

House of Commons

Public Administration Select  
Committee

**“THESE UNFORTUNATE  
EVENTS”: LESSONS OF  
RECENT EVENTS  
AT THE FORMER DTLR**

Eighth Report of Session 2001–02

*Report and Proceedings of the Committee*

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### Footnotes

In the footnotes of this Report, references to oral evidence are indicated by 'Q' followed by the question number. References to written evidence are indicated by the Memorandum number as in 'GI 12'.

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# EIGHTH REPORT

**The Public Administration Select Committee has agreed to the following Report:**

**“THESE UNFORTUNATE EVENTS”:  
Lessons of Recent Events at the former DTLR**

“these unfortunate events, for which no blame is being apportioned...”  
(From Statement agreed by Martin Sixsmith and DTLR, 7 May 2002)

## **SUMMARY**

In this Report, the Committee examines a series of events which occurred in the former Department of Transport, Local Government and the Regions between September 2001 and May 2002. These related to communications issues, and in particular the handling of departmental announcements, but also gave rise to wider considerations. They began with the email sent on September 11 2001 by a politically-appointed special adviser, Ms Jo Moore, urging the release of “anything we want to bury” in the aftermath of the terrorist attacks on the USA.

The Report sets out the Committee’s conclusions and seeks to identify some lessons for the Civil Service and the Government, with a special emphasis on the need for the Government to provide honest, reliable, accurate information at all times. It considers that the events at DTLR revealed a disturbing number of generic weaknesses in the management of government communications.

The Committee assesses the roles of the major players in the events at DTLR: the Secretary of State, Stephen Byers; the Permanent Secretary, Sir Richard Mottram; the Director of Communications from November 2001 to May 2002, Martin Sixsmith; Ms Moore; and a number of people and organisations at the centre of Government, including the Cabinet Office and the Prime Minister’s Office.

The Report concludes that the handling of the events demonstrates serious flaws in the management and accountability of special advisers. The crisis was caused partly by the fact that Ms Moore took on a series of executive and, in effect, managerial tasks without reference to proper procedures. In addition, a number of civil servants abandoned professional standards by leaking information and misinformation in a way intended to undermine Ms Moore. Management found itself unable to prevent a catastrophic taking of sides at senior level in the department.

The Committee recognises the benefits of special advisers to departments, in particular their ability to provide valuable insights during the development of policy and their role in protecting civil servants by carrying out work that would raise doubts about Civil Service neutrality. In the vast majority of departments, there have been good relationships between special advisers and career civil servants and the Report sees no evidence whatsoever of a concerted attempt to politicise the Civil Service.

However, the Report says that the regulations which apply to special advisers contain some fundamental contradictions and the boundaries between their work and that of career civil servants do not appear to be well-understood. It makes a number of recommendations to improve management and accountability, calling for a better system by which civil servants can raise any concerns they may have about special advisers and a review of the system for handling any disputes between Ministers, special advisers and career civil servants.

The Committee urges that any civil servant found to have breached the principles of public service by leaking against colleagues should be subject to rigorous disciplinary action. It also calls for a radical external review of the operation of government information services, taking in both the career civil servants involved and also those special advisers with a communications role. This should clarify the boundaries between the work that is appropriate to special advisers and work that is not appropriate to them.

The Report repeats the Committee's call for a Civil Service Act that would help to anchor the key constitutional relationships in the authority of Parliament. In order to move the process forward, the Committee will itself be preparing a draft Civil Service Bill in the next few months.

## Chapter One

### GOVERNMENT COMMUNICATION AND THE PUBLIC INTEREST

1. One of the essential tasks of government is to provide honest, reliable and accurate information. The range of government communications work today is immense, from policy announcements to emergency and public health information, and all of it must be credible. Recent cases such as BSE and the 2000 fuel crisis show that a crisis in government communications rapidly becomes a crisis in government.

2. Those who are responsible for government communications therefore have a vital role in serving the public interest. The series of “unfortunate events”<sup>1</sup> which occurred in the former Department of Transport, Local Government and the Regions between September 2001 and May 2002 showed how sensitive this role can be. They resulted in the departures of a director of communications, a special adviser and, eventually, a cabinet minister; later came the abolition of the department itself.

3. The Committee has examined why these events happened, and this Report sets out our conclusions. It also makes some recommendations concerning the Government Information and Communication Service (GICS) and others involved in delivering government information to the public.

#### The Committee’s Previous Reports

4. Early in the last Parliament the Committee conducted an inquiry into the GICS,<sup>2</sup> at a time of insistent Government demands that the Service should “raise its game”. The expanded and sometimes controversial role of ministerially-appointed special advisers in briefing the media was another theme of the inquiry, and of a subsequent inquiry on special advisers generally.<sup>3</sup> We have also taken evidence on GICS annual reports.

5. In recent years the Government has put in place a number of measures to regulate the work of special advisers, including a code which includes guidance on dealing with the media. However, the recent problems in DTLR, described in outline in the next Chapter, show that there is still the potential for confusion and turbulence.

#### Learning the Lessons

6. We have not sought to carry out a detailed dissection of all the events at DTLR, nor to apportion blame to individuals. We took evidence from six witnesses, but did not seek evidence from all the protagonists. Our aim instead has been to review the events in the round and identify the most important lessons for the Civil Service and for Government.

DTLR may have been unusual and unlucky in the extent of the difficulties it encountered, but its travails revealed a disturbing number of generic weaknesses in the management of government communications. There is a continuing possibility that similar problems will arise elsewhere in Whitehall, and the Government needs to address the issues with vigour if it is to prevent a repetition. The lessons from these events must be learned.

