



Report of the Committee on the Political Activities of Civil Servants

*Presented by the Chancellor of the Exchequer to Parliament
by Command of His Majesty
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NOTE

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LIST OF MEMBERS
I. INTRODUCTION	6
II. PRESENT POSITION	6
III. RECENT DEVELOPMENTS	10
IV. THE CASE FOR AND AGAINST CHANGE	...	...	...	...	...	...	...	10
V. GENERAL PRINCIPLES	...	...	...	...	...	...	...	13
VI. APPLICATION OF GENERAL PRINCIPLES	...	...	...	...	...	...	...	18
(i) Industrials	...	...	...	...	...	...	...	19
(ii) Minor and Manipulative grades	...	...	...	...	...	...	...	20
(iii) Post Office Manipulative grades	...	...	...	...	...	...	...	21
(iv) The rest of the Civil Service	...	...	...	...	...	...	...	22
(A) Parliamentary candidature and service	...	...	...	...	...	...	...	24
(B) Other political activities in the national field...	...	...	...	...	...	...	...	24
(C) Public affairs of a non-party character	...	...	...	...	...	...	...	25
(D) Activities as members of staff associations	...	...	...	...	...	...	...	26
(E) Participation in local government	27
VII. GENERAL	29
VIII. SUMMARY OF CONCLUSIONS	30
IX. APPENDICES	33

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(*Appointed in the place of the Lord Dukeston who died before the first meeting of the Committee.)

REPORT

To the Rt. Hon. Sir Stafford Cripps, K.C., M.P., Chancellor of the Exchequer.

I. INTRODUCTION

1. In reply to a Parliamentary Question by Mr. H. E. Randall, M.P., on the 25th February, 1948, asking you whether you had considered the representations made by the staff side of the National Whitley Council on political activities by civil servants, and whether you had any statement to make, you said:—

“Yes. The Government recognise that there is a case for considering whether the present rules require modification. But in a difficult and controversial question of this nature they wish to have the advice of an independent body of opinion and I propose therefore to set up a Committee for this purpose with the following terms of reference:—

‘To examine the existing limitations on the political activities (both national and local) which may be undertaken by civilian Government staffs, and to make recommendations as to any changes which may be desirable in the public interest.’”

2. You announced the membership of the Committee in the House of Commons on the 14th April, 1948. In inviting us to serve, you told us that, whilst the Government agreed that there was a case for investigation, they would be totally opposed to any radical change in the non-political status of the Civil Service. We were subsequently given to understand that the phrase “civilian Government staffs” in our terms of reference was to be interpreted as meaning the Civil Service; we have accordingly confined our enquiry within that limit, and have not touched upon the position of the staffs of the nationalised industries nor of the local government service. For the purposes of our task, we have worked on the basis of the definition of civil servants adopted by the Royal Commission on the Civil Service (1929-31)* (the “Tomlin Commission”), namely “those servants of the Crown, other than holders of political or judicial offices, who are employed in a civil capacity, and whose remuneration is paid wholly and directly out of monies voted by Parliament.”

3. The political activities with which we have concerned ourselves, as will appear later in the Report, may be briefly summarised under the following headings:—

(1) Parliamentary candidature and service;

(2) Other political activities in the national field, both party and non-party in character, by

(a) individual civil servants;

(b) members of Civil Service staff associations;

(3) Participation in local government, especially membership of local councils.

4. We had our first meeting at the Treasury on the 18th May, 1948, and have held fifteen full-day sessions since that date. At the outset we issued a press notice inviting evidence from anyone who desired to give it. In the course of our sessions, we have heard oral evidence from a number of witnesses, including ex-Ministers who have been members of the Civil Service, Heads of Departments, representatives of Civil Service staff associations,

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political theorists and individual civil servants who have wished to submit their views to the Committee. There is a list in Appendix 1. We have also received written evidence from various sources, including information about the practice of the Commonwealth Governments and of other countries overseas, and the views of Local Government Associations in England and Wales; the names of those who have provided us with such memoranda are given in Appendix 2. We take this opportunity of recording our gratitude to all those bodies and persons who have kindly assisted us in the discharge of our task.

II. PRESENT POSITION

5. The Civil Service is made up of many grades engaged on a great variety of work. The non-industrial Civil Service at present numbers approximately 450,000 members of the Administrative, Executive, Professional, Scientific, Technical, Clerical and Typing grades, together with some 275,000 classified as members of the Minor and Manipulative grades. The great majority of the latter are employed in the Post Office, many of them as postmen and telegraphists, but some of them on Counter Clerk duties. The Industrial Civil Service numbers about 400,000 persons; it includes skilled and unskilled workers in the naval dockyards and Royal Ordnance Factories, building operatives, printers, drivers, and labourers, as well as the staff of the Engineering and Factories Departments of the Post Office, and many other manual grades. A detailed analysis of the various classes is given in Appendix 3.

6. The existing rules governing the political activities which may be undertaken by all these staffs are as follows:—

(i) Parliamentary candidature and service

7. Civil servants are generally disqualified by statute from sitting in the House of Commons. Since the Succession to the Crown Act, 1707, Parliament has passed a series of enactments to avoid the conflict of duties which might be expected to arise if members of the House of Commons occupied positions as servants of the Executive. The law on the subject of "placemen" and "offices of profit" is complicated and in many respects obscure. It is, however, clear that Parliament's consistent policy has been to prevent members of the House of Commons from holding posts of the kind usually filled by civil servants. This principle has long been accepted as a fundamental feature of the British constitution.

8. Apart from the rules which Parliament has laid down regarding its own composition, the Civil Service also has its disciplinary regulations prohibiting Parliamentary candidature without prior resignation. These regulations have not always been comprehensive. A Treasury Minute of 1884, arising out of questions in Parliament at that time, said that the usage of the Public Departments had been for a civil servant seeking a seat in the House of Commons to resign his office as soon as he issued an address to the electors or in any other manner announced himself as a candidate; and it declared this usage to be binding in the Treasury and in all other Departments which depended upon the Treasury for the regulation of their discipline. Later, in 1910, the rule was embodied in an Order in Council applicable to all His Majesty's civil establishments. In 1924 the Chancellor of the Exchequer appointed a committee under the chairmanship of Lord Blanesburgh to inquire into the position. The Blanesburgh Committee unanimously recommended that the existing ban on Parliamentary candidature

without prior resignation should be maintained for the whole of the non-industrial Civil Service. They further recommended that industrial employees in the Service Departments (who, like all industrial civil servants, had hitherto been treated on more or less the same lines as non-industrials in the matter of Parliamentary candidature) should be free to stand as Parliamentary candidates without resigning. The Committee was divided on the question whether the latter freedom should be extended to industrials employed in other Departments.

9. The Government adopted those recommendations of the Blanesburgh Report which were unanimous, and to give effect to them the Servants of the Crown (Parliamentary Candidature) Order, 1927, was made (Appendix 4), providing that "No person employed by or under the Crown to whom this Order applies shall issue an address to electors or in any other manner publicly announce himself, or allow himself to be publicly announced as a candidate or a prospective candidate for election to Parliament until he has retired or resigned from such employment."

10. Under Clause 2 (c), exemption from the Order was granted to "persons employed in an industrial capacity in establishments under the Admiralty, Army Council or Air Council, being establishments certified by the Treasury to be establishments of an industrial or predominantly industrial character, other than persons employed in such supervisory grades as may be specified in regulations made by the department concerned and approved by the Treasury."

11. As a result of this proviso, there are at the present time some 200,000 civil servants in industrial establishments certified as exempt from the Order. There are also over 60,000 employed in establishments formerly under the Army Council or the Air Council and subsequently transferred to the Ministry of Supply who, strictly speaking, became formally subject to the prohibition upon transfer to that Department, although the Ministry has never taken steps, we understand, to enforce the Order in regard to them. In the case of the remaining 130,000 or more working in other industrial establishments, the ban on Parliamentary candidature is generally enforced.

12. The position of civil servants who are Peers of Parliament was not referred to by the Blanesburgh Committee, but is regulated by Treasury Circular No. 11 of 1928, which accords with the spirit of their Report. Civil Servants who are Peers may attend in their place when their official duties permit, but may not take part in debate or vote in the House of Lords until they have retired or resigned.

13. During the 1939-45 war many of the normal rules governing employment in the Civil Service were in abeyance, and several Members of Parliament and Parliamentary candidates temporarily filled Civil Service posts. Shortly before the General Election of 1945, the Coalition Government reviewed the position and decided that temporary civil servants might, notwithstanding the 1927 Order, be permitted to appear before a selection committee and, if necessary, to address a subsequent adoption meeting, whether held in public or not. They were not, however, permitted to appear on any political platform or to take part in any political propaganda or activity while they remained in the Civil Service, and, if adopted, they were required to resign from the Service not later than the announcement of the date of the General Election. This relaxation of the normal rule applied exclusively to the 1945 election.

14. The pre-war rules are now again in force.

(ii) **Other political activities**

15. The main forms of political activity in the national field, other than Parliamentary candidature, which we have had in mind and to which we shall refer in this Report as "other political activities" are:—

- (a) holding office in party political organisations, whether national or local ;
- (b) speaking on public platforms on party political matters ;
- (c) writing letters to the press or publishing books or leaflets on party political matters ;
- (d) canvassing.

16. There exists no universal regulation governing these matters comparable with that for Parliamentary candidature. Civil servants may vote and belong to political parties, but the only all-Service rule on the extent to which they may engage in general political activities—apart from the overriding limitations imposed by the Official Secrets Acts—is a general exhortation of long standing that "civil servants are expected to maintain at all times a reserve in political matters and not put themselves forward prominently on one side or the other." This rule applies only to non-industrial staff. It is promulgated in the manual of instructions issued by the Treasury to all Establishment Officers. Some Departments reproduce it textually in their Staff Rule Books ; others have adopted slightly different forms of the rule, as will be seen from the examples given in Appendix 5. Other Departments again rely on the Handbook for the New Civil Servant, a general publication first issued by the Treasury in 1946, which, in a section on conduct, says that "a civil servant must not take any part in political controversy." The Handbook also contains the following relevant extract from the report of a Board of Enquiry which was set up in 1928 to look into allegations which had been made about the conduct of certain civil servants ; and in addition the passage is included by most Departments in their office instructions:—

"There are spheres of activity legitimately open to the ordinary citizen in which the civil servant can play no part, or only a limited part. He is not to indulge in political or party controversy, lest by so doing he should appear no longer the disinterested adviser of Ministers or able impartially to execute their policy. He is bound to maintain a proper reticence in discussing public affairs, and more particularly those with which his own Department is concerned."

A Treasury Circular of 1928 instructed Departments to draw the attention of all members of their staffs to this Report, to incorporate its statement of principles into their rules, and to bring them specifically to the notice of each new entrant.

17. We have made enquiries into the extent to which civil servants are now in fact aware of these rules. Apart from one or two new Departments which are in the process of drawing up their regulations, the practice of most Departments is to issue either a copy of their staff rules or the Handbook for the New Civil Servant, or both documents, to new staff ; some, but not all, draw specific attention to the general code of Civil Service conduct and require new entrants to sign a statement that they have read these instructions. Since 1939, however, on account of the greatly increased intake of temporary staff and the shortage of paper, a number of Departments have restricted the issue of personal copies of such booklets to established staff. Although the rules in one form or another are generally available in all Departments, there may now nevertheless be a number of civil servants who are unaware of them.

18. The detailed application of the rules has always been left to Departments. The Post Office alone has specific regulations; thus since 1923 they have allowed all but their most senior grades to take part in canvassing. The Treasury, when consulted, has, we understand, taken the line that at least the first three activities mentioned in paragraph 15 are incompatible with the rule requiring a reserve in political matters. But varying interpretations of the code between one Department and another have led to some uncertainty as to what in fact is allowable and what is not.

19. All industrials are completely free from restrictions on all "other" political activities, subject only to the ban on the use of official premises for these purposes and to observance of the Official Secrets Acts.

