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House of Commons Public Administration Committee Report on Special Advisers

1 Introduction

In the context of the scrutiny of the Civil Service (Special Advisers) Bill 2012 by the Committee for Finance and Personnel¹, the House of Commons Public Administration Committee has published a report on its inquiry into political special advisers. This Briefing Note summarises the conclusions and recommendations of the report.

2 The 'Special Advisers in the Thick of It' Report

The House of Commons Public Administration Select Committee resolved to inquire into special advisers in October 2011 and a call for evidence was published in February 2012, with oral hearings in June 2012. The inquiry report, 'Special Advisers in the Thick of It', was published on 14 October 2012².

¹ Research and Information Service Bill Paper 141/12 *The Civil Service (Special Advisers) Bill 2012* 28 September 2012, presented to the Committee for Finance and Personnel on 3 October 2012, summarises the Bill: http://www.niassembly.gov.uk/Documents/RaISe/Publications/2012/finance_personnel/14112.pdf.

² Public Administration Select Committee Sixth Report, 'Special Advisers in the Thick of It', 28 September 2012: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpublicadm/134/13402.htm>.

The conclusions and recommendations of the report are summarised as follows:

- While Number 10 has the final say on the appointment of special advisers, and only the centre can ensure that special advisers get all the career development moves which they need, ministers have the right to insist on particular individuals that they consider appropriate.
- A special adviser to a Minister must be just that: an adviser, and not an interposed layer of authority between the Minister and his or her civil servants.
- The Government should clarify its recent guidance on quasi-judicial decisions to state explicitly that special advisers should not, under any circumstances, be directly involved in such processes.
- Special advisers should play an important role in helping to co-ordinate policy and delivery across Government, and they have a legitimate place (alongside permanent officials) in any central strategic or co-ordination unit.
- The Government should ensure that all special advisers receive induction training within three months of taking up the role. Ministers who are appointing a special adviser for the first time should also be made properly aware by their officials of their special advisers', and their own, responsibilities and obligations.
- Permanent secretaries and ministers' private offices should be ready to accommodate ministers' wishes to have access to outside advice, but it is also self-evident that any person—whether paid or unpaid—who has access to Government papers and ministerial meetings should be properly vetted and regulated.
- The crucial question is not simply the number of special advisers but whether the case can be made for the payment of each individual from the public purse.
- To aid transparency and accountability, information about ministers' special advisers should appear on departmental websites, including advisers' names and a description of the policy areas in which they work and the types of tasks they undertake.
- Ministers should notify the relevant departmental select committee whom they have appointed as a new special adviser, as soon as they have decided on the appointment. They should include in the notification to the committee a proposed "job description", setting out the policy areas and types of tasks the special adviser will be expected to carry out, and the special adviser's relevant qualifications for appointment, including why they believe him or her to be of suitable "standing and experience".
- Ministers are responsible for directing the work that their special advisers undertake, and for deciding whether their special advisers are performing those tasks satisfactorily ministers are "responsible"—not simply "accountable"—for

their special adviser's management and conduct. To make ministers accountable for their explicit responsibility under the Code, the Committee reiterates the recommendation made in a previous Report that the Prime Minister's Adviser on Ministers' Interests should be empowered to instigate his own investigations of potential breaches of the Ministerial Code (so that the Prime Minister is not able to protect his ministers from appropriate investigation of the conduct of their advisers) and should himself be independently appointed and subject to a pre-appointment hearing.

- Recent events have demonstrated that it is imperative for permanent secretaries to be ready to give advice and support on matters of propriety to special advisers and ministers, particularly at the start of a new administration. It should be made explicit that permanent secretaries are responsible for ensuring that any potential problems are addressed without delay.
- It would not be appropriate for Number 10 or the Cabinet Office to have an explicit role in directing or appraising special advisers appointed by ministers of other departments. In particular, ministers should expect to confide in their special advisers without fearing that every conversation will be reported back to Number 10.