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<sup>1</sup> Statement Agreed by Martin Sixsmith and the DTLR, 7 May 2002

<sup>2</sup> ‘The Government Information and Communication Service’ Sixth Report 1997–98 HC 770

<sup>3</sup> ‘Special Advisers: Boon or Bane?’ Fourth Report 2000–01 HC 293

## Chapter Two

### MANAGING COMMUNICATIONS IN DTLR

7. In this Chapter, we first briefly outline the main events that caused controversy in DTLR's communications work in 2001 and 2002, then draw out some of the main issues that arise from those events.

#### **Chronology of events in DTLR**

- **11 September 2001 Jo Moore, Special Adviser to Stephen Byers, sends email suggesting it is “a very good day” to “get out anything we want to bury”**
- **9 October 2001 “September 11” email reported in media**
- **October 2001 Ms Moore receives official warning about September 11 email from Sir Richard Mottram, Permanent Secretary, and personal reprimand from Stephen Byers**
- **11/12 October 2001 Reports in press that Ms Moore asked a civil servant or civil servants to brief the media against Bob Kiley, Transport Commissioner for London**
- **October 2001 Alun Evans, Director of Communication, leaves DTLR for another Civil Service post**
- **19 November 2001 Martin Sixsmith becomes Director of Communications at DTLR**
- **14 February 2002 Reports allege Ms Moore had urged release of rail statistics on day of Princess Margaret's funeral, and that the idea had been blocked by Martin Sixsmith**
- **15 February Ms Moore resigns and Martin Sixsmith's resignation is announced**
- **24 February Martin Sixsmith denies that he had resigned**
- **25 February Sir Richard Mottram issues statement about the position of Martin Sixsmith**
- **26 February Mr Byers' statement to House about the “resignation” of Martin Sixsmith**
- **7 May Statement, agreed between Martin Sixsmith and DTLR, accepts that Mr Sixsmith had remained in DTLR's employment since November 2001 and did not resign on 15 February 2002. Announcement of resignation based on “incorrect understanding of discussions”.**
- **9 May Mr Byers' statement to House confirms that the 15 February announcement of the Sixsmith resignation was based on “an incorrect understanding”.**



## ASSESSING THE ROLES

8. We now examine the roles of the major players in these events. Because of the detailed nature of his evidence, we begin with a discussion of the role of the Permanent Secretary at DTLR, Sir Richard Mottram.

### SIR RICHARD MOTTRAM: THE PERMANENT SECRETARY

9. Sir Richard Mottram's evidence to us revealed that he had been forced to work hard over several months to manage an unusually active special adviser and a communications section in which some officials failed to uphold professional standards.

10. When Jo Moore sent her September 11 email suggesting that an inconvenient announcement should be "buried", she presented a challenge to the system. The email was clearly inappropriate. Like any DTLR civil servant, she was therefore subject to disciplinary action by her Permanent Secretary, Sir Richard Mottram. She was in fact disciplined, being given an official warning and a reprimand. But unlike others, she was also a personal appointment of the Secretary of State, Stephen Byers. This was an important difference.

11. On the one hand, Sir Richard told us that "The application of the Civil Service procedures in relation to Jo Moore were solely a matter for me. I judged what her September 11 email constituted in terms of the Department's disciplinary procedures, in the same way as I would with anybody else, with the assistance of somebody else to make sure it was being done properly. We reached a view and I communicated that view to the Secretary of State. That was the basis on which he asked me to do it".<sup>4</sup>

12. On the other hand, this was not a routine case. Although disciplinary action was taken against Ms Moore, it is clear that the ultimate sanction, dismissal, was not available to Sir Richard. Whereas in the case of a permanent civil servant Sir Richard's decision on a disciplinary matter was effectively final, in the disciplining of a special adviser his role was limited, as he told us<sup>5</sup> "since a special adviser is a political animal and is more closely and personally associated with the government than a normal civil servant, what are the political and other consequences of retaining or disposing of the services of the special adviser? That was never a question that I could answer and it was never a question that was run through any process for which I was responsible".

13. In the final analysis, the decision not to dismiss Jo Moore was a political one, not just a matter of Civil Service discipline. The role of the Permanent Secretary, pivotal in the case of all other civil servants, was here much more limited. For Sir Richard, and for us, this raised "a very interesting question"<sup>6</sup>—what is the proper role of a permanent secretary when personal political appointees are facing disciplinary action? He was clearly uneasy about the limitations on his role, although he recognised the political realities which determined them. They were an inevitable consequence of the employment of political appointees as civil servants.

14. But whatever the inescapable political imperatives, the retention of Ms Moore also sent a message through the department, and especially through the ranks of the press office with which she had regular contact. It appeared that there would usually be special treatment for the special adviser. Some may have concluded that they were entitled to administer special treatment of their own.

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<sup>4</sup> HC 303–ii, Q 229

<sup>5</sup> Ibid, Q 230

<sup>6</sup> Ibid, Q 226

### **The Kiley Briefing, the Departure of Alun Evans and the Leaks**

15. In October it was reported that Ms Moore asked DTLR press officers to brief the media against Bob Kiley, the Transport Commissioner for London. This would represent a contravention of the special advisers' code<sup>7</sup> and suggest that she was assuming a management role that properly lay with permanent civil servants. Sir Richard Wilson told us that "I think she was in the grey area".<sup>8</sup> The special adviser code was not used to discipline Ms Moore, because as Sir Richard Wilson said, the press officer "declined to do" what was suggested by Ms Moore. It was apparently for that reason that Ms Moore was not disciplined in this case. The departure of the then Director of Communications, Alun Evans, in October 2001, was linked to the Kiley incident in the minds of several unidentified members of staff of the division.<sup>9</sup> Discontent continued in parts of DTLR, and from time to time that discontent became public.

