

# NORTHCOTE-TREVELYAN AND THE CIVIL SERVICE CODE

**Andrew Southam** offers a whistle-stop tour of civil service conduct and ethics

Last month, Sue Gray reported on socialising in government during lockdown. A decade ago, the government enshrined civil service conduct in law. One hundred and sixty-eight years earlier, Victorian reformers Charles Trevelyan and Stafford Northcote laid the path towards that code.

Mid-nineteenth century government was polluted by patronage and favouritism and even "gifts". Prominent families gained advantage through personal influence: writer Anthony Trollope acquired a coveted Post Office clerkship through family connections. Northcote and Trevelyan found that candidates of "slender ability" or "questionable character" and even those who "failed in other professions" won positions.

Favouritism governed careers. Sir William Hayter, a parliamentary and patronage secretary to the Treasury in the early 1850s, used two nitwits to compete against favoured candidates, which he claimed had secured many appointments for his Wells constituents.

Growing state complexity, a rising educated middle class, reform influences from intellectual movements stressing "common good", and growing ideas of virtue in Victorian society pushed for change.

Chancellor of the exchequer William Gladstone asked his permanent secretary Trevelyan and conservative politician Stafford Northcote to improve the civil service.

Inspired by seventh century imperial China mandarin exams, their 1854 *Report on the Organisation of the Permanent Civil Service* recommended recruitment of people with sound "general ability" by open competition, and promotion on merit not "preferment, patronage or purchase".

A Civil Service Commission followed in 1855 to oversee these exams and issue certificates of qualification - from 1859, pensions weren't granted without them - and supervise appointments to departments.

Change took time. Critics attacked government incompetence during the Crimea

War of 1853-56. Charles Dickens even lampooned the civil service as the "Circumlocution Office" in *Little Dorrit* (see p5's Words on Whitehall for an extract from the novel).

In June 1879, Liberal Party chancellor of the exchequer Robert Lowe used an order in council to push through the recommendations. While Northcote and Trevelyan preferred statute to overcome "long usage and powerful interests", the civil service mostly developed through royal prerogative rather than acts of parliament.

A permanent, professional and impartial civil service emerged over the next 50 years.

In 1884, Gladstone, by then prime minister, enforced the separation between politicians and officials by insisting civil servants resign when standing for parliament.

Liberal politician Viscount Haldane then established the doctrine of ministerial accountability in 1918. Ministers were accountable to parliament and civil servants advised ministers.

Twentieth century tensions were

The Foreign Office from 1866 shortly after the Northcote-Trevelyan report was published



navigated. Civil servants were caught up in 1920s' scandals of stock market insider trading and the infamous Zinoviev letter, a supposed Soviet plot fomenting British unrest which possibly affected the 1924 general election.

A subsequent investigation set down general principles of officials' behaviour, making clear that civil service conduct "like every other profession, has an unwritten code of ethics and conduct for which the most effective sanction lies in the public opinion of the service itself".

Some 40 years later, senior civil servants' relationship with 1974/5 radical left-wing industry secretary Tony Benn

broke down when they thought he was exceeding government policy. In frustration, Benn sent them a copy of Labour's manifesto saying: "That's what we have been elected to do". Senior officials thought otherwise and insisted on ministerial directions to carry out some instructions.

Whistleblowing brought a new dimension. High-flying defence official Clive Ponting leaked information about the sinking of Argentine naval ship the General Belgrano during the 1982 Falklands conflict. A jury notably acquitted him in 1985 despite his breaching the 1911 Official Secrets Act.

Cabinet secretary Sir Robert Armstrong consequently insisted on loyalty to ministers but gave officials opportunity to speak with senior officers or a permanent secretary - later extended to the civil service head - on matters of conscience.

## "Candidates of 'slender ability' or 'questionable character' won positions"

A parliamentary committee then argued in 1994 for a civil service code of ethics, an independent appeals process and an act to protect civil service values. This was supported by the

Nolan Committee on Standards in Public Life set up by John Major after two MPs were caught earning "cash for questions".

While previous circulars, regulations and handbooks (like those of 1949 or 1980) had described elements of civil servants' behaviour, the resulting new code, published

in 1996, defined their essential values as integrity, honesty, objectivity, and impartiality. And gave them the right to report criminal or unlawful activity to the Civil Service Commission.

Politicisation fears then caused concern. Growing news coverage, a higher profile for civil servants appearing before parliament and growing numbers of special advisers raised worries about eroding civil service values. Fleet Street journalist Alistair Campbell notably took charge of the Downing Street Press Office, controlling civil servants.

The Nolan Committee pushed for a civil service act. Although critics argued that statute protection hindered civil service modernisation, Gordon Brown introduced the Constitutional Reform and Governance Act just before the 2010 general election.

Northcote's and Trevelyan's aspirations for an impartial, meritocratic and objective civil service free from the "evils of patronage", now with a code of behaviour embedded within, had reached the statute book! ■

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