(iii) Local government activities

20. The only general instruction on the subject of participation in local government by civil servants refers to candidature and service on local councils and is contained in a Treasury Circular of 1909 which left it to the Head of each Department to determine "whether, and, if so, upon what conditions, an officer of his Department may become a candidate for, or serve on, any local council provided that the duties involved . . . shall not conflict with the personal performance of the officer's duties to his Department". The Blanesburgh Report recommended that the matter remain one for departmental regulation, pointing out that, whilst the objections to Parliamentary candidature did not necessarily apply to local government candidature, it would clearly be wrong to allow candidature in the Departments whose duties consisted largely in the regulation of local authorities. Since the extent to which Departments have contact with local authorities varies greatly, the detailed rules now in operation vary considerably from Department to Department, the Departments which have close contacts with local authorities being more restrictive than others. For example the Ministry of Health, which stands in a special relationship with local government, bars participation by all save minor and manipulative employees and typing grades; the Ministry of Labour forbids its staff to serve on county and borough councils; whereas the Post Office permits local government candidature freely provided that it does not conflict with departmental duties. The regulations of some of the principal Departments are quoted in Appendix 6.

21. All industrial civil servants are allowed to take part in local government activities without any restrictions.

22. Departments also have complete discretion as to the amount of "time off" which they allow to their employees for local government work. In reply to a Parliamentary Question on the 20th November, 1945, the Financial Secretary to the Treasury said: "The existing rule is that service on a local council should not interfere with a civil servant's performance of his Civil Service duties. I do not feel able to give a fresh general instruction on the matter, since circumstances, and particularly the amount of absence involved, vary widely. But I am willing to consider on their merits, in consultation with the employing departments concerned, any cases in which it is thought that time off is being unreasonably refused". We understand from the Treasury that they normally regard one day or two half-days a month of special leave with pay as reasonable for non-industrial civil servants. In the case of industrial staff, it was agreed in September, 1947, on the Joint Co-ordinating Committee for Government Industrial Establishments that 12 days' special leave a year with pay, taken either in whole days or half days, might be allowed for this purpose at the discretion of Departments.

III. RECENT DEVELOPMENTS

23. Most of the rules and practices governing participation in political activities are of long standing and date from a time when conditions were in many ways different from those obtaining today. Even since the changes recommended by the Blanesburgh Committee were implemented rather more than twenty years ago, the functions of government have greatly altered. It is worth noting here the main developments which have affected the character of the problem confronting us.

24. First there has been an immense extension of administrative action. With it, the number of civil servants has increased from about 335,000 non-industrial and 125,000 industrial in 1935 to more than 700,000 and 400,000 respectively today. Thus over 1,100,000 people are affected by the present enquiry. At the same time the Civil Service has been brought into much more intimate association with the life of every citizen, since the growth has been most pronounced in the field of social services and in the sphere of economic affairs where Government Departments now have to take a far more prominent and vigorous line.

25. Secondly, a feature of this extension has been the delegation of powers of both a legislative and a semi-judicial character to civil servants. An increasing amount of administrative action today is done under regulation rather than directly under Act of Parliament.

26. Thirdly, whereas in the early years of this century only a few central Departments had local officials, there are now many local officials, who, in the eyes of large numbers of citizens, represent the State. These, as well as those employed centrally, may, moreover, possess considerable discretionary power to give decisions affecting the life of the community.

IV. THE CASE FOR AND AGAINST CHANGE

27. We understand that the Staff Side of the Civil Service National Whitley Council have for some time expressed dissatisfaction with the existing situation and have repeatedly made representations urging the removal of the limitations at present imposed upon the political activities of civil servants. We accordingly began our enquiry by inviting evidence, both written and oral, from the National Staff Side who represent all the principal staff associations of the non-industrial Civil Service. We gave them a second hearing before completing our Report. We have received in addition a memorandum and oral evidence from witnesses on behalf of the Association of First Division Civil Servants, representing the Administrative grades; we saw them separately because, although they reaffiliated to the National Staff Side in 1948, they had been unaffiliated since 1926. We have also heard a deputation from the Trade Union Side of the Joint Co-ordinating Committee for Government Industrial Establishments representing the industrial Civil Service.

28. The National Staff Side in their evidence sought the abrogation of the Servants of the Crown (Parliamentary Candidature) Order, 1927. In their view, civil servants, because of their experience of the administrative machine, were particularly well qualified for service in Parliament, and it was both inconsistent with the natural rights of the civil servant as a citizen, and harmful to the public interest, if he were not allowed to offer himself for this other form of public service and to serve the community for the time being in another capacity, without being expected to sacrifice his career, security of employment, and pension rights. The Staff Side therefore proposed that no civil servant of any grade should in future be prevented from standing

as a candidate for election to the House of Commons and that a civil servant who was adopted as a Parliamentary candidate should be given the following facilities to carry on his political work and at the same time retain his position as a civil servant:—

(a) After adoption as a candidate: up to one month in all of special leave without pay to nurse his constituency, the period to count for increment and pension, and not to be regarded as breaking continuity of service.

(b) On contesting an election: one month's special leave with pay, counting equally for increment and superannuation.

(c) On entering Parliament: special leave for the period of his membership, without pay or reckonability for pension, but counting for increment and not to be regarded as breaking continuity of service.

The civil servant would have an unfettered right to stand at his own will and should be free to return to his Civil Service career when he wished.

29. On political activities generally, the Staff Side representatives pressed for the removal of all specific instructions and prohibitions exemplified in existing staff rules, believing it to be wrong in principle, out of tune with current thought, unwise in present-day conditions, and unnecessary in practice, to prescribe detailed lines of conduct for civil servants in the matter of civil rights. They had no objection to a general convention under which civil servants were expected to behave with discretion, but they rejected the second part of the existing exhortation that a civil servant should not "put himself forward prominently on one side or the other." They proposed, as an alternative, a new convention in the following terms:—

"Civil servants are free to engage in party political activity and it is left to their discretion and good sense to do so with due regard to their rank, the functions of their Department and their duties in it, on the understanding that an officer who by grossly negligent or wilful action or comment on a matter of party politics creates an intolerable position for his Department will be liable to disciplinary action."

30. The Staff Side witnesses objected to any interpretation of the convention by way of departmental rules, arguing that the matter could safely be left to the discretion of each civil servant, who could be relied upon to avoid creating an intolerable position for his Department or giving any real cause for disquiet to the public; in their view, the risk of this was so slight that the time had come to remove all restrictions and to rely on the good sense of the individual. They accordingly proposed that civil servants of all grades should in future be under no disability as to the public expression of their political opinions, except that they should observe the provisions of the Official Secrets Acts, and should be required to maintain a proper reticence in matters dealt with by their own Departments and be liable to disciplinary action for indiscreet or ill-judged action.

31. As regards participation in local government, the Staff Side thought it incompatible with the rights of the civil servant as a citizen that he should be required to request permission from the Head of his Department to stand for election. They suggested that he should only "notify his intention" to stand, it being then open to the Head of the Department to raise objection in certain exceptional circumstances where there was a special relationship between the officer's work and local authorities. If the civil servant desired to proceed with his candidature notwithstanding any such objection, it would be open to the Departmental Whitley Council to discuss the difference of

opinion and endeavour to resolve it, e.g. by suggesting the transfer of the civil servant to different work. It would be expected, however, that, if elected, a civil servant would observe "a proper reticence" over matters with which his Department was concerned, and disciplinary action might be appropriate if he palpably failed to do so. The facilities for a civil servant serving on a local authority should include special leave or time-off with pay as reasonably necessary to enable him to perform his local government duties, and should extend to continuous leave with full pay if necessary in exceptional cases.

32. In concluding their evidence the Staff Side observed that the substantial and permanent growth of the Civil Service in recent years made it essential to allow the greatest possible freedom in the exercise of civil rights by civil servants. They wished, in particular, to record their very strong objection to the reply given by the Financial Secretary to the Treasury to a Parliamentary Question on the 27th March, 1947, in which he had said that he would "regard as improper any public criticism by a civil servant of policy for which a Minister whether of his own or of some other Department is responsible." The Staff Side regarded this as a new restriction which, if observed, would preclude any civil servant of any rank in any Department from joining openly, whether in a personal or in a representative capacity, in the discussion of a great many matters of public interest not involving party politics, unless he wished to do so in support of the policy of the Minister concerned; such a departure would constitute a loss to the national life and was wholly objectionable from the point of view of the individual.

33. The Association of First Division Civil Servants gave evidence which was limited to their own class, but in other respects was similar in tenor to that of the National Staff Side. We understood the gist of their case to be that they wished the general position to remain much as at present so far as the Administrative Class was concerned, but they did not think that any regulations were required to ensure this result.

34. Representatives of the Trade Union Side of the Joint Co-ordinating Committee for Government Industrial Establishments gave evidence on behalf of industrial employees of the Crown on the question of Parliamentary candidature. They submitted that the 1927 Order in Council was anomalous and required amendment. They urged that all industrial civil servants without distinction should be eligible for candidature for political office without being required to resign from their employment. They also urged that, if elected to Parliament, industrial civil servants should be granted unpaid special leave for the duration of their office as members of Parliament with protection of seniority and pension rights and with automatic reinstatement in their previous posts without limit to the length of their absence. They thought the existing arrangements under which industrials elected to Parliament were required to resign from the Service was a deterrent which prevented some of the best men from undertaking this public service.

35. In considering the evidence given by the representatives of the Staff Associations, we have not attempted to make an accurate estimate, even were one possible, of the strength of feeling among civil servants in favour of greater political freedom, because we consider that the question should be settled on its merits and in the light of the principles which we have adopted. It is, however, our duty to record that most Heads of Departments in their evidence were not aware of the existence of any appreciable dissatisfaction among their staffs on this matter. Among official witnesses, those from the Post Office alone told us that any attempt to enforce even all the existing restrictions rigidly might cause discontent; it is perhaps

significant that they spoke for a Department employing the largest numbers of staff in the minor grades. Having heard a number of witnesses from different Departments and various grades, we are led to conclude that such demand for relaxation as exists will be found chiefly in the lower grades.

36. Moreover, most of our witnesses other than those representing the Staff Side organisations, whilst they saw no objections to meeting this demand in the case of the lower grades, spoke against the extension of any such concession to the rest of the Service. The general tenor of the evidence from senior officials was to the effect that, whilst they were not antagonistic to all change, they were strongly opposed to taking any risk of creating a political Service. Whilst they wished to accord all possible liberty to civil servants in the exercise of ordinary citizen duties, they believed that the overriding consideration must be to maintain both the existing reputation of the Service for political neutrality and public confidence in its freedom from all possibility of bias. The Staff Side proposals were in their view incompatible with this prime necessity. If civil servants, other than those employed in certain minor grades where the same considerations did not apply, were allowed freely to engage in politics, to stand for Parliament, to return to the Service after sitting as M.P.s, and thus to declare their adherence to one party or the other, the public's belief in their impartiality and Minister's confidence in their ability to give equally loyal service to whichever party was in power would rapidly be destroyed with disastrous results to the Service and to the country. No countervailing advantages would be derived from such a development, and the small loss of freedom which civil servants voluntarily accepted upon entering the Service was insignificant in comparison with the vital importance of preserving so great an asset as a non-political Service. Heads of Departments were agreed that nothing should therefore be done to weaken the traditional reputation of the Service for impartiality, and this attitude was shared by a number of individual witnesses both from within and outside the Service. They were emphatic in their belief that there was, especially among the higher ranks, an important body of opinion which would look with concern upon any substantial departure from the established practice.

V. GENERAL PRINCIPLES

37. In the course of our enquiry we have endeavoured always to relate our recommendations to certain principles which we think should be generally acceptable. There are two such principles which we think vital, the first of which tells in favour of the removal of restrictions on civil servants' political activities, the second in favour of their retention. In framing our recommendations we have constantly tried to find a balance between these two conflicting principles:—

(i) In a democratic society it is desirable for all citizens to have a voice in the affairs of the State and for as many as possible to play an active part in public life.