16. Leaks had already been the source of the September 11 email story. Now they became a weapon in a struggle against Jo Moore. Ignoring the opportunities to pursue their grievances through the proper channels, a small number of DTLR staff leaked both information and misinformation about her activities. They damaged Ms Moore, but they also damaged the Secretary of State, the department, and the Civil Service. They were the product of a twisted interpretation of the notion of the public interest.

17. As time went on, and Mr Evans was replaced by Martin Sixsmith, formerly Director of Communications at Department of Social Security, Sir Richard decided to 'manage' the special adviser issue rather than seeking a direct confrontation with Mr Byers. He was unwilling to press the matter too far with the Secretary of State because, as he said, "I do not think it would necessarily have been conducive to that relationship [between Minister and Permanent Secretary] to have picked a fight with one of the Secretary of State's personal special advisers when personally I believed the way in which she was relating with bits of the Department could be managed and managed better".<sup>10</sup>

18. Jonathan Baume of the FDA alleged that the Jo Moore problem was "never tackled".<sup>11</sup> This is not quite fair. Sir Richard was trying to tackle it in his own way by applying his management skills in an extremely difficult situation, and to the greatest possible extent treating sensitive personnel and political issues with discretion. He was rightly mindful of the sound principle set out for us by the Cabinet Secretary: "if the Civil Service were ever to get into the position where it is attacking the Government, that would be the royal road to politicisation because if civil servants were attacking the government then you would find that politicians, quite rightly and understandably, would want to have around them people whose political allegiance they could trust and who would stand up for them...of course, in private the role of the Civil Service is to give ministers their best advice on propriety and to defend the boundaries".<sup>12</sup> A special adviser who retains the political protection of a minister in such circumstances will inevitably test the normal boundaries to the limit, and possibly beyond. In any event, the complaints about the activities of Ms Moore, and the damaging leaks, did not stop. In the end, Sir Richard's attempt to manage the situation did not solve the problem.

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<sup>7</sup> Section 6 of the Code forbids special advisers from line managing civil servants. It also says that special advisers should uphold the political impartiality of the Civil Service.

<sup>8</sup> 'The New Centre' Minutes of Evidence: Session 2001-02 HC 262-ii, Q 165

<sup>9</sup> As for instance reported in 'The Guardian' 11 October 2001

<sup>10</sup> HC 303-ii, Q 234

<sup>11</sup> HC 303-i, Q 121

<sup>12</sup> HC 303-iii, Q 365

## **The Dangers in a Statement**

19. The extraordinary events of February 2002, starting with the inaccurate allegations about Jo Moore's activities in relation to Princess Margaret's funeral, led Sir Richard Mottram to make a statement on 25 February. This gave his response to alleged inaccuracies contained in press reports on 24 February. Sir Richard's statement ran a severe risk. In particular, it exposed him to the public gaze in a way that could be seen as muddying the waters of ministerial accountability. Both Sir Richard and the Cabinet Secretary went out of their way to stress to us the exceptional nature of the situation, and Sir Richard underlined his great reluctance to make the statement.<sup>13</sup> We are not able to judge who or what motivated his final decision to issue the statement. However, for the sake of the all-important principles of ministerial accountability and civil service neutrality, we agree with both Sir Richard Mottram and Sir Richard Wilson in hoping that it remains a wholly exceptional episode.

## **STEPHEN BYERS: THE SECRETARY OF STATE**

20. It is a fundamental principle that the minister in charge of a department should take final political responsibility for its proper and efficient operation, for its ethos and morale. Jonathan Baume of the FDA union told us that "there needs to be a lead politically".<sup>14</sup> That lead had to come from Mr Byers.

21. We noted above, paragraph 12, the difference between the role played by the Permanent Secretary in the employment of conventional civil servants and his role in the employment and management of special advisers. We consider it particularly vital that ministers who employ special advisers should understand these issues clearly. The confusion contained in the statements made by the Secretary of State about his responsibility for the handling of Mr Martin Sixsmith's "resignation" on 15 February<sup>15</sup> appears to have resulted from a lack of understanding of this matter.

22. There have been conflicting reports as to whether it was Mr Byers or No 10 who insisted that Jo Moore should stay after her September 11 email and the disciplinary action that was taken against her in October. We have not sought to ascertain which Minister it was, but it is clear that Ministers at some level decided that she should be retained, quite separately from any inquiry carried out by the Permanent Secretary. We do note, however, that, in responding to the Committee on Standards in Public Life, the Government indicated that, when it came to the administration of the contract for special advisers, "Cases of difficulty or disagreement should be submitted to the Prime Minister for decision".<sup>16</sup> This is an important statement of the responsibility of the Prime Minister for the proper management of special advisers, and it is one to which we shall return (see para 34 below). This was clearly a case of 'difficulty', but what is not clear is the extent to which it was decided by the Prime Minister.

## **MARTIN SIXSMITH: DIRECTOR OF COMMUNICATIONS**

23. Martin Sixsmith was from November 2001 to May 2002 the Director of Communications at DTLR (for the last 3 months of that time he was absent). He was responsible for the propriety as well as the effectiveness of communications.

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<sup>13</sup> HC 303-ii, Q 299

<sup>14</sup> HC 303-i, Q 123

<sup>15</sup> Official Report, 26 February 2002, Col 564

<sup>16</sup> 'The Government's Response to the Sixth Report from the Committee on Standards in Public Life' Cm 4817 July 2000, Response to Chapter 6

24. Mr Sixsmith had very little time to make his mark at DTLR. From the beginning, he encountered an atmosphere of discontent among his staff, centring largely on the activities of Ms Moore. In Sir Richard Mottram's words, he was faced with a substantial "overlap" between the work of his own staff and that of a special adviser—never a very comfortable position for a senior manager to be in.<sup>17</sup> The discontent seems to have inspired a series of leaks, probably but not certainly initiated from the press office,<sup>18</sup> which were aimed at undermining Ms Moore.

