

# A new Civil Service Act

Improving the management, functioning  
and oversight of the civil service



# About this report

The Institute for Government has led calls in recent years for a new statute for the civil service – to underpin its role as a vital part of the state and to improve its management and oversight. This paper presents a draft Bill to achieve these objectives, accompanied by explanatory notes.

 [@instituteforgovernment.org.uk](https://twitter.com/instituteforgovernment.org.uk)

 [www.instituteforgovernment.org.uk](http://www.instituteforgovernment.org.uk)

---

## Foreword

Since our foundation the Institute for Government has argued for improved accountability in government and researched ways to achieve it. In recent years we have led calls for a new statute for the civil service to underpin its role as a vital part of the state, and to improve its management and oversight. This paper presents a draft Bill designed to achieve these objectives.

### **Improving the performance of the civil service**

Every year the Institute for Government publishes *Whitehall Monitor*, our assessment of the health of the civil service. Every year we highlight similar themes: excessive staff churn, the need for more and deeper expertise in the civil service, grade inflation and the challenges posed by pay restraint. We also cover positive trends, like a civil service that increasingly reflects the country it serves, and progress towards the government's targets on civil service relocation.

All of these themes are important when assessing the effectiveness of the civil service. But there is one constant: that there is general agreement on what needs to change to improve the civil service, but that structural barriers mean that progress on this is too slow and too partial.

Our argument is that this comes down to the core, remarkable fact that nobody really runs the civil service. The cabinet secretary is head of the civil service, but on the management and operation of the civil service as a whole has limited authority, including over permanent secretaries. Each permanent secretary is – for historical reasons – accountable to their secretary of state more than their civil service boss. It is time to resolve this gap and to put the civil service on a stable footing to best serve the country amid the complexities of government in the 21st century.

### **Building on our existing research**

Our research in recent years has grappled with the problem of how to maintain political and ministerial accountability for the policy and overall performance of the government, while improving the clarity of responsibility, and therefore accountability, for the leadership and management of the civil service.

In 2022 we published *A New Statutory Role for the Civil Service*, which sought to address these deep questions of governance. The new statutory role we proposed would:

**act as a statement of the civil service's permanence, its values, its objectives and [articulate] how – at the highest level – it should be run and held to account. It would define the civil service's position in government and its operation and set out a governance structure that improves accountability while at the same time reinforcing and strengthening its legitimacy.**

---

We described, at a high level, what legislation to achieve this might look like, and how it would help both underpin the standing of the civil service and better hold its leadership to account.

In 2024, in *Power with Purpose*, the final report from our Commission on the Centre of Government, we developed our arguments further. As well as making changes to No.10, abolishing the Cabinet Office and implementing a new, more strategic approach to how priorities are set and budgets allocated, we said that:

**A statute would set out unambiguously the responsibilities of civil servants, and so what they should be held accountable for. It would operate by placing a stewardship accountability directly on to the head of the civil service and permanent secretaries, making them responsible for ensuring the civil service is able to effectively serve the government of the day while retaining the ability to serve future governments.**

## **The Civil Service Bill**

In this paper we set out what that statute should look like, in the form of a draft Bill. This is reproduced in full over the following pages, after which we outline in more detail in an Explanatory Notes section how the clauses would achieve our objectives and are designed to take effect. Our intention is to build on existing legislation and show how new accountability and oversight arrangements could work. We are grateful to Dr Ronan Cormacain for his work drafting the Bill.

There is an ongoing discussion about the role of the civil service, its permanence, impartiality and effectiveness. We hope this specific and workable draft legislation adds to that discussion and welcome reactions, support – as well as constructive disagreement and critique – to help further our proposals for reform.



**Dr Hannah White OBE**, Director and CEO, Institute for Government

---

# The Civil Service Bill

A

## BILL

TO

Make provision for the management, functions and oversight of the civil service of the state, and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **The civil service**

1. Part 1 of the Constitutional Reform and Governance Act 2010 (the civil service) is amended in accordance with this Act.