(ii) The public interest demands the maintenance of political impartiality in the Civil Service and of confidence in that impartiality as an essential part of the structure of Government in this country.

38. Both these statements of principle need some expansion. The grant of the maximum freedom of speech and political activity to all citizens is, we believe, the ideal to be aimed at in a democratic society. The fact that the Civil Service contains a larger proportion of the population than ever before and that it includes a highly educated and intelligent section of the community

makes it obvious that civil servants should not be excluded from full citizenship except insofar as other overriding considerations of public interest render this unavoidable. For the purposes of our enquiry, however, we have been obliged to distinguish between

(a) the free expression of a man's party-political views in private or through the ballot-box, and

(b) their expression in public for the purpose of propagating the ideas of a political party.

The first is a right universally exercised to-day and—though it may here be noted that revenue officers were disfranchised in this country from 1782 to 1868—no modern democratic government could properly interfere with that right. The second is also a right for the ordinary citizen, but it is in practice relinquished by many. It is not in our view a right which cannot justifiably be limited or withheld in certain circumstances by other considerations if these are sufficiently important to the public interest as a whole. In the problem before us this public interest must always be the criterion. It involves, in the words of the Blanesburgh Committee's Report, "the necessity of maintaining, without possibility of question, the public confidence in the political impartiality of the Public Service." This need is, we think, axiomatic and will not be disputed. On the contrary, we believe it will be generally agreed that the efficient and smooth working of democratic government depends very largely upon maintaining that confidence and on people believing that, notwithstanding political change, the Civil Service will give completely loyal service to the Government of the day. We think, moreover, that the extension of the functions of the State in the last few decades greatly increases the need for maintaining the impartiality of the Service. We have worked upon the assumption that this confidence must be maintained even at the cost of certain sacrifices. Entry into the Civil Service is a voluntary act and there can be no reasonable complaint if the conditions of service include some restrictions (as is the case in certain other professions and employments). The public interest demands, at least amongst those employees of the State who correspond with the common conception of the Civil Service, a manner of behaviour which is incompatible with the overt declaration of party political allegiance.

39. This incompatibility is obvious in the case of the Administrative Class who are the advisers of Ministers and assist in the making of policy. Their role in the formulation of policy decisions and their close relationship with Ministers clearly require an attitude of mind with which the public advocacy of party political views would be inconsistent. The characteristic which has long been recognised in the British administrator and extolled as a special virtue is his impartiality, and, in his public capacity, a mind untinged by political prepossession. Differing in type and mental attitude from the politician or the party-man, the civil servant conceives it his duty to advise on the basis of the facts set before him. He does not advocate a particular system of political doctrines. Even if his personal sympathies attract him towards a political party, he does not express those sympathies in public. There is, however, more involved than the mere repression of party views. The Administrative civil servant voluntarily enters a profession in which his service to the public will take a non-political form. It will consist in the wise and accurate estimation of the reasons for and against a particular course of action, formulated not for the purpose of influencing the public mind, but for the benefit of those who actually have to take decisions. The deliberate choice of a profession in which he knows that his service to the public will take this form gives a bent to the mind. It is very unlikely that a civil servant formed by years of training and the exercise of administrative

functions would hold clear-cut party views in the sense of being a consistent supporter of the entire programme of one party, even if on the whole his sympathies lay with it.

40. This impartiality is never questioned by Ministers, by the public, or by other civil servants. In present conditions a Minister coming into a Department is able to rely on entirely loyal service to his ideas from all civil servants alike. He has no reason even to consider whether any particular civil servant is, or is not, in sympathy with his political views. He is indeed able to assume that, whatever the civil servant's sympathies, they would not affect his advice on the facts in any given case. The disadvantages of departing from this position are obvious.

41. Only a very small proportion of the Service is, however, in close contact with Ministers. Those who are responsible for advising Ministers amongst a variety of other duties are to be found mainly among the higher Administrative ranks. The whole Administrative Class numbers only about 3,500 men and women, most of whom are stationed in Headquarters Departments in the Whitehall area. The Departments in which these Administrative staffs work are, however, composed of civil servants organised in divisions or branches, and made up of members of the various classes—Professional, Executive, Clerical and Typing—who work together as teams. All of them are, in differing ways appropriate to the responsibilities of their rank, engaged at different stages on the same blocks of work, and each contributes in varying degree according to his status towards the decisions made by the Administrative officers or towards the submissions made to Ministers. The requirements of the work demand this grouping, and a real sense of unity exists amongst the members of these different grades who work together as part of a single organisation; we are satisfied that the same basic principles apply to all of them alike.

42. Outside the Whitehall Ministries the Civil Service is a very large and widely spread body of men and women who are engaged not in advising Ministers but in the conduct of practical business. They are employed in various Headquarter branches, such as those of the Admiralty at Bath and the Ministry of National Insurance at Newcastle-on-Tyne, and in regional and local offices all over the country. In the latter, to a greater degree than in Whitehall, the work brings all ranks down to quite junior officials into intimate relationship with every section of the community. The duties performed by them are broadly of three types, although each merges into the other:—

(a) duties involving the exercise of a large measure of discretion;

(b) duties which, while requiring powers of interpretation in given circumstances, are closely governed by Acts of Parliament, regulations or departmental instructions;

(c) duties of a partially or wholly routine character.

In these cases, the essential factor is the relation of civil servants with the public rather than their relations with the Minister. First the work of these civil servants must in fact be completely impartial. Secondly, the public as a whole and the Press must be satisfied in their own minds that no suggestion of political bias enters into their treatment of individuals. Public opinion is a sensitive barometer reacting sharply to any breaches of the traditional impartiality of the Civil Service. The importance of these considerations can hardly be exaggerated today when vital decisions on claims for social benefits, assessment to tax, liability to various forms of national service, entitlement to certain rationed commodities, and many other aspects of daily life are being taken by officials often of humble rank. Whether we

consider the man-in-the-street seeking employment, the professional man applying for a supplementary allowance of petrol, or the member of the business community dealing with the various economic controls now operated by the Civil Service, the life of every citizen is being directly and acutely affected by all grades of the hierarchy. In these circumstances, public faith in the non-political and impartial attitude of the Civil Service as a whole would be quickly shaken if individual civil servants were known or even suspected, rightly or wrongly, to be not in fact detached from party allegiance.

43. There is finally to be considered the harmful effect upon the Service itself if the political allegiance of individual civil servants became generally known to their superior officers and colleagues. If a Minister began to consider whether A, on account of his party views, might be more capable of carrying out his policy than B, the usefulness of B would be limited and the opportunities of A would be unfairly improved. This would become known, and a tendency to trim the sails to the prevailing wind would be one consequence. Another would be a cynicism about the reasons for promotion very damaging to morale. If it be thought that we have exaggerated this risk, we would point to the experience of those countries which are suffering from the consequences of taking a course different from our own. The danger is, we believe, a real one. It may result from only small beginnings, but, once begun, it produces a snowball effect, which is difficult, if not impossible, to check. Once a doubt is cast upon the loyalty of certain individuals or upon the equity of the promotion-machinery, an atmosphere of distrust may rapidly pervade an office and affect the arrangement of the work and damage the efficiency of the organisation.

44. For all these reasons we are in complete agreement with the views expressed in paragraphs 10-11 of Ch. 11 of the Report of the MacDonnell Commission, 1914. We consider that their remarks are as true today as when they were written:—

“In the first place, we have little doubt that complete liberty of political action for all officials alike would inevitably result in frequent conflicts between the desires and interests of the officer as a citizen and his duty as an official, and that such conflicts could not fail to have a disastrous effect on the morale of the public service. . . . It would, we think, be disastrous if the feeling should arise that the effectiveness of a legislative policy were in any degree dependent upon the political bias of those administering it.

Speaking generally, we think that if restrictions on the political activities of public servants were withdrawn two results would probably follow. The public might cease to believe, as we think they do now with reason believe, in the impartiality of the permanent Civil Service; and Ministers might cease to feel the well-merited confidence which they possess at present in the loyal and faithful support of their official subordinates; indeed they might be led to scrutinise the utterances or writings of such subordinates, and to select for positions of confidence only those whose sentiments were known to be in political sympathy with their own.

If this were so, the system of recruitment by open competition would prove but a frail barrier against Ministerial patronage in all but the earlier years of service; the Civil Service would cease to be in fact an impartial, non-political body, capable of loyal service to all Ministers and parties alike; the change would soon affect the public estimation of the Service, and the result would be destructive of what undoubtedly is at present one of the greatest advantages of our administrative system, and one of the most honourable traditions of our public life.”

45. It follows, in our opinion, that the principle hitherto observed in the Civil Service, that a civil servant maintains a certain reserve in political matters and does not put himself forward prominently on one side or the other, is plainly right for that part of the Service popularly associated with the phrase "white collar workers." The practice of reticence in public is necessary to the maintenance of this attitude. Nothing crystallizes views like the expression of them in controversy, and it would be harder ever afterwards for a civil servant to advise his Minister or his senior officers in a sense contrary to the party line if he had once publicly declared his adhesion to party doctrine. He must regard his powers as an advocate as being always at the service not of a party doctrine but of an administrative ideal. There is, of course, also the consideration that, even if he could keep his party views absolutely separate from his judgment of a particular question, as some contend he can, it would be almost impossible for him to convince other people that he had done so.

46. We have considered the argument advanced by the Staff Side that civil servants themselves can be trusted to exercise political rights in a way not detrimental to the public interest. This might seem an attractive suggestion, but in our view it relies too much on the traditional Civil Service attitude to public affairs which has been formed by decades of training and experience under the present convention. It does not follow that if the convention were modified civil servants would act and speak with the same reticence and wariness which they show at present. An announcement that civil servants were free to engage in political activity would fundamentally alter the point of view of the Service, at all events of its younger members. It would undoubtedly be a shock to public opinion, accustomed as it is to the tradition of a non-political Service. The Staff Side themselves appear to realise the risks inherent in such a change, as they do not exclude the possibility that individual civil servants, if allowed complete freedom, might create an intolerable situation for their Departments and become liable to disciplinary action. A few bad cases which attracted public attention would reduce public confidence in the Service as a whole. But in our view it would be inequitable to penalise an officer who erred in ignorance, and difficult for a Department to take disciplinary measures against him if he used his discretion unwisely. It seems to us that it is in the interests of the individual as well as the Department that there should be some protection against the creation of an intolerable situation, both by a general code of behaviour and, where the need arises, by explicit prohibitions. We see nothing derogatory in the existence of such rules. Moreover, if no rules existed, departmental case law would be bound to grow up out of decisions on individual cases; such decisions would often have to be sought by the staff themselves. We think that many civil servants would welcome some guidance in advance.

47. We have also considered the argument that a feeling of frustration may arise among civil servants whose work is of a general routine character, and that this feeling of frustration might be overcome if opportunity were given them to embark upon a political life without abandoning the Civil Service. We reject this argument. Admitting that there must be "misfits" in all professions, we do not think that this difficulty in the case of the Civil Service could best be rectified by an attempt to allow members of it to pursue simultaneously both a political and a Civil Service career. It is better that such misfits should leave the Service altogether. A number of our witnesses have, however, pointed out that the loss of pension under present superannuation arrangements may impose a severe penalty on the older

civil servant who wishes to make a change of career. They have drawn attention to the fact that the cases in which a civil servant might wish to resign in order to take up politics would be very few, and that the transition would be made easier by the introduction of a system of proportionate pensions. This suggestion raises issues wider than the scope of our inquiry. We think it right to state, however, that in our view there could be no reasonable sense of grievance except possibly in the case of the sacrifice of pension in respect of long years of service. Such cases of difficulty will be largely met if the Government's present proposals become law, for, following an agreement reached between the Official and Staff Sides of the National Whitley Council, they have introduced a Bill for the improvement of the existing Superannuation Code. Under the proposed reforms, a civil servant will be able to retire voluntarily at any time after reaching the age of 50 without sacrificing accrued pension rights; in all cases other than those of retirement on compassionate grounds, the accrued pension and additional allowance will be payable at the normal minimum retiring age—usually 60. The escape to politics or other fields will thus to this extent be facilitated in future for those who desire to make the break.