25. This serious outbreak of unprofessional behaviour was the reason given to us by Sir Richard Mottram for Mr Sixsmith's departure. "His position was untenable, I think, for a number of reasons to do with the way in which his part of the Department conducted itself in that week".<sup>19</sup> A somewhat different tone is found in the "agreed statement" which was issued on May 7: "Were it not for these unfortunate events, for which no blame is being apportioned, he [Mr Sixsmith] would continue to be a successful Director of Communications in DTLR". We do not attempt to judge which of these is the correct account, but it seems impossible that both should be correct.

26. Neither have we tried to assess exactly who said what to whom while Mr Sixsmith discussed his future with Sir Richard Mottram on 15 February. The misunderstandings which arose over the announcement of his "resignation", and which resulted in a number of corrections and restatements in subsequent weeks, are not the theme of this Report. They do however demonstrate that, along with Sir Richard Mottram, Mr Sixsmith found it difficult to assert his authority.

27. We also note Mr Sixsmith's regret, expressed "in hindsight" on 7 May<sup>20</sup> that he took his story to the Sunday Times. This shows one of the special dangers for press officers—the fact that, in any dispute, they always have ready to hand the dangerous (and two-edged) weapon of media exposure. It was the Sunday Times article that forced Sir Richard Mottram to break with tradition and make his statement. The results of Mr Sixsmith's actions were happy neither for him nor for the Civil Service.

### **JO MOORE: SPECIAL ADVISER**

28. Jo Moore was active across a wide range of work. In dealing directly with the media, she was no different from several other special advisers across Whitehall. But there is no doubt that her activities went beyond theirs.

29. The September 11 email aroused the original and the greatest controversy, but other incidents also played their part. The pressure she allegedly put on press officers to brief against Bob Kiley was among a number of other incidents which were perceived as marking her out from her fellow special advisers. It appeared to constitute a clear breach of public service principles and the special advisers' code.

30. Jonathan Baume of the FDA union described her behaviour as "an almost classic textbook case of bullying".<sup>21</sup> We have not attempted to assess whether this very strong language is justified. What is clear is that several members of press office staff became very antagonistic to her, and were prepared to undermine her position.

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<sup>17</sup> HC 303–ii, Q 258

<sup>18</sup> *Ibid.*, Q 192

<sup>19</sup> *Ibid.*, Q 257

<sup>20</sup> Statement agreed between Martin Sixsmith and the DTLR, 7 May 2002

<sup>21</sup> HC 303–i, Q 121

31. But any criticism must be tempered by the fact that, in the highest reaches of Government and the Civil Service, there is insufficient clarity about the appropriate role for special advisers, notwithstanding the code of conduct. Mr Baume of the FDA said that Ms Moore “appeared to me to have no grasp whatsoever of the concept of political impartiality in the Civil Service or, if she had, she ignored it”.<sup>22</sup> This may not be entirely surprising in view of the fact, as the FDA also pointed out to us,<sup>23</sup> that special advisers are given no specific training, either at induction or beyond. In the absence of a clearer lead from the top, and of any training, Ms Moore crossed over a number of boundaries, but they were not clearly drawn boundaries and the signposting was poor.

**“THE CENTRE”—CABINET SECRETARY, PRIME MINISTER’S OFFICE, GOVERNMENT INFORMATION AND COMMUNICATION SERVICE**

32. The officials working at the centre of Government, those based in Downing Street and the Cabinet Office, were not pivotal to these events. In some important respects they seemed to be powerless to correct matters when it was clearly in their interest to step in. The roles of the Cabinet Secretary and the Head of Government Information and Communication Service, for instance, appear to have been modest. The Cabinet Secretary, working on the sound principles of letting managers manage and not undermining the Permanent Secretary, saw the events as largely a matter for Sir Richard Mottram to handle, although he was supportive at appropriate times.<sup>24</sup> Mike Granatt, as Head of the GICS, made one robust intervention at an important time, when he wrote to Mr Sixsmith to stress the importance of GICS staff avoiding damaging leaks. However, he had few other sanctions at his disposal. The frequent use of non-specialists in senior communications roles (Alun Evans was a case in point at DTLR) also limits the extent to which the leadership of GICS can shape events across Whitehall communications divisions.

33. The direct role of those at No 10, including Alastair Campbell, seems to have been limited for much of the period (although Mr Campbell played a significant part in the negotiations relating to Martin Sixsmith).<sup>25</sup> Little or nothing appears to have been done to prevent the problems recurring and intensifying, to the detriment of the Government’s reputation, and that of the Civil Service.

34. Given the very poor state of relationships at DTLR, the apparent powerlessness of the “centre” is surprising. As we saw above, (para 22) the Government has acknowledged that the Prime Minister can have a potentially decisive role in cases of ‘difficulty or disagreement’. Yet there is no sign that anyone informed the Prime Minister that he could be called on to play such a pivotal part in the events at DTLR. No-one at DTLR appeared to appreciate that he should be involved in this way, as the person ultimately responsible for the good working of the special adviser system.

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<sup>22</sup> HC 303–i, Q 121

<sup>23</sup> Ibid, G1 1

<sup>24</sup> HC 303–iii, Q 402

<sup>25</sup> HC 303–ii, Q 308

## Chapter Three

### CONCLUSIONS, LESSONS AND POSSIBLE SOLUTIONS

35. In this chapter we first summarise the wider lessons that appear to us to follow from the events in DTLR, then make some recommendations that may help to prevent a recurrence. They can—and should—be implemented speedily, and certainly in advance of the Government response to any recommendations which may emerge from the current inquiry into roles and relationships in the executive by the Committee on Standards in Public Life.

