

The accountability of british ministers law public essay

Law



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BE138: Accountability Coursework 2 Title (Question 5): Is the accountability of British ministers, politicians and civil servants real or merely an aspiration?

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Number: 1002387 Word Count: 2855 In the following essay I will analyze the

role and obligations of ministers and the general meaning and idea behind ministers and parliament. Then, I will describe the individual and collective ministerial responsibility with some illustrative examples in order to

understand its importance. Therefore, I will discuss the relationship of

accountability between a minister and an agency. Afterwards, I'm going to

say about the role of civil servants and to whom they are accountable to and

for what purpose. Finally, it will follow a discussion about politicians of how

people see them and what is their opinion. A major part of minister's role is

to be accountable to parliament. Ministers are the most vital figures in

government. Thus, ministers (elected politicians) have experienced

substantial changes during the last years. As Marsh et al., 2000, p. 305 said,

' Ministers, who collectively form the government, have ' multiple roles'

which have changed in recent decades' (cited in Greenwood et al., 2002).

So, each minister is the head of a government department. Some others are

assisting in achieving the office's responsibilities and they are called junior

ministers. Each senior minister has a few political advisers; where each of

them has a number of a thousand civil servants. They are responsible to

advise on policy and ensure its implementation. UK ministers feel the need

of more policy influence than in some other countries. Nonetheless,

minister's role, aims beyond the obvious and extends beyond policy. James

(1999: 12-17) determines seven ministerial roles (cited in Greenwood et al.,

2002). The first one is the policy innovation - initiating new, and modifies existing policies-. Secondly, the policy management is a ministerial role which aims to the implementation of policies within a department. Thirdly, the executive work is a job which includes writing and composing letters, and issuing regulations. Moreover, the parliamentary duties include legislation and parliamentary questions. Additionally, another role would be the departmental ambassador and the responsibilities would be the meeting deputations and attending receptions. Furthermore, a departmental advocate could have the responsibility of promoting departmental interests in committees, meeting, etc. Last but not least, an important role of the minister is the public presentation of policy. In order for the minister to be heard to the public and create a good impression to them, ministers have to participate in television interviews and in general get involved with the media. A fundamental principle of the British Constitution is that the government is accountable through its ministers to Parliament (Woodhouse, 1994: 3). This basically has two meanings. Firstly, it is the executive's obligation to provide all the information and explain all its actions in Parliament in order to justify the appropriate democratic scrutiny. Secondly, the executive is responsible for any concerns and criticisms that may occur in Parliament about its actions because Members of Parliament are democratically elected representatives. The one that holds ministers to account is Parliament, and thus Parliamentary pressure could lead to minister's removal. If a mistake is occurred, indeed the government will be under pressure and therefore a need for political accountability and constitutional requirement will be necessary. Another obligation of ministers

is to make civil servants available to committees. After the government acceptance, some concerns arise in the sense that giving civil servants the authority and responsibility to give information to Parliament may muddle their accountability. A resolution has been agreed, on ministerial accountability, where it will give civil servants duties to parliament only if they fulfill their minister's requirements. The resolution agreed is the following. First of all, ministers are responsible to account to parliament for the different decisions or actions of their department. Secondly, it is crucial that ministers will give to parliament precise and truthful information. Otherwise, the next move of the minister is to offer her/his resignation to the prime minister, due to the deception of parliament. Thirdly, ministers can refuse to give any information only when the disclosure would not offer interest to the public. This decision, however, will be decided in compliance with related statute and the Government's Code of Practice on Access to Government Information (Politics and Administration: ministers and civil servants, 2007: 12). Finally, ministers will expect from civil servants to be as helpful as they can in order to provide accurate and full information in relation with the responsibilities and duties of civil servants. Ministerial responsibility can be divided into two different sections. On the one hand it is the individual ministerial responsibility; and on the other hand it is the collective ministerial responsibility. Initially, I am going to analyze and discuss the individual ministerial responsibility. The individual ministerial responsibility enables the House to focus on a particular minister and his responsibilities without the need to censure the whole government (Woodhouse, 2004: 3). Also, voluntary resignations are rare, prime ministers

are those people who decide whether to move a minister or not. The convention of individual ministerial responsibility was developed in the 19th century. It was developed in the specific time because of the government's role which was inadequate. In fact, a minister can create a lot of accountability practical demonstrations, which can implement the requirement of individual ministerial responsibility to the public as well as to the Parliament (Individual Ministerial Responsibility, 2004: 7). As the Defense Select Committee in the Westland affair said: ' A minister does not discharge his accountability to Parliament merely by acknowledging a general responsibility and, if the circumstances warrant it, by resigning. Accountability involves accounting in detail for actions as a minister'. Individual ministerial responsibility has to do with constitutional importance as it affects the legislation framing (in particular the executive power in ministers) and the Parliament's operations and supports the British Constitution. There are four major options that are available to a minister in order to give effect to the requirement of individual ministerial responsibility. Firstly, the ministers have to explain their actions and policies to Parliament and report to them any developments or events that may occur. Also, ministers make their own statements which may contain transportation accidents or the initiative of new policy, and they must give some detailed explanations to the Parliament. Secondly, in case of errors by the minister or by their officials, an apology and explanation is expected to be given to the Parliament. In this case, they must decide whether a resignation or a dismissal is necessary. In some occasions, the House of Commons is not so rigorous and they forgive those who admitted some mistakes, especially