48. Our general conclusion is that to preserve the attitude of detachment in all civil servants in whom its absence might adversely affect the public service is so important as easily to outweigh any hardship felt by individuals who are deprived of the freedom to propagate political views among their fellow citizens. It will certainly justify maintaining the deprivation in some cases in which the risk is only slight. The public service should, in our view, consistently be given the benefit of any doubt. Any weakening of the existing tradition of political impartiality would be the first step towards the creation of a "political" Civil Service. As will be seen from Appendices 1 and 2, we have informed ourselves carefully of the effects of such trends in other countries (and in this country in the past), and nothing in this evidence encourages us to favour any step, however small, in that direction. Even the smallest move down that slope might eventually lead to the evils of the spoils system. Though it is impossible to measure accurately the possible effects of changes in the present system in this country, we are convinced that any such change would be fraught with dangerous possibilities, and that it would be a retrograde step, detrimental to both the public interest and the interest of the Civil Service itself. The British Civil Service with its great reputation and power has a substantial bone in its mouth; the reflection in the water, even if it suggests a political flavour, is only a reflection, after all.

VI. APPLICATION OF GENERAL PRINCIPLES

49. We now turn to consider how far the general principles which we have enunciated are applicable to the various classes of the Civil Service.

50. It has been argued before us that, since the functions and responsibilities of civil servants vary greatly, different rules can, and indeed should, be imposed upon them according to the nature of the duties which they perform. The principle of political impartiality, runs this argument, does not apply to all parts of the Civil Service, because there are clearly staffs who exert no influence on policy and whose political activities can have no effect upon the reputation and efficient working of the Service. We have endeavoured to determine how far this line of argument can be followed.

51. Two possible approaches have presented themselves:—

(i) First, it has been suggested that it would be desirable to differentiate between various Departments, allowing those more closely concerned with policy matters less political freedom than the others.

(ii) Secondly, it has been argued that a distinction should be drawn between senior officers on the one hand and subordinate grades on the other on the ground that in the case of the latter a far greater measure of freedom could be allowed without danger to the public interest.

52. We have examined the first proposition and have reached the conclusion that, so far as national politics are concerned, no such simple method of differentiation would be workable, even if it were thought desirable.

53. On the other hand, we have come to the conclusion that it is both possible and necessary to draw a horizontal line of demarcation through the whole Service, putting above the line those who, because of the nature of their work, must be excluded from party-political activity, and putting below it those to whom freedom to engage in political activities could be granted without prejudicial consequences. Even this form of differentiation cannot be applied entirely without exceptions, to which we shall refer later, but we regard this approach to the problem as the most satisfactory. We shall describe the two parts of the Service as that "above the line" and that "below the line."

54. For the purpose of this method of treatment, we have analysed the Civil Service into the following main groups on the basis of their approximate numbers in January, 1949:—

Administrative,	Professional,	Scientific,	Technical,	
Executive, Clerical and Typing Grades...	451,000
Minor and Manipulative grades excluding the Post Office				56,000
Post Office Manipulative grades	220,000
Industrials	408,000

(i) Industrials

55. Looking broadly at the above groups, we think that we can at once divide off the Industrial Civil Service from the Non-industrial. The industrial grades are composed of more than 400,000 men and women engaged on all kinds of industrial processes: 280,000 of them work in Royal Naval Dockyards, Depots and Factories, in War Department workshops, repair shops, and storage and similar establishments, in R.A.F. Maintenance Units, in the Royal Aircraft Establishment and in Royal Ordnance Factories. Of the remainder, half are employed in the Engineering, Factories and Store Departments of the Post Office, and most of the rest are labourers under the Ministry of Works and the Forestry Commission. They do not differ from the industrial population of the country as a whole and belong to the same Trade Unions as their fellow-workers in outside industry. The public would, we believe, regard it as somewhat artificial to consider this large body of workers as forming part of that Civil Service in the sense in which the term is commonly accepted. From the point of view of political activities, we think it will be generally agreed that they present no real difficulty, and we propose therefore to deal with their position first, turning afterwards to the much more difficult problem of the rest of the Service, and examining how far, if at all, it may be treated on similar lines.

56. All industrial civil servants are already completely free from restrictions on political activities, other than Parliamentary candidature. Industrial employees in predominantly industrial establishments under the Service Departments can stand for Parliament without resigning, but have to resign if elected. We consider that industrials employed in establishments transferred to the Ministry of Supply should have their position in this respect formally regularised by bringing them into line with the Service Departments, and we think that the existing distinction between establishments certified under the 1927 Order in Council and uncertified establishments might be abolished. The objections felt by members of the Blanesburgh Committee to extending the same rights to all industrials seem to us to have lost their force now that industrial staffs are more highly organised and now that Departmental industrials have probably greater cohesion with industrial employees in other Departments than with other grades in their own Department. We therefore recommend that all industrials be allowed to stand for Parliament without resigning, unless and until elected. We consider that special leave should be granted for a period of one month prior to the date of the election.

57. A number of witnesses have urged that a necessary corollary to this proposal would be the guarantee of reinstatement to a successful candidate who is subsequently defeated at a later election. They have also pointed out that the grant of established status to a far larger proportion of industrials than was the case in the past is an important new factor in the situation. Whilst we recognise that a measure of reinstatement would be reasonable we do not think that it should be automatic, since there might be cases where an industrial had given only a short period of service before entering Parliament, or where his absence had been so long that he had lost his skill and could not be readily fitted in to the cadre of his establishment. We therefore recommend that, in the case of permanent employees, there should be a right to reinstatement where a man has had ten years' service prior to his election and has not been absent in Parliament for more than five years. In all other cases, sympathetic consideration should be given, wherever possible, to applications for permission to return to employment in the Service.

(ii) Minor and Manipulative Grades (other than those employed by the Post Office)

58. We have next considered whether any groups of civil servants at present classified as non-industrial may be treated for the purposes of political activity in the same way as the Industrial Civil Service. This leads us naturally to consider the Minor and Manipulative grades, and we shall deal first, for convenience, with those employed outside the Post Office. These number about 56,000. The majority are messengers, porters and cleaners, and there are smaller numbers of Ordnance Survey mapping staff, progressmen and other non-industrial supervisory staff in the Royal Ordnance Factories, clerks of works, storeholders and barrack- and station-wardens, museum attendants, park-keepers, launch-crews, and other miscellaneous grades listed in Appendix 3. Their duties are roughly described by their nomenclature and there is little which is discretionary in their work. In many ways they are closer to the industrial grades than to the non-industrial, and there would be very little, if any, scope for damage to the public interest if they were allowed to be active in support of one or other of the political parties. The evidence which we have heard has established to our satisfaction a case for assimilating all these grades (with certain small but important exceptions mentioned below) to the position which industrials

now enjoy in the sphere of political activities generally and which we have recommended they should all enjoy in future in regard to Parliamentary candidature.

59. We do not advise, however, that this recommendation should extend to the Constabularies employed by the Service Departments. They differ from other Minor and Manipulative grades in forming a disciplined as well as a uniformed force, and, although not so intimately concerned with public order as the ordinary civil Police, they are, as far as concerns our enquiry, in much the same position. The possible effect on the confidence placed in them if they were allowed to take an active part in politics is obvious ; it would not be long before the suspicion arose that political affinities were affecting their judgment in the discharge of their duties. We do not, therefore, think that this body of men should be excepted from the generally recognised rule that a policeman should play no part in politics.

(iii) Post Office Manipulative Grades

60. The largest numbers of Manipulative civil servants are to be found in the Post Office who employ approximately 220,000 men and women in these grades. Apart from some 13,000 messengers, paperkeepers, and cleaners who correspond with the general grades employed elsewhere, the great majority are classified in grades peculiar to the Post Office—telegraphists, telephonists, postmen and sorters. Most of them are performing duties similar to those of the Minor grades in other Departments and their work is largely manipulative in the literal sense. For political purposes they cannot be distinguished from the preceding category.

61. There are however among them some 20,000 Counter Clerks whose duties are in some respects not far removed in character from those of Clerical Assistants elsewhere or from those of some of the officers dealing with the public in Food Offices and Employment Exchanges. Were it not for the following considerations (1) that there is considerable intermixture of genuinely manipulative duties with the minor clerical work ; (2) that the Post Office staff are engaged in business transactions with the public rather than with the discretionary administration of regulations ; (3) that the classification of all these staffs together as Minor and Manipulative is of very long standing, we should have felt that a line had to be drawn through the class leaving above the line those whose duties approach the clerical. As it is, we are of opinion that the position of Post Office Manipulative staff, with the exception of the supervisory grades mentioned below, should be assimilated to the position of industrials. We are aware that this conclusion may appear doubtful in the light of the experience of certain countries in which the postal services have tended to become part of a spoils system. The widespread character of the service and the continual contact between some of its staff and the public make it attractive from the point of view of those who may wish to reward supporters of their party. In this country, however, we feel that reliance can be placed upon the strong position of the Civil Service Commission, the well established tradition of non-political appointment and promotion and the attitude of the Unions, to prevent any development of this kind.

62. The supervising staff referred to in the preceding paragraph number about 8,000 on the postal and telegraph side and 4,000 on the telephone side. The evidence submitted by the Post Office was to the effect that it would be difficult both in logic and in practice to distinguish between these supervisors and the rank and file, since, under Post Office practice, a number of the latter are paid allowances for doing part-time supervising duties and there

is a regular system of substitution (known as "acting up") by which members of the basic Manipulative grades from time to time cover temporary vacancies in one grade above. The Post Office therefore submitted that only Head Postmasters (who are classed as Executives), and Postmasters and Assistant Postmasters (who are classed as Minor and Manipulatives) should be placed above the line.

63. If this suggestion were followed, all the remaining supervisors in the Post Office Minor and Manipulative grades would be given the benefit of the relaxation proposed for Minor and Manipulative staff generally. We agree that the three senior grades referred to by the Post Office should be excluded, but we see some difficulty in adopting the rest of their proposal. The other supervisory grades include such ranks as Chief Superintendents, Superintendents and Higher Grade Supervisors in charge of telegraph and cable rooms, of wireless establishments and of telephone exchanges, and of Counter and Writing staffs, and inspectors in control of sorting offices. Although these are described in the Civil Service Staff Record as Minor and Manipulative grades, we do not accept the term as a proper description of their duties. These higher supervisory grades exercise considerable responsibility, often of a managerial kind, and the importance of their duties is reflected in their salary scales, many of which range above £500 a year and some of which exceed £800 at the maximum. Although we all wish to grant political freedom wherever it can be given without detriment to the public interest, we have not been able to reach unanimous agreement that all these officers should be placed below our line of demarcation. The majority of us feel that it would be anomalous to treat them in the same way as the rank and file and that to do so would provoke the risk of repercussions upon other grades elsewhere in the Service. The rest of us, favouring as simple a line as possible, consider the Post Office as *sui generis* and think that a comparatively small anomaly in this case would be unlikely to cause difficulties in other Departments. We have not attempted to draw a line through this group other than that proposed by the Post Office, but it may be that one drawn immediately above the first-line supervisory grades would, if practicable, offer a reasonable solution to the problem.

64. If our proposals are accepted, all Minor and Manipulative civil servants (apart from the exceptions referred to above) will be put into precisely the same position as industrials. They will enjoy the freedom already possessed by industrials to engage in all forms of political activity, national and local, and they will receive in addition the concessions which we have recommended for all industrials. They will thus be at liberty henceforth to stand for Parliament without prior resignation and will be given the opportunity of reinstatement, after serving in Parliament, on the same terms as we have proposed for industrials in paragraph 57.