#### MANAGING SPECIAL ADVISERS: A FLAWED SYSTEM

36. In our view, the story of DTLR demonstrates serious flaws in the management and accountability of special advisers. Neither the Secretary of State nor Sir Richard Mottram were able, or willing, to ensure that the rules were followed by Ms Moore and the small group in the department who wished to damage her.

37. The employment of politically-appointed special advisers has always contained the potential to cause problems. Where special advisers can appeal above the head of the permanent secretary to the Secretary of State, they are enjoying privileges that are not available to other civil servants. Rightly or wrongly, there can be a damaging perception that there is one law for special advisers and one law for the rest.

38. In previous administrations of all political colours, this flaw has not been exposed. Where advisers restricted themselves to giving personal advice to Ministers, they were not trying to play a part in the running of the department or attempting to challenge its management. It was accepted, without any great discussion that we are aware of, that there would have to be joint management of special advisers by Ministers and permanent secretaries. The system was not seriously tested.

39. The difficulties that have emerged from time to time with special advisers since 1997 have arisen in large part with media briefing that has gone wrong. In the nature of things, the briefings by special advisers tend to be unattributable, while much (though by no means all) of the media briefing provided by permanent civil servants is on the record. This difference in approach and accountability can deepen the suspicion between them.

40. In that sense, the DTLR case was by no means an isolated one. There is always a risk that lack of co-ordination between Ministers, press officers and special advisers will cause confusion about the government's policies and headlines claiming 'disarray'. Mike Granatt emphasised the importance of speaking with a single voice: "There is no greater way to shed public confidence—this is a researched fact, it is not an assertion—than for the voices of authority to speak differently. When you are facing a crisis, such as public safety, clearly you have to speak with one voice to make sure that does not happen".<sup>26</sup>

#### The Value of Special Advisers

41. However, we had a good deal of evidence that, in the vast majority of departments today, good sense, flexibility and the loyalty of both special advisers and other civil servants to their Ministers have prevented trouble of this sort.<sup>27</sup> Jonathan Baume of the FDA judged that there was "no crisis of relationship between either the Government and the Civil Service, or between civil servants and special advisers".<sup>28</sup> We also heard substantial

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<sup>26</sup> HC 303-i, Q 108

<sup>27</sup> Sir Richard Mottram told us of the loyalty of the Civil Service to Ministers. HC 303-ii, Q 346

<sup>28</sup> HC 303-i, Q 121

evidence from civil servants and others of the benefits that special advisers can bring; they can for example protect civil servants by carrying out work that might raise doubts about Civil Service neutrality. They may also provide valuable insights which can improve a policy by adding a political dimension. Policy has to work in the real world, and a good special adviser can help contribute to the necessary reality check. In a well-managed department, good relationships between Ministers, special advisers and permanent officials can generate an excellent working environment.<sup>29</sup>

42. Nor is controversy over briefing and politicisation a phenomenon that arrived only with the increased numbers of special advisers in 1997. Sir Richard Wilson drew our attention to accusations levelled against No 10 in the 1980s: “All I am saying to you is that spin—whatever you call it; whether you call it spin or putting over whatever it is; Bernard Ingham called it putting a gloss on things—is not new”.<sup>30</sup>

### **Testing the System to Destruction?**

43. But the DTLR case tested the system further, perhaps to destruction. It was a classic case study in the problems of the boundaries between special advisers and civil servants. We consider that the crisis was caused partly by the fact that Ms Moore took on a series of executive and then, in effect, managerial tasks without reference to proper procedures. If she had restricted herself to advice, there would have been no challenge to the operation of the department. If there had been better relationships with the press office, she would have aroused no antagonism. Ms Moore appeared to be dissatisfied with the quality of some of the press officers;<sup>31</sup> that seems to have made it even more difficult for them to get on with her.

44. A series of incidents led to a catastrophic taking of sides that divided the department at senior level. The abandonment of professional standards by civil servants, vividly demonstrated by the plethora of leaks, contributed as much to the problems as Ms Moore’s conduct.

45. Faced with a special adviser who was not observing the boundaries, and other staff who were also breaching basic public service principles, the dual system of management proved impotent. Sir Richard Mottram was ultimately powerless to control Ms Moore because she could be perceived to be appealing above his head to the political protection of the Secretary of State who had decided not to dispose of her services after the 11 September email. Mr Byers was ultimately unable to prevent a few other members of his own staff from damaging his department.

46. On the other hand, we see no prospect of changing this dual system of control, with all its drawbacks, as long as Ministers continue to appoint people to give them political advice in their departments and permanent secretaries have most personnel powers delegated to them. There will always be ambiguities, grey areas, in the system; the objective should be to reduce them to a minimum.

### **The Powerless Centre?**

47. We also learned from the evidence of Sir Richard Wilson, Mike Granatt and others that there appears to be little that the Centre—No 10, the Cabinet Office, the leadership of the GICS—is able to do to about problems that emerge in departments when special advisers exceed their boundaries. The Cabinet Secretary will, rightly, be extremely wary

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<sup>29</sup> Sir Andrew Turnbull, incoming Cabinet Secretary, has paid tribute to the relationships between special advisers and career officials in the Treasury. ‘The Times’ 1 May 2002

<sup>30</sup> HC 303–iii, Q 356

<sup>31</sup> HC 303–ii, Q 327

of undermining the authority of a Permanent Secretary and therefore loath to intervene. In the area of communications, the role of the GICS as an organisation is inevitably going to be extremely limited as long as the vast bulk of employment decisions on these personal appointments are made by departments.