### **Management functions in relation to Cabinet Secretary, Head of the Civil Service and permanent secretaries**

2.—(1) After section 14 insert—

*“Management functions in relation to Cabinet Secretary, Head of the Civil Service and permanent secretaries*

#### **Management functions in relation to the Cabinet Secretary**

**14A.**—(1) Only the Civil Service Board may exercise management functions in relation to the Cabinet Secretary.

(2) In exercising those functions the Board must consult with the Prime Minister.

#### **Management functions in relation to the Head of the Civil Service**

**14B.**—(1) Only the Cabinet Secretary may exercise management functions in relation to the Head of the Civil Service.

(2) In exercising those functions the Cabinet Secretary must consult with the Civil Service Board.

---

### **Management functions in relation to permanent secretaries**

**14C.**—(1) Only the Cabinet Secretary may exercise management functions in relation to permanent secretaries.

(2) In exercising those functions the Cabinet Secretary must consult with—

- (a) the Civil Service Board,
- (b) the relevant minister.

(3) For the purposes of this section “permanent secretary” means—

- (a) a permanent secretary of His Majesty’s Government in the United Kingdom,
- (b) the permanent secretary of the Scottish Government,
- (c) the permanent secretary of the Welsh Government.

(4) For the purposes of this section, the relevant minister means —

- (a) in respect of a permanent secretary of His Majesty’s Government in the United Kingdom, the Minister of the Crown who leads the department in which the permanent secretary serves,
- (b) in respect of the permanent secretary of the Scottish Government, the First Minister of Scotland,
- (c) in respect of the permanent secretary of the Welsh Government, the First Minister of Wales.

### **Meaning of management functions**

**14D.** For the purposes of this Chapter, “management functions” in relation to a position includes—

- (a) selecting a person for appointment,
- (b) determining the terms and conditions,
- (c) appraising or evaluating the performance of the person,
- (d) directing the activity of the person in respect of matters relating to the capability of the civil service,
- (e) dismissing the person,
- (f) where the position is vacant, temporarily appointing a person.

### **Head of the Civil Service**

**14E.**—(1) The Cabinet Secretary may, with the agreement of the Civil Service Board, determine if there is to be a Head of the Civil Service who is a different person from the Cabinet Secretary.

(2) The Cabinet Secretary may delegate some of their functions to the Head of the Civil Service.

(3) Where subsection (2) applies, a reference in this Act to the Cabinet Secretary is to be read as a reference to the Head of the Civil Service, in respect of a function which has been delegated to the Head of the Civil Service.”

(2) In section 11(2) for “the Minister for the Civil Service” substitute “the Civil Service Board”.

(3) In section 18(1)—

(a) in the definition of civil service management authority, at the end insert “, including the Civil Service Board”,

(b) insert at the appropriate place in alphabetical order—

“Civil Service Board” has the meaning given in Chapter 3.”

---

**Statutory basis for the civil service**

3.—(1) After section 19 insert—

**“Chapter 3**

**STATUTORY BASIS FOR THE CIVIL SERVICE**

*Nature of the civil service*

**The civil service**

**19A.** The civil service of the state exists as part of the state.

*Application*

**Application of Chapter**

**19B.**—(1) Section 19A applies to the civil service of the state.

(2) The other provisions of this Chapter apply to the civil service of the state in the same way that Chapter 1 applies to the civil service of the state, as set out in section 1.

*Function and capability of the civil service*

**Primary function of the civil service**

**19C.**—(1) The primary function of the civil service is to serve the administrations listed in subsection (2) by—

- (a) offering advice,
- (b) implementing decisions, and
- (c) carrying out activities assigned to it.

(2) Those administrations are—

- (a) His Majesty’s Government in the United Kingdom,
- (b) the Scottish Government,
- (c) the Welsh Government.

(3) The civil service must maintain the capability to fulfil its primary function.

**Cabinet Secretary to ensure civil service fulfils its primary function and maintains capability**

**19D.** The Cabinet Secretary must ensure that the civil service—

- (a) fulfils its primary function, and
- (b) maintains the capability to fulfil its primary function.

**Oversight of the civil service**

**19E.**—(1) The Civil Service Board must determine the extent to which the civil service—

- (a) is fulfilling its primary function, and
- (b) has the capability to fulfil its primary function.