(iv) The Rest of the Civil Service

65. We are now left with those classes which correspond with most people's idea of the Civil Service—the Administrative, Executive, Professional, Scientific, Technical, Clerical and Typing. All these, after much examination, we have included in that part of the Civil Service above our line of demarcation. We have considered whether a line can be drawn *through* this upper group, those below it being given more freedom than those above it. It may be admitted that there is great difference between the various duties of all these grades, and that many individuals within them (such as, for instance, certain scientific staff working in research establishments or clerks employed in offices remote from policy-making) could perhaps be safely

allowed more political liberty. We have, however, met very formidable difficulties in trying to draw any such distinctions, and we have been impressed by the following arguments which have been put before us:—

(i) All these grades from Administrative to Typing form an entity. Their members work together in each office as part of a single organisation. It would be quite unrealistic today to think of Executive Officers and Clerks merely as carrying out the orders of Administrative staff; it would be equally artificial to distinguish between clerical and typing staff because their duties tend to be less differentiated than in the past and their pay-scales are closely interlocked. An avenue of promotion exists through all these grades. All form an integral part of a homogeneous whole, and to draw a line through them would be arbitrary and would create a false distinction. Moreover, the team-spirit amongst them is strong, and such a line would be contrary to the traditions of the Service and, we believe, to the wishes of the Staff Side and the staff themselves alike.

(ii) The increasing interchange of staff between Departments would make it difficult to give exceptional treatment to staff employed for the time being on routine duties remote from politics.

(iii) Promotion might bring an individual into a position in which he would have to relinquish political activity which might previously have been unexceptionable and, though such renunciation might be perfectly feasible, the individual's past associations might well continue to be remembered.

(iv) From the point of view of public confidence, no clear distinction could be drawn between different grades, since the public might attach importance to the views of even a very junior official especially one employed in a Whitehall Department.

(v) Large numbers of quite junior staff (especially in the clerical grades) have now frequent contact with the public and are taking decisions, with a greater or less degree of discretionary power, which intimately affect the lives of the average citizen.

66. We have accordingly reached the conclusion that, if exceptions were made in certain cases, though they might benefit a few individuals, they would have a wholly disproportionate effect upon public confidence, and the possible damage done to the public service would be immensely greater than any corresponding gain which could accrue. For these reasons we do not think that any distinction should be made between the Administrative, Executive, Professional, Scientific, Technical, Clerical and Typing Classes on the basis of their grading or duties, and we recommend that all, without exception, should be placed above the line of demarcation.

67. We now propose to consider under the following headings the nature of the limitations which must continue to be imposed upon all those grades above the line of demarcation which we have suggested:—

- (A) Parliamentary candidature and service.
- (B) Other political activities in the national field.
- (C) Public affairs of a non-party character.
- (D) Activities as members of staff associations.
- (E) Participation in local government.

(A) PARLIAMENTARY CANDIDATURE AND SERVICE

68. We recommend that the existing rules forbidding civil servants to stand for Parliament until after resignation from the Civil Service be retained in the case of all those above the proposed line. We see no reason for modifying the present position in this respect. In our view it would be impossible to reconcile with the Service tradition of impartiality the idea of a civil servant "above the line" becoming a Member of Parliament and later returning to the Service. In the case of officers working in close contact with Ministers this proposition appears to us to be self-evident. It is inconceivable to us that an Administrative officer should be granted special leave to fight an election, sit as a Member of Parliament and later return to serve under a Minister whose policies he had either denounced or supported in public. The same arguments would apply even were he unsuccessful in his candidature. For the reasons given in paragraphs 65-66 we find the drawing of a line of distinction between the Administrative and other Classes in this group both impracticable and undesirable. We recommend no relaxation of the present rule for any of them.

69. We recommend that the rule which has existed since 1920, under which civil servants who are peers of Parliament may attend in the House of Lords when their official duties permit but may take no part in debate nor vote, should be maintained.

(B) OTHER POLITICAL ACTIVITIES IN THE NATIONAL FIELD

70. Political activities of a party character should in our view be treated broadly on the same lines as Parliamentary candidature and we therefore recommend no relaxation of the existing code. At the same time its obscurity is unsatisfactory and requires clarification. In our attempts to redefine the convention, we have endeavoured to keep a balance between not leaving civil servants in doubt as to what they may do on essential points and on the other hand laying down a very detailed code which would probably be more restrictive than is necessary. We would accordingly favour the substitution of a rule on the following lines for the present varying ones:—

"Civil servants employed in the minor and manipulative grades (with certain exceptions) or in the industrial grades are free to engage in political activities subject to the following overriding considerations:—

(a) They must not participate in such activities while on duty, while on official premises, or while wearing official uniform;

(b) They must observe the provisions of the Official Secrets Acts.

Members of all other grades must maintain a reserve in political matters.

So far as national politics are concerned, they must abstain from any public manifestation of their views which might associate them prominently with a political party. They may not:—

(a) Hold any office (such as that of president, chairman, secretary, treasurer or committee member) in any party political organisation, national or local;

(b) Speak in public on matters of party political controversy;

(c) Write letters to the press, publish books or articles, or circulate leaflets setting forth their views on party political matters;

(d) Engage in canvassing in support of political candidatures."

(C) PUBLIC AFFAIRS OF A NON-PARTY CHARACTER

71. Though we are convinced that it is imperative that civil servants above the line should not take part in party political controversies, we should be loth to recommend the curtailment of the free expression of opinion by any citizen on matters which can be regarded as only incidentally or partially party-political in nature; these are numerous now that the activities of government impinge upon the life of the citizen, directly or indirectly, at almost every point. We would instance the case of a national beauty spot threatened by some Government proposal to construct, for example, a factory or a bombing range. Many such matters have no party political connection. We should think it wrong for a member of the Department concerned to comment publicly on a proposal of this kind. On the other hand, we should not think it wrong for a member of another Department to express his views in print or on a public platform, even though they were in opposition to the Government's proposal—provided that the matter was one of public interest, that the civil servant wrote or spoke in his private capacity, and that he observed a becoming moderation.

72. We have been given to understand that, after the Financial Secretary had stated in the House of Commons that he would regard as improper any public criticism by a civil servant of policy for which a Minister whether of his own or of some other Department was responsible, the National Staff Side received an assurance that he had no intention of changing the position which had existed hitherto. None the less, we feel bound to record that the Reply (which remains the latest Ministerial pronouncement on the subject in Parliament) appears to have given a general impression of having imposed a new restriction. If it were observed to the letter, civil servants would be deprived of some of the privileges of criticism normally exercised by the citizen, without, we believe, any corresponding advantage to the Service. We consider that there should be no rule forbidding them to express opinions on questions of public interest, except where their own Department is directly concerned, or where the matter has become one of party controversy. In our view, an adequate safeguard would be given if the convention of reserve which we have proposed were maintained among civil servants in such matters. If they were in doubt, they should seek the views of the Head of their Department through their Establishment Officer.

73. In this connection, we think that a reference would be appropriate on the question of participation by civil servants in outside conferences. The present rule laid down by the Treasury is that civil servants are not to accept in their official capacity invitations to attend conferences convened under the aegis of political organisations. In the case of conferences where the subjects discussed do not possess a political aspect, however, civil servants may be permitted to attend, provided that the Head of the Department is satisfied both as to the character of the conference and as to the advantage likely to accrue to the Department. But the rule normally limits them to attending only as observers, and, where they are allowed to take part in discussions, it may be only to the extent of intervening on questions of fact. The object of this rule is apparently to ensure that officers attending conferences should so conduct themselves that there is no ground whatever for an impression to be gained that their Department has been associated with the conclusions reached in the discussions.

74. We understand that the Treasury favours a liberal interpretation of the rule, wherever possible, except where the subject of discussion is still in the realm of unresolved or undisclosed policy, and also that more latitude

is generally allowed where temporary officials receive invitations connected with their outside experience or previous activities. Nevertheless, it has been represented to us that certain Departments have put an unduly restrictive interpretation upon this rule, the phraseology of which perhaps lends itself to an interpretation of this kind. Our own view is that nothing but good can result from greater contact between civil servants and the rest of the community. In this connection it must be remembered that the Civil Service nowadays contains a large number of scientists and technicians who should be able to make a contribution to learning by writing or taking part in discussions and conferences. Restrictions upon the attendance of civil servants at outside conferences, if applied too rigidly, go beyond the requirements of political neutrality. Within the framework of our proposals for ensuring that neutrality, and subject to the observance of the Official Secrets Acts and the code of reserve proposed, we recommend that there should be greater freedom in this field of professional and non-political public affairs, where civil servants can learn much and contribute much, the only safeguard required being that they must make it clear that they speak for themselves and not for their Departments.

(D) ACTIVITIES AS MEMBERS OF STAFF ASSOCIATIONS

75. For a number of years there has been a tendency on the part of certain Civil Service staff associations to take some part in political controversies and for their delegates to make speeches of a party character at their annual conferences. Instances of this kind occurred even while the Trade Disputes and Trade Unions Act, 1927, was in force, although Section 5 of that Act prohibited established civil servants from belonging to associations which were associated with political parties or from being members of associations affiliated to organisations containing non-civil servants. Such utterances have sometimes been made during discussions of highly controversial political topics (such as the foreign policy of successive Governments) and have attracted a certain amount of publicity. In a number of cases they have been delivered by paid officials of the association, but some have been made by serving civil servants.

76. It is clear that the traditional attitude of the authorities has been one of reluctance to concern themselves with proceedings at association conferences or with the activities of civil servants acting as association delegates. They have therefore ignored a number of speeches made on such occasions which were inconsistent with the general rules governing the political activities of civil servants. We imagine that this attitude by authority has been based on the view that association activities are best left to the control of the associations concerned and to their sense of responsibility and propriety, and that it is only in the last resort that there should be any interference in association affairs. No doubt in extreme cases, notwithstanding this general policy, the authorities might feel it necessary to intervene.

77. We can see some reason for this attitude in view of the encouragement given to the staff to organise themselves in associations, and the usefulness of associations for the purpose of joint discussion of conditions of work. We understand too that, although there have been some examples of speeches at association conferences which could not be reconciled with the existing rules, the associations generally have shown restraint and good sense in these matters.

78. If the Government adopt the recommendations which we are putting forward and accord freedom in political matters to all industrial and to the great majority of members of the Minor and Manipulative Grades, no

problem of the present kind as regards association activities should arise in the case of associations representing those grades.

79. The position of civil servants "above the line" is different. Under the law as it now stands, it remains open for associations of these classes of civil servants to affiliate not only to the T.U.C. but also to a party political organisation. We do not discuss in detail the advantages and the disadvantages which are consequent upon the repeal of the 1927 Act, a course decided upon by the Government as recently as 1946. Nevertheless, we feel obliged to point out that, if civil servants "above the line" accept the position of delegates to a party political conference, they may well be involved in a conflict of loyalties. As delegates they may be instructed, for example, to attack the general policy of His Majesty's Government; as civil servants it would be their duty to abstain from criticism of this nature. In the circumstances we do not recommend that any new prohibition should be imposed upon serving civil servants who are delegates to conferences, at which political matters are discussed, but they should understand that they would be expected to pay regard to the rules embodied in paragraph 70 of our recommendations as a general guide to the way in which they should conduct themselves; and it should be understood that disciplinary action may follow if a delegate by his speeches creates a situation embarrassing for the Service.

80. We wish to make it clear that nothing in our foregoing remarks applies to the discussion of questions affecting conditions of service or other normal trade union matters, which is on an entirely different footing.

(E) PARTICIPATION IN LOCAL GOVERNMENT

81. We have reserved for final consideration the difficult question of participation in local government, and especially service on local Councils, by that part of the Civil Service "above the line".