48. Also at the centre, the Civil Service Commissioners were not, despite their important independent role in maintaining the Service's standards, able to act. It never seems to have occurred to anyone that the Prime Minister might have had a direct role in resolving the dispute, despite the Government's own statement on the ultimate line of responsibility. No 10 officials would no doubt have been extremely unwilling to involve the Prime Minister in such a high-profile (and high-risk) option if there were any chance of the matter being resolved within the department.

### **Weaknesses in the Rules**

49. There are still fundamental contradictions between the various regulations which apply to the work of special advisers. Perhaps the most serious anomaly is that while the 1995 Order in Council which covers special advisers describes their role as "giving advice only to Ministers", the special advisers' code explicitly envisages that they would carry out the executive task of briefing the media.<sup>32</sup> This anomaly needs to be addressed immediately.

50. But even when there are adequate rules, there are doubts about the capacity of departments to implement them. For example, the Code of Conduct for Special Advisers introduces some useful principles, stipulating that, while they can brief the media "with a degree of political commitment that would not be possible for the permanent Civil Service", special advisers must keep the department's Head of Information informed about their contacts. The Code also confirms that the Head of Information is "responsible for managing press and publicity operations in their department". However, there was very clearly a problem of enforcement at DTLR. The rules do not seem to have been well-known or well-observed.

### **An Erosion of Standards in the Civil Service**

51. The events at DTLR have also produced worrying signs of an erosion of the ethical standards of the permanent Civil Service. However great the pressures on them, it was nothing less than gross misconduct for civil servants to act in the way a few of them did at DTLR. There were grievance procedures that should have been followed, but were ignored (although the system worked to an extent when one civil servant received the informal support of Sir Richard Mottram for not acceding to a request to brief in a particular way about Bob Kiley).<sup>33</sup> Sir Richard Wilson acknowledged that the procedures could be better. We consider that one of the benefits of a Civil Service Act, for instance, would be the opportunity to strengthen the available protections and give them legal force. But that does not weaken the main point; whatever the shortcomings of the current grievance procedure, they can never excuse deliberate attempts to damage colleagues.

**52. We are extremely concerned at the evidence that permanent civil servants in DTLR maliciously leaked information and misinformation about the activities of Jo Moore, in such a way as to damage her reputation and that of the Secretary of State. We consider these leaks to be a very serious breach of the principles of public service, and a threat to the reputation of the permanent Civil Service. We urge the Government to pursue rigorous disciplinary action against any civil servant, in any department, who is found guilty of such behaviour.**

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<sup>32</sup> 'Defining the Boundaries within the Executive: Ministers, Special Advisers and the Permanent Civil Service' Issues and Questions Paper, Committee on Standards in Public Life 2002

<sup>33</sup> HC 303-ii, Q 239



53. Criticism must however be accompanied by a recognition that the current system for handling complaints by civil servants is not effective. Sir Richard Wilson expressed his doubts about the present procedure, by which civil servants who feel they are being asked to do something improper are given the option of putting their case to the Head of the Home Civil Service or the Civil Service Commissioners. He told us that that route had been described to him as “nuclear”, and commented “if people feel that the grievance procedure is nuclear then that is not good enough”.<sup>34</sup> The Government, in its recent evidence to the Committee on Standards in Public Life, has recognised this, saying that it would give specific guidance, in the Civil Service Management Code, to civil servants on how to raise concerns. However, this does not fully meet the requirement for a better complaints system which avoids the pressure for civil servants to risk the hazards of the ‘nuclear option’. **We recommend that the Government should review the present system by which civil servants can raise their concerns, with the aim of making it simpler and less potentially intimidating for the complainant.**

54. There is also a measure of legal protection. The Public Interest Disclosure Act makes provision for employees to “blow the whistle” on alleged malpractice without (usually) going to the media; we urge the Government to ensure that the benefits of that legislation are felt as widely as possible in the Civil Service and that officials are given every opportunity to register their anxieties properly.

### **REDUCING THE GREY AREAS: CLEARER BOUNDARIES FOR SPECIAL ADVISERS**

55. However, we believe that the right long-term approach to these problems would be to redraw the boundaries in such a way as to clarify the work which special advisers are allowed to undertake. It is also important for there to be much fuller information about the work that special advisers do and their qualifications for this work. Such information is a necessary concomitant of public funding.

56. The uncertainties revealed by the events at DTLR, and the continuing controversy over the influence of special advisers, have further strengthened the case for a hard look at the position of media special advisers in particular. It is our judgement that, as long as such advisers continue to hold posts in departments, the potential for disruption will be present. Although we have seen no evidence whatsoever of a concerted attempt to politicise the Civil Service, we believe that the personality clashes and management difficulties at DTLR were symptoms of an underlying problem of governance.

### **Following Number Ten’s New Tone**

57. There are few “media” special advisers (just eleven of the 81 advisers are engaged “primarily in the area of communications” which may include some who do not regularly brief the media),<sup>35</sup> but the challenges they pose to the effective management of the public service and the potential damage to the reputation of the Government are out of all proportion to that number and to their contribution. The controversy they attract is also a potential distraction from the central task of building and maintaining a professional Government Information and Communication Service that will meet the growing needs of Ministers and the public.

58. The Prime Minister has recently set a new tone, making radical and welcome changes to the arrangements for briefings by his official spokesman, with a greater emphasis on “on-

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<sup>34</sup> HC 303–iii, Q 405

<sup>35</sup> ‘Special Advisers: Boon or Bane: The Government’s Response to the Committee’s Fourth Report of Session 2000–01’ Third Report 2001–02 HC 463, p viii

the-record” press briefings, mostly provided by professional civil servants. The transcripts of Number 10 lobby briefings now appear on the internet. This represents good progress towards greater openness and accountability, but more now needs to be done across Whitehall to bolster public confidence in government communications.