(2) The Board—

- (a) must exercise its function under subsection (1) at least once every year, and
- (b) may exercise that function at any other time.

---

(3) The Board must develop a framework (“the oversight framework”) to assist in exercising its function under subsection (1).

(4) In developing the oversight framework, the Board must have regard to the following matters—

- (a) standards of policy making and advice to ministers, including advice on the constitutional and administrative responsibilities of the administrations,
- (b) project management,
- (c) finance and procurement,
- (d) the use and management of data and digital services,
- (e) standards of legal advice,
- (f) risk management and crisis response,
- (g) the retention and recruitment on merit of persons qualified to fulfil the primary function.

(5) The oversight framework may set out—

- (a) the manner in which the Board is to determine if the Cabinet Secretary has complied with the duty under section 19D,
- (b) the powers of the Board where it determines the Cabinet Secretary has not complied with that duty.

(6) Without prejudice to the generality of subsection (5)(b) and section 14A, the Board has the power to terminate the employment of the Cabinet Secretary for failure to comply with that duty.

(7) The Prime Minister may by order made by statutory instrument amend subsection (4).

(8) A statutory instrument may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

### **Process for developing the oversight framework**

**19F.**—(1) In developing the oversight framework, the Civil Service Board must consult with—

- (a) the Cabinet Secretary,
- (b) the Head of the Civil Service.

(2) The oversight framework must not be made until it has been agreed to by the Prime Minister.

(3) The Prime Minister must lay the oversight framework before Parliament.

(4) The Board must publish the oversight framework.

(5) The Board may revise the oversight framework from time to time, and subsections (1) to (4) apply to the revised oversight framework as it applies to the initial one.

### **Ministerial directions relating to primary function or capability of the civil service**

**19G.**—(1) This section applies where a relevant minister proposes to proceed with a policy and a permanent secretary considers that the policy would—

- (a) conflict with the primary function of the civil service, or
- (b) undermine the capability of the civil service to fulfil its primary function.

(2) A ministerial direction in respect of that policy may only be requested by the permanent secretary if agreed to by the Cabinet Secretary.

(3) For the purposes of this section, “permanent secretary” and “relevant minister” have the same meanings as in section 14C.

---

(4) This section is without prejudice to any other power of a permanent secretary to request a ministerial direction.

### **Non-justiciability**

**19H.**—(1) The only way of securing that sections 19C to 19G have been complied with is by the Civil Service Board exercising its functions under this Chapter.

(2) Accordingly, the fact that a function in this Chapter has not been exercised, or will or may not be exercised, does not affect the lawfulness of anything done, or omitted to be done, by any person.

### *Civil Service Board*

### **Civil Service Board**

**19I.**—(1) There is established the Civil Service Board.

(2) Schedule 2A makes further provision about the Board.

### **Power of Civil Service Board to require information**

**19J.**—(1) The Civil Service Board may require the Cabinet Secretary to provide the Board with any information the Board requests in respect of the primary function and capability of the civil service.

(2) The Board may require the following persons to attend before the Board and answer such questions as the Board thinks fit in respect of the civil service—

- (a) the Cabinet Secretary,
- (b) the Head of the Civil Service,
- (c) any member of the senior civil service.

(3) No obligation of secrecy imposed by statute or otherwise prevents a person from providing information to the Board in accordance with this section.

(4) A person is not entitled to refuse to provide information to the Board in accordance with this section on the grounds of—

- (a) legal professional privilege (in Scotland, confidentiality of communications),
- (b) public interest immunity.”

(2) After Schedule 2, insert the Schedule to this Act as Schedule 2A.

### **Consequential amendments**

4. The following consequential amendments have effect—

- (a) in Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975, at the appropriate place, insert “The Civil Service Board, other than the Chair of that Board, or a person appointed to that Board by the First Ministers of Scotland or Wales”,
- (b) in Part 2 of Schedule 1A to the Government of Wales Act 2006 at the appropriate place insert “The Civil Service Board, other than a person appointed by the First Minister”,
- (c) in Part 1 of the Schedule to the Scottish Parliament (Disqualification) Order 2020, at the appropriate place insert “any member of the Civil Service Board, other than a person appointed by the First Minister”,
- (d) in Part 6 of Schedule 1 to the Freedom of Information Act 1998 at the appropriate place insert “The Civil Service Board”.