82. There has been a substantial change in the character of local government since the issue of the Treasury Circular of 1909 which left it to Departments to settle whether, and on what conditions, members of their staffs might take part in local government activities. Our witnesses have testified to the fact that in recent years local elections have been conducted to an increasing extent on party political lines. Although in a number of areas, particularly in country districts and on a number of authorities such as Parish Councils, the party lines do not yet operate, it is undeniable that in many others candidates have little or no chance of being elected unless they run on a party ticket, and, when elected, they have to accept a party whip. Thus local government tends nowadays more and more to be organised on party political lines corresponding to those of national government, and, if this trend continues, it seems likely that within a few years, all local government may be run on a purely party basis. There would be little, if any, distinction between Parliamentary and local elections in the indication which they gave of candidates' political opinions. We doubt, however, whether this position has yet been reached.

83. There is much to be said for treating participation in local government in the same way as participation in national politics. If this policy were adopted, the whole of the Civil Service "above the line" would be debarred from taking part in local government where their participation necessarily involved them in party affiliations. It would then remain open to civil servants of these grades to stand in local elections and sit on local Councils provided that they did so as Independents and avoided any overt adherence to a political party.

84. For various reasons, however, we have felt averse from advocating this course unless it were found to be inescapable. Ideally an arrangement permitting only Independent candidature would offer the only solution. But we are compelled to recognise that the number of places in which an Independent would stand any chance of election is diminishing, and, even if he succeeded in his candidature, it would not always be easy for him to maintain his independence afterwards. Most of us believe that a rule which permitted Independent candidature only would be difficult to administer and often hard to comply with. Some of us believe that it would be unrealistic and that any regulation so conceived would be in effect an illusory concession. We have regretfully reached the conclusion that the problem should not be resolved in this way.

85. Moreover, in our enquiry, we have been impressed by a number of other considerations. In the first place, the arrangements which have existed for the last 40 years have permitted a number of civil servants to engage in local government, and, although the total is not great in comparison with the size of the Civil Service as a whole, it is not negligible. Witnesses have told us that civil servants can make a valuable contribution to the work of local Councils without causing any loss of confidence in the impartiality of the Service. We should be sorry to recommend bringing to an end an arrangement which has not given rise to abuse and indeed, we think it would be impolitic and vexatious to do so. Secondly, we have been impressed by the argument that it is highly important to maintain the standard of local government. Its efficiency depends in large measure upon the unpaid work of public-spirited men in their leisure time; civil servants, by their experience and educational qualifications, are well equipped to contribute to local administration, and it would be a loss to the country if local authorities were deprived of the skilled assistance of those few civil servants who can give the time necessary for this work. Thirdly, civil servants who are at present active in local government have said in evidence that their official work has benefited from the experience which they have acquired in local administration. For, in spite of the frequent necessity of a party label in contesting an election, it remains true that there is a considerable sphere of useful day-to-day administration where party issues do not predominate and where the civil servant, after election, can play a useful role. Finally, we have been influenced by our first principle in paragraph 37 that there is an intrinsic gain in allowing freedom wherever possible.

86. The imposition of a rule forbidding party candidature would reduce the number of those who could reasonably hope to secure election and thereby diminish the advantages to which we have referred. On the one hand, we thus have the fact that in the past the existing system has resulted in a certain gain both to the Civil Service and to local government itself. On the other hand, there is the fact that, though any loss of reputation of the Service for impartiality seems so far to have been negligible, the possible future loss in a changed and still changing situation may be of a quite different order of magnitude. We feel it impossible in present circumstances to make a recommendation of a permanent nature. That, however, is not necessarily to say that some radical change is necessary at this moment. We have reached the conclusion that the existing arrangements should continue, for an experimental period of five years, subject to the substitution of a general rule for the whole Service in place of departmental rules. During that period we recommend that as much freedom as possible should be granted to civil servants who may wish to engage in local government, and at the end of

that time we recommend that the position should be reviewed. During this experimental period, the situation should be governed in the following way.

87. Civil servants above the line of demarcation who wish to take part in local government should be aware that permission to do so would be subject to their being able to abide by the following rule. If they feel able to comply with its provisions, they should apply to their Establishment Officer for permission from the Head of their Department to stand for local office.

“ Civil servants above the line may become candidates for election or may accept co-optation to local Councils provided that the permission of the Head of their Department is first obtained. Whilst standing for election, canvassing, and serving on such Councils, they are bound by the convention requiring a reserve in political matters and they must avoid becoming involved in national party political controversy. This is not, however, intended to preclude them from speaking in public, writing to the press, or circulating leaflets setting forth their views, so long as they confine themselves to local issues and act with the moderation expected of their profession. They may not engage in canvassing for or overt support of other party candidates for local government office.”

88. Heads of Departments should retain their discretionary power to grant permission to members of their staff “ above the line ” to stand for local office. But they should consult together and with the Treasury in order to secure a greater degree of uniformity in the exercise of their discretionary power, and when considering applications they should take into account such considerations as whether, owing to the rank and duties of the applicant, embarrassment might be caused to the Department, whether the applicant proposes to sit on a Council in the same area as that in which he works, or whether the demands likely to be made upon official time would be excessive and detrimental to efficiency.

89. Heads of Departments should at the same time draw up a list of those Departments whose staff, either wholly or partially, on account of their special relationship with local authorities or the exceptional nature of their work, should be excluded from participation in local government.

90. As regards the question of “ time off ” to enable successful candidates to discharge their local government obligations, we understand that there is no dissatisfaction with the existing practice, under which special leave with pay is normally given up to a maximum of 12 days (or the equivalent) in a year subject to departmental discretion, and we consider that this is reasonable.

91. We recognise that experience during the next five years may show that local government politics have become so closely identified with national party politics that it is no longer possible to maintain the distinction which we have drawn and that it may then be necessary to withdraw the liberty which we have recommended. It is for this reason that we have recommended that the position be reviewed in five years’ time.

VII. GENERAL

92. In the course of hearing evidence, we have met the argument that civil servants are not always fully conscious of the implications of their position in relation to politics when joining the Civil Service. Our own investigations lead us to believe that all but a very few understand the existing rule, and that hardly any are deterred from entering the Service by the restrictions

now imposed. Nor do we think that those few who are deterred would necessarily make the best civil servants. We recommend, however, in order to avoid any doubt or ambiguity, that a full statement of the rules be sent to all successful candidates for the Civil Service when appointment is offered to them.

93. We suggest that this statement might be on the following lines:—

(1) Civil servants employed in the Minor and Manipulative grades (with certain exceptions) or in the Industrial grades :

These are free to engage in political activities, national and local, subject to the following overriding considerations:

(a) They must not participate in such activities while on duty, while on official premises, or while wearing official uniform ;

(b) They must observe the provisions of the Official Secrets Acts.

(2) Members of all other grades :

These must maintain a reserve in political matters.

So far as national politics are concerned, they must abstain from any public manifestation of their views which might associate them prominently with a political party. They may not:—

(a) Issue an address to electors or in any other manner publicly announce themselves, or allow themselves to be publicly announced, as candidates or prospective candidates for election to Parliament until they have retired or resigned from their office ;

(b) Hold any office (such as that of president, chairman, secretary, treasurer or committee member) in any party political organisation ; national or local ;

(c) Speak in public on matters of party political controversy ;

(d) Write letters to the Press, publish books or articles, or circulate leaflets setting forth their views on party political matters ;

(e) Engage in canvassing in support of political candidatures ;

They may become candidates for election, or may accept co-optation, to local Councils provided that the permission of the Head of their Department is first obtained. Whilst standing for election, canvassing, and serving on such Councils, they are bound by the convention requiring a reserve in political matters and must avoid becoming involved in national party political controversy. This is not, however, intended to preclude them from speaking in public, writing to the Press, or circulating leaflets setting forth their views, so long as they confine themselves to local issues and act with the moderation expected of their profession. They may not engage in canvassing for or overt support of other party candidates for local government office.

VIII. SUMMARY OF CONCLUSIONS

1. The political neutrality of the Civil Service is a fundamental feature of British democratic government and is essential for its efficient operation. It must be maintained even at the cost of some loss of political liberty by certain of those who elect to enter the Service. Our problem has been to reconcile the preservation of the existing confidence in the traditional impartiality of the Service with the grant of freedom to exercise ordinary citizen rights to as many employees of the State as is compatible with the reputation of the Service for political impartiality. (Paragraph 37.)

2. We think that a distinction can be made for this purpose between those grades whose participation in political activities might imperil public confidence and the efficiency of the Service, and those whose activities would involve no such risk. (Paragraph 53.)

3. We accordingly recommend that a line of demarcation be drawn below the Administrative, Professional, Scientific, Technical, Executive, Clerical and Typing grades and, apart from certain exceptions, above the Minor and Manipulative and the Industrial grades. Those below the line would be permitted greater liberty than those above it. (Paragraphs 64-65.)

4. The Service Departments' Constabularies, although classified as Minor and Manipulative grades, should be placed above the line. (Paragraph 59.) The majority of us consider that Post Office supervisory Minor and Manipulative grades should also be above the line. (Paragraphs 62-63.)

5. All members of the grades "below the line" should be permitted to stand for Parliament without resignation unless they are elected, and one month's special leave should be granted for the period of candidature. We also recommend that civil servants "below the line" who become Members of Parliament should be entitled to reinstatement if they cease to be M.Ps. after an absence not exceeding five years and if they have had not less than ten years of service prior to their election; in other cases applications from civil servants "below the line" for permission to return should wherever possible be sympathetically considered. (Paragraphs 56-57.)

The existing ban upon Parliamentary candidature should continue to apply to civil servants "above the line." (Paragraph 68.) The rule under which civil servants who are peers of Parliament may attend in their place when their official duties permit but may not vote or take part in debate should also be maintained. (Paragraph 69.)

6. All grades of the Civil Service "below the line" should be completely free to engage in all other forms of political activity, both national and local, subject only to the maintenance of overriding considerations such as the Official Secrets Acts and the ban on political activities while on duty or in official premises. (Paragraph 64.)

7. All the grades "above the line" should continue to maintain a reserve in political matters. In national politics they should abstain from any public manifestation of their views which might associate them prominently with a political party. They should not (a) hold office in any party political organisation; (b) speak in public on matters of party political controversy; (c) write letters to the Press, publish books or articles, or circulate leaflets setting forth their views on party political matters; (d) canvass in support of political candidatures. (Paragraph 70.)

8. In the sphere of public affairs which are not matters of party controversy, civil servants should be given more latitude to play their part in the normal activities of citizenship, so long as they do so in an unofficial capacity and observe the code of reserve. (Paragraphs 71-74.)

9. We draw attention to the tendency apparent over a number of years for the delegates of certain staff associations at conferences to make speeches of a political nature inconsistent, in the case of serving civil servants, with the existing rules of conduct. If our recommendations are adopted, no such problem will arise in the case of associations representing grades "below the line." We consider that members of associations representing grades "above the line" may be trusted to pay regard to our general recommendations. (Paragraphs 75-80.)

10. Despite the growing tendency of local government to be run on party political lines we are averse from treating it at present in the same way as national politics. We recommend the substitution of a general rule in place of varying departmental regulations. (Paragraphs 81-86.) Civil servants "above the line" wishing to stand for local office should seek the permission of their Department. (Paragraph 87.) Permission should be granted wherever possible, subject to the applicant being able to comply with the convention requiring a reserve in political matters and avoid becoming involved in national party political controversy; this does not, however, preclude him from speaking in public, writing to the press, or circulating leaflets setting forth his views, so long as he confines himself to local issues and acts with moderation. (Paragraph 87.) Heads of Departments should consult together to secure greater uniformity in the exercise of their discretionary powers. (Paragraph 88.) They should also draw up a list of those Departments whose staffs, either wholly or partially, must be excluded from taking part in local government. (Paragraph 89.)

11. The whole position in regard to participation in local government should be reviewed in five years' time. (Paragraph 91.)