### **Speaking with One Voice**

59. In considering our recommendations, we recognise that it would be naïve to imagine that the clock can be turned back. Both career civil servants and special advisers are today seen on public platforms to an extent that would surprise the officials of 30 or 40 years ago. Their speeches are regularly quoted in the media and journalists have a much higher level of access than they once enjoyed. Some contacts between special advisers and the media are inevitable, and they can be helpful. But there are always dangers, for people and for institutions, in allowing two voices to emerge from a single department, and the case of DTLR demonstrates them very well. In a significant sentence, Sir Richard Mottram said of Ms Moore that she had to go “because she was the story”.<sup>36</sup> Special advisers and career civil servants have become fair game, exposed as never before to media scrutiny. This situation represents a challenge to the management of Government communications and Government departments that needs to be addressed robustly and soon.

### **Reviewing Government Communications**

60. We recognise that one of the main driving forces behind the introduction of media special advisers from 1997 was the perception that GICS and other permanent civil servants were not skilled or proactive enough in their approach to communications. We consider that the central aim should be to improve and maintain professional standards among the career civil servants of the GICS. As we have seen, special advisers have not in themselves been the answer to the service’s problems.

61. The Government has recently announced that it would provide more guidance “on the respective and complementary roles of information officers and special advisers employed on media related activities”. We welcome the Government’s action, but it needs to go further.

62. There is a need, first, for a sustainable improvement in the quality of the service provided by the permanent civil servants in the GICS. In the Committee’s Sixth Report of 1997–98, it recommended an efficiency scrutiny for the GICS. There have been a number of changes to the GICS since then, and Mr Granatt was able to point to some improvements. But the climate for the GICS is constantly changing, and there are major new challenges on the way, including the implementation of the Freedom of Information Act. There needs to be continued pressure to achieve and sustain high levels of performance. A wide-ranging, objective, external look at the quality of the GICS is now necessary. The last major examination of this kind was carried out by Sir Robin Mountfield five years ago,<sup>37</sup> and a new review, by an expert from outside the GICS, would be timely.

63. The review should also examine the roles of all others, both civil servants and special advisers, who have a role in communications. The functions of the Director of Communications at No 10 Downing Street (currently Alastair Campbell, a special adviser) should also come within the scope of the review. Mr Campbell recently took over the supervision of the Government’s major communications agency, the Central Office of Information, an arrangement which represents a major extension of the reach of the special adviser system. As Mike Granatt of the GICS told us: some special advisers “advise on

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<sup>36</sup> HC 303–ii, Q 264

<sup>37</sup> ‘Report to the Working Group on the Government Information Service’ Cabinet Office (Office of Public Service) November 1997

presentational strategy and planning”.<sup>38</sup> The precise roles of these advisers, though not as prominent as those of the advisers whose primary task it is to brief the media, need to be understood much more clearly.

**64. We believe that, five years after the Mounfield Report examined the operation of government information services, a radical external review of Government communications would be of great value, and we so recommend. The review should examine not only the effectiveness of the Government Information and Communication Service, but also the roles played by other civil servants and special advisers who have a responsibility for communications. This should clarify the boundaries between the work that is appropriate to special advisers and work that is not appropriate to them.**

65. An interesting feature of this matter is the revelation of the widespread use of e-mail. This is likely to increase and develop as new technologies arise. These developments have widespread implications for the working of government and adds hugely to the amount of material which is now on the public record. It is an issue which we cannot tackle in full in this report but which will require further scrutiny.

### **Recruitment and Training of Special Advisers**

66. While the competence of the career civil servants in the GICS needs to be reviewed, there are also legitimate questions to be asked over the capacity of special advisers. They are unique as civil servants in not having to prove their merit before appointment. In the Committee’s Fourth Report of 2000–01 it recommended that there should be public advertisements for special adviser posts, with a final choice between suitably qualified candidates left to the Minister. We returned to the point in our Third Report of the current session,<sup>39</sup> noting the decision of the First Minister in Wales to adopt this procedure when appointing his special advisers. The events at DTLR have further reinforced the need for public reassurance that public money is being spent wisely, and a more transparent appointment system would be one move in that direction.

67. The apparent lack of training for special advisers also gives us concern. It is worrying that people in such sensitive and sometimes prominent positions are not, as a matter of course, provided with training in the workings of the Civil Service and of government, and the standards expected of public servants. Sir Andrew Turnbull, the incoming Cabinet Secretary, giving evidence to us, said that special advisers “just turn up on the coat-tails of a minister and that is it, they either sink or swim”.<sup>40</sup> The Government, in its recent evidence to the Committee on Standards in Public Life, has recognised this problem, acknowledging that special advisers have little support or training in their relationships with permanent civil servants and Whitehall departments. The Government announced in that evidence that the Centre for Management and Policy Studies is designing “induction training specifically to help new special advisers understand better these relationships”. This is a very welcome development, although we hope that some form of continuing training could also be provided for existing advisers to keep them up to date with public service issues.

