ballot and subsequently conceded defeat. A special Labour conference then declared Gordon Brown as Leader of the Labour Party.

Small effects within the two main political parties have therefore determined half of our Prime Ministers over the last 35 years. Indeed the House of Commons itself has no real role in choosing the Prime Minister. The whole process of appointing a Prime Minister has therefore become dominated by the growth in the grip that the political party leaderships and their whips have on the House of Commons.

Although the Prime Minister is meant to be the person with majority support in the House of Commons, the current party political system does not lead to this being so. If a political party even has 60% of the MPs in the House of Commons then if only about half of the majority party vote for their leader this means that this person is only supported by 30% of the Commons.

It is clear that Callaghan and Major had the support of only approximately half of their party and Brown's popularity in his party was never tested before he became Prime Minister (but appears to be very soft now he is in the role). None of them could therefore be said to command a majority of the House of Commons. The support only becomes manifest because of party political loyalty and the operation of the whips to ensure that all of the majority party's MPs vote in the Commons for the leader elected even if they did not vote for him or her in the party's own election.

The ability to elect a leader within a party to become Prime Minister also polarises general elections into contests between the individuals chosen by each party rather than concentrating on the key and especially longer term issues facing the country.

The proper process for recommending a Prime Minister to the monarch is for all MPs to be able to participate in the election of the Prime Minister immediately after each general election. This should be by secret ballot (as is used for the election of the Speaker) so that each MP can be unfettered in the way that they cast this vital vote. The Jury Team will legislate to achieve this and make it explicit that the monarch should appoint as prime minister the person who had achieved a majority in a secret ballot of the whole House of Commons. This will empower all MPs, give them a real role and responsibility in selecting the government and will mean that the person appointed has majority support. That person will then form a government.

The person elected would serve for five years, unless the House of Commons voted for a general election, and would be eligible once for re-election. In the event of the Prime Minister resigning for health or other reasons during the five year term the House of Commons would firstly decide whether to call a general election and, if it did not so decide, it would then elect a new person to be Prime Minister.

28. The Prime Minister will then appoint the senior minister to run each department who will in turn agree with the Prime Minister the appointment of the junior ministers for that department and will have to agree to their being moved elsewhere.

The function of departments, together responsible for over six million public sector employees, is now mainly technocratic-managerial as they are required to operate as efficiently and effectively as possible within their legal framework.

The Prime Minister currently recommends the appointment of the Cabinet and all departmental ministers to the monarch. Until well into the 20th Century, when an MP was appointed as a minister he had to resign as an MP and seek re-election but there are now no such restrictions on the power of Prime Ministers to appoint MPs or Lords as ministers. Ministers are not usually appointed by the Prime Minister for reasons of trying to achieve the best management and administration of the department. The normal purpose is party political convenience, whether to seek balance between left and right or north and south or to bring somebody into the tent rather than having them being difficult outside, without any real consideration of what is best for the department concerned.

Those appointed are now predominantly professional MPs who increasingly have little experience of running any major organisation. Politics has moved away from ideology towards delivery but most ministers have a background in media imagery or in small organisations rather than in policy implementation on the scale required at Government level.

Ministers are frequently reshuffled in order to give the appearance of action or renewal solely to boost party poll ratings rather than to improve the management of the departments. As was said by Caius Petronius, Roman Consul, in 66 A.D.: *"We trained hard, but it seemed that every time we were beginning to form up into teams we would be reorganised. I was to learn later in life that we tend to meet any new situation by reorganising: and a wonderful method it can be for creating the illusion of progress, while producing confusion, inefficiency and demoralisation."*

There is substantial movement of ministers at Cabinet level. By the end of the Parliament in 2005 only six ministers survived from the original 1997 Cabinet of 22. These were Tony Blair, Gordon Brown, John Prescott, Margaret Beckett, Jack Straw and Alistair Darling. Only three, 14%, are still in the Cabinet in 2010.