12. A statement of the rules governing political activity should be sent to every successful candidate when he is offered an appointment in the Civil Service. (Paragraph 92.)

13. The results of these recommendations, if accepted, would be as follows:—

(i) To increase from about 200,000 to about 666,000 (out of a total of approximately 1,136,000) the number of civil servants having a right to stand for Parliament without resignation unless elected;

(ii) To give complete political freedom to the same number;

(iii) To maintain the existing limitations upon the rest of the Civil Service, subject to variations in detail.

We wish to express our appreciation of the many and most valuable services rendered to us by our Secretary, Mr. F. C. Newton, of the Treasury. His familiarity with the earlier history of this subject and his capacity for handling large bodies of evidence have contributed in high degree to the successful performance of our task.

(Signed) J. C. MASTERMAN.
R. FORBES ADAM.
EDWARD CADOGAN.
W. CASH, JR.
D. N. CHESTER.
MYRA CURTIS.
R. V. N. HOPKINS.
MILES E. MITCHELL.
J. W. STEPHENSON.
H. GRAHAM WHITE.

26th April, 1949.

LIST OF APPENDICES

1. List of witnesses who gave oral evidence.
2. List of memoranda of written evidence received.
3. Analysis of Civil Service by numbers employed in the main grades.
4. Copy of the Servants of the Crown (Parliamentary Candidature) Order, 1927.
5. Examples of existing departmental rules on "other" political activities.
6. Examples of existing departmental rules on participation in local government.
7. Grades above and below the line of demarcation proposed by the Committee.
8. Position of main staff associations following the repeal in 1946 of the Trade Disputes and Trade Unions Act, 1927, as regards affiliation to the T.U.C. and political parties.

APPENDIX 1

LIST OF WITNESSES

(1) Official :—

- Sir Edward Bridges, G.C.B., G.C.V.O., M.C. (Permanent Secretary to the Treasury).
- Sir Edward Appleton, G.B.E., K.C.B., F.R.S. (Secretary to the Department of Scientific and Industrial Research).
- Sir Eric Bamford, K.B.E., C.B., C.M.G. (Chairman of the Board of Inland Revenue).
- Sir Raymond Birchall, K.C.B., K.B.E. (Director General of the Post Office).
- Mr. H. A. Caccia, C.M.G. (Assistant Under-Secretary of State, Foreign Office).
- Sir William Croft, K.B.E., C.I.E., C.V.O. (Chairman of the Board of Customs and Excise).
- Mr. G. H. Curtis (Chief Land Registrar).
- Sir William Douglas, K.C.B., K.B.E. (Secretary to the Ministry of Health).
- Mr. E. M. T. Frith, (Under-Secretary and Director of Establishments, Ministry of Health).
- Mr. R. J. P. Harvey (Regional Director, Home Counties, Post Office).
- Sir Godfrey Ince, K.C.B., K.B.E. (Secretary to the Ministry of Labour and National Service).
- Sir Percivale Liesching, K.C.B., K.C.M.G. (Permanent Under-Secretary of State, Commonwealth Relations Office; formerly Secretary to the Ministry of Food).
- Sir Frank Newsam, K.B.E., C.V.O., M.C. (Permanent Under-Secretary of State, Home Office).
- Sir Thomas Phillips, G.B.E., K.C.B. (Secretary to the Ministry of National Insurance).
- Sir Archibald Rowlands, G.C.B., M.B.E. (Permanent Secretary to the Ministry of Supply).
- Mr. J. Scholes, C.B., O.B.E. (Assistant Director-General (Personnel), Post Office).
- Sir Eric Speed, K.C.B., K.B.E., M.C., J.P. (formerly Permanent Under-Secretary of State for War), representing the Service Departments.
- Sir Percival Waterfield, C.B. (First Civil Service Commissioner).
- Sir John H. E. Woods, K.C.B., M.V.O. (Permanent Secretary to the Board of Trade).

(2) Non-official :—

- Rt. Hon. Sir John Anderson, G.C.B., G.C.S.I., G.C.I.E., F.R.S., M.P.
- Professor F. A. Bland (formerly Professor of Public Administration, University of Sydney, N.S.W.).
- Professor Harold J. Laski (Professor of Political Science, University of London).
- Rt. Hon. Sir Arthur Salter, G.B.E., K.C.B., M.P.
- Professor William A. Robson (Professor of Public Administration, University of London).

(3) Staff side representatives :—

Civil Service National Whitley Council (Staff Side)

- Mr. A. J. T. Day, C.B.E. (Chairman).
- Mr. E. E. Buck.
- Mr. G. V. Carvell.
- Mr. D. J. W. Coward.
- Mr. G. Douglas.
- Mr. W. J. Ellerby.
- Mr. P. H. M. Hoey.
- Mr. T. R. Jones (Secretary).
- Mr. E. C. Redhead, J.P.
- Mr. E. M. Thomas.

Association of First Division Civil Servants:

- Mr. E. F. Muir (Chairman).
- Mr. J. S. Orme, O.B.E. (Vice-Chairman).
- Mr. G. V. Hole (Hon. Secretary).
- Mr. R. R. Goodison (ex-Hon. Secretary).

Trade Union Side, Joint Co-ordinating Committee for Government Industrial Establishments:

Mr. W. D. Goss (Vice-Chairman).
Mr. H. W. Crane (Secretary).
Mr. G. F. Cook.

(4) **Individual civil servants :—**

Councillor T. E. Evans, J.P., Mayor of Southwark (Overseer, London Postal Region).

Alderman B. F. Marsden-Smedley, O.B.E. (Assistant Secretary, Foreign Office, German Section).

and a number of volunteer witnesses from different grades of the Civil Service.

APPENDIX 2

LIST OF MEMORANDA

(1) **Official :—**

H.M. Treasury.
Admiralty.
Air Ministry.
Civil Service Commission.
H.M. Customs and Excise.
Ministry of Food.
Foreign Office.
Foreign Office Research Department.
Ministry of Health.
Home Office.
Board of Inland Revenue.
H.M. Land Registry.
Ministry of Labour and National Service.
Ministry of National Insurance.
Post Office.
Prison Commission.
Department of Scientific and Industrial Research.
Scottish Office.
Ministry of Supply.
Board of Trade.
War Office.

(2) **Staff Side :—**

Association of First Division Civil Servants.
Staff Side, Civil Service National Whitley Council.
Trade Union Side, Joint Co-ordinating Committee for Government Industrial Establishments.

(3) **Non-official :—**

Association of Municipal Corporations
County Councils Association.
Professor Harold J. Laski.
Rural District Councils Association.
Urban District Councils Association.
and a number of individual civil servants

(4) **Overseas :—**

The Government of the Commonwealth of Australia.
The Government of Canada.
The Government of the French Republic
The Government of New Zealand.
The Government of Saskatchewan.
The Royal Swedish Government.
The Government of the Union of South Africa.
The Government of the United States of America.

APPENDIX 3

NUMBERS OF CIVIL SERVANTS CLASSIFIED BY GRADES

I. Non-Industrials (other than Manipulatives) :—

	<i>Approximate numbers on 1st January, 1949.</i>
Administrative (Home and Foreign Services)	4,300
Professional, Scientific and Technical	80,700
Executive	61,000
Clerical	273,500
Typing	32,000
Total	<u>451,500</u>

II. Minor and Manipulative Grades :—

(a) POST OFFICE :—

Postal and Telegraph Supervising Staff	8,600
Telephone Supervising staff	4,200
Postal and Telegraph Officers:	
Counter Clerks	} (interchangeable)
Writing Clerks	
Some Sorting Clerks	
... ..	21,700
Telegraphists	9,000
Postmen, Higher Grade	20,000
Postmen and auxiliary postmen	96,000
Telephonists	48,000
Other P.O. non-industrials (paperkeepers, cleaners, messengers, etc.)	13,000
Total	<u>220,500</u>

(b) OTHERS :—

Messengers	9,000
Porters	3,000
Cleaners	22,000
Clerks of Works (mainly Ministry of Works)	250
Storeholders (Admiralty and War Office)	400
Barrack and Station Wardens (War Office and Air Ministry)	400
Museum attendants and craftsmen	1,000
Mapping staff (Ordnance Survey)	4,250
Launch crews (Customs and Excise)	600
Foresters	800
Progress-men and other non-industrial supervisory staff in Royal Ordnance Factories	1,750
Foremen, etc., elsewhere	2,500
Service Departments' Constabularies	6,500
Prison Service	3,500
Park-keepers	300
Total	<u>56,250</u>

(NOTE:—Part-time civil servants are reckoned as full-time employees for this purpose.)

Approximate numbers
on 1st January, 1949.

III. Industrials:—

Service Departments	...	...	...	...	...	214,000
Ministry of Supply	...	...	...	...	...	65,000
Post Office:—						
Engineering Department:—						
Assistant Engineers	...	...	...	...	...	3,000
Inspectors	...	...	...	...	...	1,000
Technicians	...	...	...	...	...	11,000
Skilled workmen	...	...	...	...	...	37,000
Labourers	...	...	...	...	...	3,000
Youths in training	...	...	...	...	...	3,000
Motor Transport Section Staff	...	...	...	...	...	3,000
Miscellaneous:—						
Tradesmen						
Submarine Cable staff	}	...	...	...	...	1,000
Photoprinting staff, etc.						
Store Department Staff	...	...	...	...	...	2,000
Factories Department Staff	...	...	...	...	...	3,000
					Total	67,000
Civil Departments:—						
Ministry of Works	...	...	...	...	...	33,000
Forestry Commission	...	...	...	...	...	12,000
Stationery Office	...	...	...	...	...	4,500
Royal Mint	...	...	...	...	...	800
Agricultural Departments	...	...	...	...	...	2,500
Ministry of Civil Aviation	...	...	...	...	...	2,000
State Management Districts	...	...	...	...	...	1,000
Home Office	...	...	...	...	...	1,200
Ministry of Labour (Training Centres)	...	...	...	...	...	1,000
Others	...	...	...	...	...	4,500
					Total	62,500
					TOTAL (Industrials)	408,500

(NOTE:—Part-time civil servants are reckoned as full-time employees for this purpose.)

APPENDIX 4

SERVANTS OF THE CROWN (PARLIAMENTARY CANDIDATURE)
ORDER, 1927

AT THE COURT AT BUCKINGHAM PALACE,

The 25th day of July, 1927

Present,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

Whereas it appears expedient to His Majesty, on representations made to Him by the Lords Commissioners of the Treasury, the Lords Commissioners of the Admiralty, the Army Council and the Air Council that the conditions regulating the right of servants of the Crown to become candidates at Parliamentary elections should be made uniform:

NOW, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. No person employed by or under the Crown to whom this Order applies shall issue an address to electors or in any other manner publicly announce himself or allow himself to be publicly announced as a candidate or a prospective candidate for election to Parliament for any constituency until he has retired or resigned from such employment.

2. This Order does not apply:—

- (a) to persons holding political offices, or
- (b) to officers on the retired or emergency lists of the Royal Navy or Royal Marines or Royal Air Force or to officers and men of any of the auxiliary or reserve forces (including officers in any reserve of officers) as such, except when embodied or called out on permanent or active service or otherwise employed under conditions to be prescribed by regulations made in pursuance of this Order; or
- (c) to persons employed in an industrial capacity in establishments under the Admiralty, Army Council or Air Council, being establishments certified by the Treasury to be establishments of an industrial or predominantly industrial character, other than persons employed in such supervisory grades as may be specified in regulations made by the department concerned and approved by the Treasury;

but, save as aforesaid, shall apply to all persons in the naval, military, air or civil service of the Crown, or otherwise employed by or under the Crown, whether such employment is of a permanent or temporary nature, and whether established or unestablished.

3. For the purpose of this Order, the expression "political office" means any office which is usually held by a member of one or other of the Houses of Parliament, and in relation to officers and men in the naval, military and air service of the Crown, the expressions "retired or resigned" and "auxiliary and reserve forces" have such meanings as may be prescribed by regulations made in pursuance of this Order.