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<sup>38</sup> HC 303–i, GI 4

<sup>39</sup> HC 463

<sup>40</sup> HC 1049–i, Q 27

**68. We re-iterate the recommendation of the Committee in its Fourth Report of 2000-01 that special adviser posts should be publicly advertised and Ministers given a final choice between suitably qualified candidates. We welcome the Government's intention to provide induction training for new special advisers, and urge that existing advisers should be also kept up to date with developments in public service through a programme of continuing training, with a special focus on the machinery of government and the standards expected of public servants.**

### **When Things Go Wrong: The Need for a Better System**

69. It is also our view that one of the keys to the problems of DTLR was the weakness of the system for dealing with disputes between special advisers and career civil servants. However his actions are judged, it is clear that Sir Richard Mottram had a problem in managing the case of Jo Moore that was not of his own making. Management lines were unclear. He could discipline her, as he did, but in the final analysis any decision on dismissal was a political one. The dual control of special advisers did not work properly. The Prime Minister had a potential role, but did not play it, and few, if any, people seem to have realised that he could play it.

70. In our view, DTLR's problem was a very rare case, but it may not be unique. The department certainly suffered an exceptionally serious breakdown in working relationships; inevitably, working relationships in many organisations break down from time to time. But good management systems are able to cope; at DTLR, the Whitehall system was found wanting. We consider that management would find it very hard to resolve similar difficulties if they occurred in future at another department. The underlying problem lies with the uncertainties that surround the governance of special advisers, the lack of clarity about boundary lines, and the deficiencies of current procedures for handling boundary problems. The Government needs to remove these uncertainties. A Civil Service Act, such as the one currently being drafted by this Committee, could include such clarification.

**71. We recommend that the Government should review the system for handling disputes which may arise between Ministers, special advisers and career civil servants. This should in future make clear who has final responsibility for disciplinary matters and should also clarify the role of the Prime Minister in the process of resolving disagreements involving special advisers.**

### **Freedom of Information**

72. The principle of greater openness also needs nurturing in the area of freedom of information. There seems to be little interest in assessing the likely impact of the implementation of the Freedom of Information Act on Government communications. This is despite the fact that, for all the shortcomings of the Act, it could in time represent a major challenge to the ethos of secrecy that has long been established in Whitehall, starting with the obligation to produce publication schemes. It would be a missed opportunity if these schemes were allowed to dribble out without proper publicity. **We consider that departments should be obliged to draw up a plan showing how they will publicise the implementation of the Freedom of Information Act in their own areas of responsibility.**

### **Wider Issues—Playing it Straight**

73. This Report concentrates on communications issues, but it also touches on the wider theme of special advisers. The most recent controversy about the activities of a special adviser in DTLR and the current inquiry into executive boundaries by the Committee on Standards in Public Life have again attracted attention to the issues. We will return to them in due course.

74. We offer one final comment. The issue of ‘spin’ has dogged the life of this Government. There is a terrible predictability about the fact that the events discussed here arose in the area of news management, and involved a special adviser employed for this purpose. Yet this is part of a wider picture in which sections of the media engage in systematic spin and news management of their own. The result of this mutual spinning war is immensely damaging to public life and to trust in the political process. The remedy is a simple one. Governments should play it straight, and the media should play it fair. The unfortunate events of the kind described here would then be less likely to occur.

## LIST OF CONCLUSIONS AND RECOMMENDATIONS

### *An Erosion of Standards in the Civil Service*

- (a) **We are extremely concerned at the evidence that permanent civil servants in DTLR maliciously leaked information and misinformation about the activities of Jo Moore, in such a way as to damage her reputation and that of the Secretary of State. We consider these leaks to be a very serious breach of the principles of public service, and a threat to the reputation of the permanent Civil Service. We urge the Government to pursue rigorous disciplinary action against any civil servant, in any department, who is found guilty of such behaviour (paragraph 52).**
- (b) **We recommend that the Government should review the present system by which civil servants can raise their concerns, with the aim of making it simpler and less potentially intimidating for the complainant (paragraph 53).**

### *Reducing the Grey Areas: Clearer Boundaries for Special Advisers*

#### *Reviewing Government Communications*

- (c) **We believe that, five years after the Mountfield Report examined the operation of government information services, a radical external review of Government communications would be of great value, and we so recommend. The review should examine not only the effectiveness of the Government Information and Communication Service, but also the roles played by other civil servants and special advisers who have a responsibility for communications. This should clarify the boundaries between the work that is appropriate to special advisers and work that is not appropriate to them (paragraph 64).**

#### *Recruitment and Training of Special Advisers*

- (d) **We re-iterate the recommendation of the Committee in its Fourth Report of 2000-01 that special adviser posts should be publicly advertised and Ministers given a final choice between suitably qualified candidates. We welcome the Government's intention to provide induction training for new special advisers, and urge that existing advisers should be also kept up to date with developments in public service through a programme of continuing training, with a special focus on the machinery of government and the standards expected of public servants (paragraph 68).**

### *When Things Go Wrong: The Need for a Better System*

- (e) **We recommend that the Government should review the system for handling disputes which may arise between Ministers, special advisers and career civil servants. This should in future make clear who has final responsibility for disciplinary matters and should also clarify the role of the Prime Minister in the process of resolving disagreements involving special advisers.**

*Freedom of Information*

- (f) **We consider that departments should be obliged to draw up a plan showing how they will publicise the implementation of the Freedom of Information Act in their own areas of responsibility (paragraph 72).**

## PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

Thursday 11 July 2002

Members present:

Tony Wright, in the Chair

Mr Kevin Brennan

Annette Brooke

Mr David Heyes

Mr Ian Liddell-Grainger

Mr John Lyons

Mr Gordon Prentice

Mr Brian White

The Committee deliberated.

Draft Report [“These Unfortunate Events”: Lessons of Recent Events at the former DTLR], proposed by the Chairman, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.—(*The Chairman.*)

Paragraphs 1 to 74 read and agreed to.

Annex [Summary] agreed to.

*Resolved*, That the Report be the Eighth Report of the Committee to the House.—(*The Chairman.*)

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 (Select committee (reports)) be applied to the Report.

[Adjourned till this day at Two o'clock.



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