The speed with which ministers move can be seen from considering over the last two decades the Secretaries of State for Work and Pensions (formerly Social Security) and for Education (now Children, Schools and Families), areas where careful and consistent long-term leadership is particularly important. In the 21 year period mid-1988 to mid-2009 the Department of Work and Pensions and the Department of Education each had 11 Secretaries of State. Similarly there have been four Secretaries of State for Defence in the last four years despite the importance of the conflicts in Iran and Afghanistan.

The senior minister in the department, normally the Secretary of State, has little or no influence on which junior ministers will be appointed to serve under him or her as these appointments are made independently by the Prime Minister. This system also often leads to ministers from very different ideological backgrounds succeeding each other and directing that completely different sets of priorities be followed by the department at which they have newly arrived. They seek to make their political mark in the comparatively short time that they will have in office, almost certainly a lesser time than it will take any of their initiatives fully to be implemented.

In order to give departments greater stability, and Cabinet Ministers more control over their ministerial team, the appointment/dismissal of junior ministers would be the joint responsibility of the Prime Minister and the respective Cabinet Minister. They would both have to sign the recommendation to the monarch for the appointment or dismissal of a junior minister.

Although it is recognised that the Cabinet Minister is beholden to the Prime Minister for their job and therefore could come under pressure, this system is much more like that which works in other large organisations where a chief executive should never decide unilaterally and without consultation who should be appointed to work in positions two or more layers below them.

29. Departments should be run by a Board chaired by the senior departmental minister and attended by the other ministers but on which at least half of the directors will be appointed by a panel of designated charitable and professional bodies and other stakeholders relevant to producer and consumer interests in that sector.

The basis for our system of Government administration was set out in the 1854 Northcote-Trevelyan report but this did not consider the interaction of civil servants with ministers. It has to be recognised that both civil servants, as professional managers and increasingly with specific expertise, and ministers, as representatives of the democratic will of the people, each have their role to play. The key issue is however the brutal interface between the two groups with their hugely different backgrounds and agendas. This has become a major dysfunction in the operation of the Government machine as ministers have increasingly shorter and faster moving careers and have become more involved with defending themselves and their own political party rather than with progressing sound governance.

The leadership of departments needs to be sensitive to political considerations but must also provide steady management and continuity if the people in the organisations are to give of their best. Unfortunately the current combination of political interference in departments combined with senior civil service staff of a very different background and outlook means that UK Government outcomes are often internationally uncompetitive and sometimes stark in their failures. John Reid MP, a former Home Secretary, who himself had eight ministerial jobs in ten years, stated: *"Our system is not fit for purpose. It is inadequate in terms of its scope."*

A critical difference between the current structure of a Government department and the way in which all other organisations are run is that the Secretary of State in a department is still both chairman and chief executive. The idea that one person should fulfil both of these roles has been squeezed out of all other aspects of UK governance.

Away from Westminster and Whitehall, the principles of governance have developed greatly since the 1850s. The dichotomy between civil servants and ministers is one which also occurs in other fields and mechanisms have therefore been developed to deal with this. In a charity the chief executive and his or her staff will normally be professionals who are very competent managers and who have substantial experience in the area which the charity addresses, just like civil servants. The way in which a charity chief executive is held to account is through having a board of charity trustees. This ensures an independent review of the chief executive's proposals and actions.

Charities are set up, like Government departments, for the public benefit and the well rehearsed charity model of governance is therefore one which is appropriate for Government departments. The Board of a Government department should act like the trustees of a charity to ensure that the executive management is acting ethically, effectively, efficiently and economically in line with the agreed strategies and priorities, normally the laws which have been laid down by Parliament.

In order to bridge the gap between ministers and civil servants it is therefore proposed that fully responsible departmental Boards be established. They will consist of the ministers in the department plus a majority of independent Board members, normally six, each with overlapping three year renewable terms (initially staggered). The Boards will be chaired by the Secretary of State who will represent the Department externally. The other ministers in the department will as appropriate represent the Board's views both in Parliament and elsewhere within their own sphere of responsibility. The Permanent Secretary (the senior civil servant) will be appointed by a panel made up of the Secretary of State and all of the independent directors and will normally attend the Board as the chief executive together with any of his or her staff who are relevant to the particular discussion.