### **Extent**

5. This Act extends to England and Wales and Scotland.

---

### **Commencement and transitional provision**

6.—(1) This Act comes into force on [ ] 2025.

(2) Sections 14A to 14E, 19D and 19G of the Constitutional Reform and Governance Act 2010 (as inserted by this Act) apply in respect of the persons who were in the positions referred to in those provisions on the day before those provisions come into force.

(3) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.

(4) The power to make regulations under subsection (3) includes power to make different provision for different purposes or areas.

(5) Regulations under this section are to be made by statutory instrument.

(6) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament.

### **Short title**

7. This Act may be cited as the Civil Service Act 2025.

## **SCHEDULE**

### **Schedule to be inserted as Schedule 2A to the Constitutional Reform and Governance Act 2010**

#### **“SCHEDULE 2A CIVIL SERVICE BOARD**

Section 19I

##### *Membership of the Board*

### **Membership**

1. The Board consists of the following members—

- (a) the Chair,
- (b) the First Civil Service Commissioner,
- (c) the Lead Non-executive Director,
- (d) a person appointed by the First Minister of Scotland,
- (e) a person appointed by the First Minister of Wales,
- (f) between 2 and 5 other persons.

### **Appointment of Chair**

2.—(1) The Chair is appointed by the Prime Minister.

(2) The terms on which the Chair holds office are determined by the Prime Minister.

(3) The Prime Minister may dismiss the Chair at any time.

### **Appointment of Lead Non-executive Director and others**

3.—(1) This paragraph is about the Lead Non-executive Director and the members referred to in paragraph 1(f).

- 
- (2) Those persons are appointed by the Prime Minister.
  - (3) Appointment must be on merit on the basis of fair and open competition.
  - (4) The terms on which the person holds office are determined by the Prime Minister.
  - (5) If the office of Chair is vacant, the Prime Minister may authorise one of those persons to carry out the functions of Chair until the vacancy is filled.

#### **Appointment of persons by First Ministers of Scotland and Wales**

4.—(1) This paragraph is about the members appointed by the First Ministers of Scotland and Wales.

- (2) The terms on which those persons hold office are determined by the person who appointed them.
- (3) The person who appointed them may dismiss them at any time.

#### **Payment of remuneration and allowances etc**

5.—(1) The terms mentioned in paragraphs 2 to 4 may provide for the Board—

- (a) to pay remuneration and allowances to the person appointed,
  - (b) to make provision for a pension in relation to that person.
- (2) The Board must make the payments or provision accordingly.

#### **Non-independence of Chair and persons appointed by First Ministers of Scotland and Wales**

6.—(1) The Chair, a person appointed by the First Minister of Scotland and a person appointed by the First Minister of Wales is to act on behalf of the person that appointed them.

(2) Accordingly, those persons are not required to act independently of the person who appointed them.

#### **Resignation or removal from office**

7.—(1) A member may resign from office by giving written notice to the Prime Minister.

(2) The Prime Minister may remove a member from office if—

- (a) the member is absent from three successive meetings of the Board without the Board's approval,
  - (b) the member is convicted of an offence,
  - (c) the member becomes bankrupt, or
  - (d) the member is unfit or unable to carry out the functions of the office.
- (3) For the purpose of determining if a person is convicted of an offence—
- (a) it does not matter where the member is convicted,
  - (b) an act punishable under the law of a territory outside the United Kingdom constitutes an offence for the purposes of this paragraph (however it is described in that law).
- (4) A member becomes bankrupt if—
- (a) in England and Wales or Northern Ireland, a bankruptcy order is made in relation to the person,
  - (b) in Scotland, the person's estate is sequestrated.

*The Board*

#### **Status**

8.—(1) The Board is a body corporate.