4. The Lords Commissioners of the Admiralty, the Army Council and the Air Council shall provide for the issue of the necessary regulations for giving effect to this Order so far as it relates to persons in the naval, military and air service of the Crown.

5. Article 16 of the Order in Council, dated the tenth day of January, nineteen hundred and ten, relating to His Majesty's civil establishments and the conditions of service therein, is hereby revoked.

6. This Order may be cited as the Servants of the Crown (Parliamentary Candidature) Order, 1927.

M. P. A. HANKEY.

APPENDIX 5

OTHER POLITICAL ACTIVITIES

EXAMPLES OF EXISTING DEPARTMENTAL RULES

APPLICABLE TO NON-INDUSTRIAL GRADES

Treasury rule, adopted by Admiralty, Ministry of Food, Scottish Home Department, and certain other Departments:—

"Civil servants are expected to maintain at all times a reserve in political matters, and not put themselves forward prominently on one side or the other."

Ministry of Agriculture:—

"It is a well-understood rule that civil servants should refrain from taking an overt part in public political affairs."

Board of Customs and Excise:—

"In view of the nature of the work of the Department, the Board expect officers of all ranks to exercise a reserve in political matters and not to engage in active participation in the work of any political organisation."

Foreign Office:—

"No member of the Foreign Service may engage in any political activity which might in any way conflict with the interests of the Service or be inconsistent with his position as a member of the Foreign Service."

Ministry of Education:—

"It is a well-understood rule of the Service that civil servants should refrain from taking an active share in party politics, or engaging publicly in political controversy."

Ministry of Health:—

"No member of the staff may engage in any other occupation or undertaking which might in any way conflict with the interests of the Department or be inconsistent with his position as a public servant."

Home Office :—

"Officers of the Department are required to act discreetly in all matters in which their conduct may become the subject of public criticism. They may not take a prominent part in party politics or in any public discussions with regard to the public conduct of Ministers or the policy of the Government."

Central Office of Information :—

"An officer of the Ministry may not take a prominent part in party politics or in any public discussion with regard to the public conduct of Ministers or the policy of the Government."

Board of Inland Revenue :—

"No serving officer of the Department . . . may become a Parliamentary candidate, nor may he publicly support the candidature of any person standing for election to Parliament. Officers stationed in the provinces are under a special obligation to abstain from taking an active part in public matters of a contentious character."

Ministry of Labour and National Service :—

"A civil servant is also expected to refrain from taking any prominent part in politics, and to maintain a proper reticence in discussing public affairs, particularly those with which his own Department is concerned."

Post Office :—

"(a) Officers of the Post Office are eligible to be placed on the Parliamentary Register, and to vote at a Parliamentary Election. Nevertheless, it is expected of them as Public Servants that they will at all times maintain a certain reserve in political matters, and not put themselves forward on one side or the other. (For Sub-Postmasters only: This is especially the case with Sub-Postmasters, whose study it should be to retain the confidence of their neighbours and carefully to avoid doing anything that may lend colour to the suggestion that in the discharge of their official duties they are influenced by political or party motives.)"

(b) In pursuance of this general principle the following regulations have been laid down:—

- (i) No officer shall serve on a Committee having for its object to promote or prevent the return of a particular candidate to Parliament or to promote the interests of a political party.
- (ii) No officer shall support or oppose any particular candidate or party at any time either by public speaking or writing.
- (iii) No notice soliciting votes for any particular candidate shall be exhibited either within or without any Post Office or other buildings under the control of the Department; and within such buildings no memorial or address with a party object shall lie for signature or be exhibited.
- (iv) Any officer who observes that a mail cart has affixed to it a placard soliciting votes for a particular candidate should report the fact without delay.
- (v) No officer shall, when in uniform, take part in any demonstration of a political or party character.

(c) These regulations are not regarded as necessarily precluding Post Office Servants from undertaking canvassing work at Election times when they are not on duty and are not in uniform. It is, however, obvious that in the case of certain of the more responsible grades, active canvassing would be incompatible with their official position, and whilst the Postmaster General prefers to leave this question to the discretion and good sense of the staff, he must reserve to himself the right to specify certain grades the members of which may be forbidden to undertake political canvassing."

Ministry of Works :—

"Officers of the Ministry are required to act discreetly in all matters in which their conduct may become the subject of public criticism. They may not take a prominent part in party politics or in any public discussion with regard to the public conduct of Ministers or the policy of the Government."

War Office :—

"An official will not engage in any activity which would in any way tend to impair his usefulness as a public servant or which might conflict with the interests of the Department or be inconsistent with his position as a public servant."

The Air Ministry has an identical rule, and the regulation has also been adopted by the Ministry of Supply.

"A Handbook for the New Civil Servant" issued by H.M. Treasury to all Departments, contains the following paragraph:—

"... A civil servant must not take any open part in political controversy, even if he is not thinking of standing for Parliament. This does not mean that you may not have your private political opinions, that you may not vote at an election, or even that you may not belong to a political party; but it does mean that you must not do anything which might cause the general public, who do not know you, to doubt whether you can be an impartial servant. It makes no difference, of course, which political party you adhere to; the party which forms the Government to-day may be in opposition next year, or next week, and if your loyalty to the Government is not doubted now it may be doubted then."

APPENDIX 6

LOCAL GOVERNMENT ACTIVITIES

EXAMPLES OF EXISTING RULES APPLICABLE TO NON-INDUSTRIAL GRADES

General

"It will rest with the Head of each Department to determine whether, and if so, upon what conditions an officer of his Department may become a candidate for, or serve on, any Local Council, provided that the duties involved in such candidature or service shall not conflict with the personal performance of the officer's duties to the Department." (Treasury Circular of 15th November, 1909.)

Admiralty

"The permission of the Board must be obtained if any officer serving under the Admiralty wishes to stand as a candidate for membership of a County Council, municipal body, etc."

Air Ministry

"(a) Civilians employed in Air Ministry establishments may not hold municipal appointments or parochial offices, or any public situation, except as stated in sub-paragraph (b).

(b) They may become candidates for, or serve on, a County Council, District Council, Parish Council, Borough Council or an Education Committee. With regard to these appointments the policy is to allow civilians reasonable facilities for serving, even although the hours of meeting of Councils or Committees may conflict with the working hours of the establishment; but the Air Ministry reserve the right to require a civilian to retire from any such Council or Committee if it is found that his membership requires him to be absent from official duty during ordinary working hours and that this involves serious inconvenience to the public service."

Central Office of Information

"1. Members of the staff are reminded that they may not stand in Local Government elections, or serve on Local Councils or Council Committees, without the Department's permission, for which they must apply to Establishment and Organization Division.

2. There are reasons special to the work of the Information Services for withholding permission as a general rule, except for industrial staff, typists, messengers, etc. Permission, however, will not be refused to retiring Councillors wishing to stand for re-election to the same Council.

3. Co-option to the Committees of Local Authorities will in general be permitted."

Customs and Excise

"The Board's permission is to be obtained before any officer accepts any corporate office or appointment as a Justice of the Peace or becomes a candidate for, or serves on, any Local Council, Board, or Committee. Applications are to contain a full statement of duties of such office, candidature or service, and the times and place at which the meetings are held."

Ministry of Education

"Officers of the Board are not permitted to serve on any County Council, Borough Council, District Council or Parish Council, without the sanction of the Board."

Ministry of Food

"Officers of the Ministry of Food are not allowed to become candidates for County Councils or Borough Councils nor to serve in any municipal office without special permission obtained in each case from Establishments Department Headquarters. They are not precluded from serving on District Councils (except in the case of Divisional Food Officers, Food Executive Officers and their staff who must obtain special permission as indicated above) or on Parish Councils, if the meetings are held at such times that attendance will not interfere with their official duties."

Ministry of Health

"No member of the staff may become a candidate for membership of any County, Borough, District or Parish Council, or serve as a co-opted member of any Committee of such Councils." (This rule does not apply to Minor and Manipulative staff or to Typing grades.)

Inland Revenue

"The permission of the Board must be obtained before a serving officer becomes a candidate for election to any Local Government body. Permission will not normally be withheld in the case of an officer stationed within the Metropolitan Area."

Ministry of Labour and National Service

"Officers of the Ministry of Labour and National Service are not allowed to become candidates for County Councils or Borough Councils. They are not allowed to become candidates for other Councils or accept municipal office except with the consent of the Permanent Secretary."

Post Office

"An officer of the Department may become a candidate for, or serve on, any County, Municipal or Local Council provided that the duties involved in such candidature or service do not conflict with his duties in the Department. If the duties are found to conflict, the officer will be required to resign from the Council."

Ministry of Town and Country Planning

There is no written Departmental rule, but applications to stand for election to Councils of Local Authorities have been refused.

Ministry of Transport

"No member of the staff may become a candidate for membership of any County, Borough, District or Parish Council, or serve as a co-opted member of any Committee of such Councils without first obtaining the permission of the Head of the Department. Each application will be treated on its merits, but it must be understood that permission will not normally be given to officers serving in branches which are brought into relationship with Local Authorities."

War Office

(a) All Headquarters staff:

"By the terms of Treasury letter No. 22247 of 15th November, 1909, it rests with the Permanent Under-Secretary to determine whether and on what conditions a civil servant may become a candidate for, or serve on any local council. An essential condition would be that the duties involved in such candidature or service should not conflict with the performance of the official's duties in the Department.

Special leave with full pay, up to a maximum of 12 days in each leave year, is granted to members of Town and County Councils and of Urban and Rural District Councils, for the purpose of attending Council meetings. Such leave may be taken in half days."

(b) Civilian staff at War Department Outstations:

"Employees may serve on a local council on the understanding that membership of such public body does not interfere with the efficient performance of their duties as employees of the War Department, and that the usual times of meetings do not conflict with working hours. If, however, a meeting has to be held during official hours, leave may be specially granted, provided that the work of the establishment will not suffer through the absence of the employee concerned. . . . Employees may not hold municipal or parochial appointments or any similar offices without War Office sanction."

APPENDIX 7

THE LINE OF DEMARCATION PROPOSED BY THE COMMITTEE

<i>Grades</i>	<i>Approximate numbers on 1st January, 1949</i>
Administrative (Home and Foreign)	4,300
Professional, Scientific and Technical	80,700
Executive	61,000
Clerical	273,500
Typing	32,000
Service Departments' Constabularies	6,500
Post Office Supervisory Manipulatives	12,800*
Total above the line	470,800

Minor and Manipulative Grades:

(a) Post Office	207,700
(b) Other	49,750

Industrials:

(a) Service Departments	214,000
(b) Ministry of Supply	65,000
(c) Post Office	67,000
(d) Others	62,500

Total below the line	665,950
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The majority of the Committee recommend that these grades be placed above the line.

APPENDIX 8

POSITION OF PRINCIPAL STAFF ASSOCIATIONS FOLLOWING REPEAL OF TRADE DISPUTES ACT

<i>Association</i>	<i>Approximate membership 1948</i>	<i>Whether affiliated to T.U.C.</i>	<i>Whether affiliated to a Political Party</i>
Institution of Professional Civil Servants.	31,000	No	No
Association of Inspectors of Taxes	1,500	—ballot against	No
Society of Civil Servants	26,000	No	No
		—ballot against	
Ministry of Labour Staff Association	18,000	Yes	No
Inland Revenue Staff Federation ...	36,000	Yes	No
Civil Service Clerical Association ...	149,000	Yes	No*
Association of C.S. Designers and Draughtsmen.	3,500	Yes	No
Civil Service Union	20,000	Yes	No
Federation of P.O. Supervising Officers.	13,000	No	No
		(Decision left to individual associations)	
P.O. Engineering Union	56,000	Yes	No
Union of P.O. Workers	147,000	Yes	Yes

Note

* The C.S.C.A. has announced its intention of holding a ballot on the question of whether to set up a political fund.

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