The departmental Boards, with their independent directors, will be responsible for administering all of the existing legal framework. The priority for new primary legislation will be controlled, as now, by the network of Cabinet Committees reporting into the Cabinet itself. There will therefore be a clear distinction between the administration of current laws and the proposal of new ones. The main check on those proposed laws will be the independent Select Committees and other MPs in the House of Commons.

30. All Government statistics should be published by an independent body whose Board is appointed by a panel of designated charitable and professional bodies associated with the collection and use of statistics.

People need to believe their political leaders but Government credibility has been much reduced because of the spin culture. In a 2008 survey by the Office for National Statistics (ONS), only 36 per cent of people thought that official figures were "*generally accurate*".

Government statistics in the UK have long had a reputation for spin. In the 1980s changes in the rules affecting entitlement to unemployment benefit led to charges that the Thatcher Government were fiddling the statistics. That controversy led to the inclusion of a pledge in the Labour Party's 1997 Election Manifesto to create "*an independent statistical service*".

A Statistics Commission was set up in June 2000 "*to advise on the quality, quality assurance and priority setting for official statistics, and on the procedures designed to deliver statistical integrity, and to help ensure official statistics are trustworthy and responsive to public needs.*" However it clearly did not amount to anything like "*an independent statistical service*". Although it was independent of ministers it had no authority directly to influence any statistics and was solely involved in procedures. It made some good progress within its limited remit but public concern about statistical spin increased.

There continued to be many examples of ministers abusing official statistics. In 2001, Stephen Byers' special adviser sent round an e-mail at the time of the 9/11 attacks in New York to say that it will be "*a very good day to get out anything we want to bury*". Another much-publicised case was when the Education Secretary, Alan Johnson, became involved in a row on spin with claims that his special advisers tried to bury the announcement of poor primary school test results. The Statistics Commission told the department to stop special advisers having any influence on the publication of official figures.

In 2003, in his first political publication since retiring as an MP in 2001, the former Prime Minister Sir John Major denounced Labour spin in a pamphlet published by the Centre for Policy Studies. He also said in an interview with the Daily Telegraph: "*Spin is the pornography of politics. It perverts. It is deceit licensed by the Government. Statistics massaged. Expenditure announced and reannounced. The record reassessed. Blame attributed. Innocence proclaimed. Black declared white: all in a day's work.*"

A 2005 survey unsurprisingly demonstrated that 64% of people still did not have confidence in the information presented by ministers on the basis of the data collected by the ONS. In the light of the various scandals which had taken place the Government had to accept that the ONS would become a Parliamentary agency outside any direct ministerial control. A new UK Statistics Authority came into existence and was billed by ministers as making the governance of national data independent of ministerial control for the first time. However although the new Statistics Authority has the theoretical responsibility for safeguarding the quality of all official statistics it does not have any commensurate authority over any statistics produced by Government departments. More than 80 per cent of all Government statisticians do not work for the ONS but for individual Government departments and similarly about four-fifths of all official statistics designated as 'National Statistics' are in fact produced by those individual departments. The Authority Code is not even binding on all Government bodies.

Other countries have faced a similar problem but have had the governance structures and political will to put in place a credible system for producing all Government statistics. For instance the Australian Bureau of Statistics (ABS) is responsible for producing statistics for all federal Government departments.

This should be the model for the Statistics Authority in the UK in order to improve the credibility of Government measures. This will be a substantial dislocation with the departments losing their separate statisticians but there is no doubt that these people will be much more protected from political pressure if they are in a central ONS rather than depending for their careers on their superiors in their particular department. It is therefore a priority of the Jury Team to sort out the provision of Government statistics, to ensure that they can never again be contaminated by party politics and therefore to establish a fully independent Statistics Authority directly responsible for all Government statistics.