- 
- (2) The Board (including its members and employees) is not to be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (3) The Board's property is not to be regarded as property of, or held on behalf of, the Crown.

### **Powers**

9.—(1) The Board may do anything calculated to facilitate, or incidental or conducive to, the carrying out of any of its functions.

(2) But the Board may not borrow money except with the agreement of the Prime Minister.

(3) Nothing in this Schedule which specifies powers of the Board limits the generality of sub-paragraph (1).

### **Committees**

10.—(1) The Board may establish a committee for the purpose of exercising management functions in relation to the Cabinet Secretary.

(2) That committee must include the First Civil Service Commissioner as a member.

(3) The Board may establish other committees.

(4) Members of a committee may include persons who are not members of the Board.

### **Procedure and proceedings**

11.—(1) The Board may regulate its own procedure, and the procedure of its committees, including quorum.

(2) Where the Board cannot take a decision unanimously, it may take the decision by way of a majority vote.

(3) The validity of proceedings of the Board or a committee is not affected by—

- (a) a vacancy among the members, or
- (b) a defect in the appointment of a member.

### **Staff**

12. The Board may employ staff.

### **Pensions**

13.—(1) Employment by the Board is included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 may apply.

(2) The offices of members of the Board are included among the offices to which such a scheme may apply.

(3) Accordingly, in Schedule 1 to the Superannuation Act 1972 (kinds of employment to which a scheme under section 1 of that Act may apply)—

- (a) at the end of the list of "Other bodies" insert "Civil Service Board",
- (b) in the list of "Offices" insert, at the appropriate place, "member of the Civil Service Board".

(4) The Board must pay the Prime Minister the sums determined by the Prime Minister in relation to any increase attributable to this paragraph in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

(5) The payments must be made at the times directed by the Prime Minister.

---

## **Arrangements for assistance**

**14.**—(1) The Board may make arrangements with other persons for the provision of assistance to the Board.

(2) In particular, arrangements may be made with the Prime Minister for civil servants to provide assistance.

(3) Arrangements may provide for the making of payments by the Board.

## **Delegation**

**15.** Subject to paragraph 10(1) and (2), the Board may delegate functions to—

- (a) any of its members,
- (b) any of its committees,
- (c) any of its employees,
- (d) a person with whom arrangements are made under paragraph 14 or a person (including a civil servant) assisting the Board under such arrangements.

## **Financial provisions**

**16.**—(1) The Prime Minister must pay to the Board the sums determined by the Prime Minister as appropriate for, or in connection with, the carrying out of the Board's functions.

(2) When making a payment, the Prime Minister may impose conditions—

- (a) about how some or all of the money is to be used,
- (b) requiring the Board to follow specified procedures in relation to its costs and expenditure.

(3) Before making a determination under sub-paragraph (1) or imposing a condition under sub-paragraph (2), the Prime Minister must consult the Board.

## **Accounts**

**17.**—(1) The Board must keep proper accounts and proper records in relation to them.

(2) The Board must prepare a statement of accounts for each financial year.

(3) The statement must give a true and fair view of—

- (a) the state of the Board's affairs at the end of the financial year, and
- (b) the Board's income and expenditure and cash flows in the financial year.

(4) The statement must be in compliance with any directions given by the Prime Minister with the Treasury's approval as to—

- (a) the information to be contained in the statement,
- (b) the manner in which the information is to be presented, or
- (c) the methods and principles according to which the statement is to be prepared.

(5) The Board must send the statement to the Prime Minister at such time as the Prime Minister may direct.

(6) The Prime Minister must then send the statement to the Comptroller and Auditor General.

(7) The Comptroller and Auditor General must—

- (a) examine, certify and report on the statement, and
- (b) lay copies of the statement and the report before Parliament (unless it has been arranged for the Prime Minister to do so).

---

### **Annual report**

**18.**—(1) As soon as reasonably practicable after the end of each financial year the Board must prepare a report on the exercise of its functions during that financial year.

(2) That report must include information on the exercise of its function under section 19E(1).

(3) The Board must—

- (a) arrange for its report to be laid before Parliament, the Scottish Parliament and Senedd Cymru,
- (b) publish it.

### **Meaning of financial year**

**19.** For the purposes of paragraphs 17 and 18, each of the following is a “financial year”—

- (a) the period which begins when section 19I of this Act comes into force and ends with the following 31 March,
- (b) each successive period of 12 months.”

---

# The Civil Service Bill: explanatory notes

## Policy intent and background

1. The purpose of the Bill is to improve the management, functioning and oversight of the civil service.
2. The Bill clarifies the responsibilities of the civil service, as well as improving the accountability mechanisms that apply to the civil service by setting them out in statute.
3. The Bill builds on, and is designed to be inserted into, the Constitutional Reform and Governance Act 2010. The Bill is structured accordingly, as reflected in clause 1.

## Civil service leadership and accountability

4. At present, the lines of accountability between ministers and civil servants are confused. Ministers are nominally accountable for everything, including the actions of civil servants. The so-called 'Armstrong Memorandum' (in full The Duties and Responsibilities of Civil Servants in Relation to Ministers) sets out the theoretical position: that ministers are accountable to parliament, and civil servants are accountable to ministers.
5. But in practice the range and extent of government activity is too broad for this to hold. Governments have attempted to maintain the theoretical Armstrong position in increasingly untenable circumstances. This creates an accountability gap, where ministers (fairly or unfairly) blame civil servants by implication for things that go wrong, while civil servants can hide behind the doctrine of ministerial accountability.
6. Ministers, parliamentary committees, the media and the civil service itself have already in practice accepted that the Armstrong view of accountability is not absolute. Senior civil servants are called upon to testify before select committees, and reporting about government mistakes can – sometimes – distinguish between ministerial and official errors.
7. But the continuing lack of clarity around accountability makes assigning responsibility a difficult and protracted process. Better outlining in statute who is accountable for what and the mechanisms by which that accountability can be enforced, by way of clarifying who has management responsibility for the senior civil service, will reduce confusion. Knowing who is responsible, and so accountable, for what will build positive incentives into the relationship between ministers and civil servants.

- 
8. Clause 2 achieves this clarity by defining the role of the cabinet secretary. It establishes a Civil Service Board whose main responsibility is the appointment and performance appraisal of the cabinet secretary. It grants the Board powers needed to effectively direct the activity of the cabinet secretary towards the fulfilment of his or her duties. It is also able to exercise the power of dismissal.
  9. Clause 2 also sets out that it is only the cabinet secretary who can exercise management functions with respect to permanent secretaries. This strengthens the lines of accountability around permanent secretaries, who will be firmly accountable for their performance to the cabinet secretary. Performance management of permanent secretaries is carried out in the context of an explicit recognition, in clause 3, that the primary function of the civil service is to serve the sitting administration.
  10. Recognising that it is legitimate for there to be some political input (although not political decision making) into these decisions, the Bill requires the cabinet secretary to consult ministers on the management of the senior civil service.
  11. Clause 2 provides a statutory basis for the delegation of the role of head of the civil service to another person by the cabinet secretary, in consultation with the Civil Service Board. That is a decision that the cabinet secretary may take if he or she feels that the responsibilities attendant to the role would more effectively be exercised by a person not also discharging the other duties attached to the role of cabinet secretary.

## **The statutory basis for the civil service**

12. The Constitutional Reform and Governance Act 2010 sets out in statute some of the core principles underpinning the organisation of the civil service, notably the need for a civil service code that requires civil servants to act with integrity and honesty, and with objectivity and impartiality.
13. But the 2010 Act leaves many ambiguities unresolved. This new Bill sets out explicitly that the civil service exists as an entity within the state. It then goes on to address existing ambiguities by setting out the primary function of the civil service, the requirement to maintain the capability to perform that function, and a clear mechanism through which the civil service can be held to account for fulfilling that function. This will provide a greater clarity of purpose and a clearer basis for resolving disputes and trade-offs.
14. Clause 3 says that the primary function of the civil service is to serve the sitting administrations of HM Government, the Scottish Government and the Welsh Government. It then lists what serving those administrations means: offering advice, implementing decisions and carrying out activities assigned to it. It assigns to the cabinet secretary the responsibility to ensure that the civil service fulfils its primary function, as well as maintaining the capability to fulfil its primary function.

- 
15. The Northern Ireland Civil Service is organised on a different basis to the civil services of the UK, Scotland and Wales. Therefore, this Bill does not deal with the Northern Ireland Civil Service.
  16. Clause 3 also sets out the manner in which the Civil Service Board is to assess whether the civil service is fulfilling its primary function, and has the capability to do so. It requires the Board to develop an 'oversight framework'. In doing so, the Board must have regard to a series of matters that form the core set of responsibilities for the civil service: standards of policy making and advice (though not the policy advice itself), project management, finance and procurement, the use and management of data and digital services, standards of legal advice, risk management and crisis response, and the recruitment and retention of qualified people to do the above.
  17. The Board, as noted above, is able to hold the cabinet secretary to account for whether the civil service is meeting the requirements of this framework. Clarifying the terms by which the cabinet secretary is to be assessed then ensures this goal will be reflected in the performance management of permanent secretaries.
  18. The approach taken by the Bill recognises and makes explicit the existing tension between permanent secretaries taking instruction from the cabinet secretary as their civil service manager and from their secretary of state who sets policy direction for their department. To deal with this tension, clause 3 also sets out the means by which any conflicts can be reconciled between (a) a permanent secretary's obligation to their minister and (b) their responsibility to help maintain the capability of the civil service.
  19. The Bill achieves this by recognising the well established mechanism of a ministerial direction. If a permanent secretary, with the agreement of the cabinet secretary, considers that an instruction from their secretary of state would undermine the capability of the civil service, they can request a ministerial direction. This does not prejudice any other power of a permanent secretary to request a ministerial direction.
  20. The objective of the Bill is to clarify and improve civil service accountability, and to more strongly underpin the functions of the civil service. Its model is for that to be overseen by the new Civil Service Board, not by the courts. Clause 3 therefore makes compliance under the Bill non-justiciable, giving the Board the sole power to secure the compliance of the cabinet secretary with his or her duties.
  21. Clause 3 also sets out that the Board can require information from government departments to ensure that it is able to adequately fulfil its role in holding the cabinet secretary to account.

---

## The Civil Service Board

22. The Civil Service Board, as the key oversight body for the civil service, is charged with performing management functions in relation to the cabinet secretary. Schedule 2A sets out Board membership and other details about its operation. The composition of its membership is intended to ensure a balance between maintaining the confidence of sitting administrations in the effective functioning of the civil service and preserving the independence of the Board and impartiality of the civil service.
23. The Board is to be chaired by a person appointed by the prime minister, to explicitly act as their representative. Unlike the normal model for arm's-length bodies, the chair is explicitly not independent of the person who appointed them. This ensures that the chair of the Board retains the confidence of the sitting administration.
24. Schedule 2A also allows for the first ministers of Scotland and Wales to appoint one member of the Board each. This is in recognition of the role of the cabinet secretary in exercising management functions over the permanent secretaries of the Scottish and Welsh governments.
25. The first civil service commissioner and the lead non-executive director, as well as the two to five other persons, are to be appointed to the Board. The former will be made on an *ex officio* basis and the latter through fair and open competition.
26. The rest of Schedule 2A outlines the powers, structure, procedure and proceedings of the Civil Service Board as a body corporate.



KING  
GEORGE VI  
1895-1952

**The Institute for Government is the leading think tank working to make government more effective.**

We provide rigorous research and analysis, topical commentary and public events to explore the key challenges facing government.

We offer a space for discussion and fresh thinking, to help senior politicians and civil servants think differently and bring about change.

 [instituteforgovernment.org.uk](https://instituteforgovernment.org.uk)

 [enquiries@instituteforgovernment.org.uk](mailto:enquiries@instituteforgovernment.org.uk)

 +44 (0) 20 7747 0400

 [@instituteforgovernment.org.uk](https://twitter.com/instituteforgovernment.org.uk)

**Institute for Government, 2 Carlton Gardens  
London SW1Y 5AA, United Kingdom**