when their mistakes were not so important to allow any resignations. Thirdly, a minister who is responsible for an insufficient situation, he/she should take some specific remedial measures and make sure that it would not happen again. Last, resignation could be defined as the absolute accountability achievement. The other three options I have mentioned above can be categorized as essential in constitutional terms, while the last one which is the resignation it is something hard to explain and define. In general, individual ministerial responsibility is more than a constitutional convention which specifies the relationships of a minister and parliament and a minister with their departments. Consequently, the ministerial convention of responsibility tends to be ambiguous, and thus leads to the result of resignation. Thus, ministers have already lost their government's support, as well as their own party backbenchers. I will analyze an explanatory example of individual ministerial responsibility in order to understand better the concept of minister's resignation and also how it actually works in real life. The following case refers to a landowner (Crichel Down) which claims an unfair situation of reselling to him the land owned by his family when the Ministry of Agriculture and the Crown Lands Commissioner refused to resell the land to him (Individual Ministerial Responsibility, 2004: 14). The land had already been purchased by the Air Ministry in 1937. Sir Thomas Dugdale's (Minister of Agriculture) initial statement reports that he takes the whole responsibility for his officials. Thus, he did not accept the fact as it was reported by the inquiry report of their actions. Taking all the blame on his hands, Thomas Dugdale decides to give his resignation at the end of his speech. He tried his best in this case, to give an accurate and fair account of

the history. With this case, we now understand better the concept of resignation. A minister is totally responsible about his/her officials and the only solution to this is to give his/her resignation to the Parliament. Sometimes ministers do not accept their departmental failure. That's why I will analyze the key reasons of why the conventional ministerial responsibility is not actually followed. Firstly, conventions are not legally binding, but it depends on the politician's willingness to comply with the conventions. Additionally, it is obvious that ministers cannot be responsible or even know everything about every department independently. Finally, there may be a situation, where the minister who should resign can be under the protection of his/her Cabinet Colleagues for political purposes. On the other hand, the convention of collective responsibility of ministers is not something that can be found in a sort of constitutional document or statute. Collective responsibility was established in the 18th and 19th century and it is holding the government as a whole accountable to parliament. Its entire development shows that its main purpose is to protect ministers and guarantee the government's continuance. In very rare cases, when the government fails to gather the majority of confidence votes, then collective responsibility offers accountability of the public through the government resignation. Moreover, Geoffrey Marshall (1989) has determined three divisions in the convention of collective ministerial responsibility. The first one is the confidence principle, which means that the House of Commons must have confidence and trust to the government in order to maintain the government's power. Secondly, the unanimity principle implies that all government members speak and vote as a unity in parliament. Furthermore,

the confidentiality principle acknowledges that the second principle - unanimity principle - is a constitutional imagination that should be maintained. Thus, a minister should have the proper authorization to make proposals or arguments to a group of ministers. Therefore, the development of both individual and collective ministerial responsibility was obligatory to reach accountability's needs, even if it did not actually happen. Additionally, I will explain an example of the unwritten constitution of UK to understand its conventional character. The first ' agreement to differ' happened in 1932 due to the dissensions in the National Government between Conservative ministers and their bloc partners. The whole disagreement was about tariff reform. In the October 1931, in an election, the candidates of coalition decided not to stand in opposition to each other despite the fact of separation of tariffs. After the end of the election, there emerged only four members of Cabinet who did not agree with the decision to enforce tariff and they preferred to resign. Despite their decision of resignation, the Prime Minister (Ramsey MacDonald) managed to convince them not to do this and gave them the opportunity to express their disagreement publicly. As Jennings concluded " the dissenters demanded that they be free to speak and vote against any tariff proposals, that MPs have the same freedom and that the whips not exert any influence to persuade Members to support the Government line" (cited in *The Collective Ministerial Responsibility*, 2004: 25). The ' agreement to differ' terms were officially published in *The Times* of January 1932. From the publication, the Leader of the Opposition (George Lansbury) stated that collective conscience cannot be real. Thus, he said that he was not in opposition to the constitutional theory of collective

responsibility's permanent change. Civil servants are the employees of ministries who are mainly long-life career, pensionable and salaries people. Civil servants are accountable to ministers, prime ministers, civil service superiors and they are also working under their direction. Civil servants are described with four key characteristics. Permanence is the first feature which implies that British civil servants are permanent officials that work with all political governments. In other words, top British civil servants do not change with a change of government (Budge, 2007). In some other countries they do not have this statute instead; they leave if a new minister takes over. Only in special occasions, when things between a minister and a civil servant do not work out, the minister can demand the change of a civil servant. But there is a limit to the changes that can be made. As Chapman (1992: 2) said ' the most important characteristic of the British civil service . . . was its sense of unity' (cited in Greenwood et al., 2002). Anonymity is the third characteristic and it is explained through the confidentiality. When a civil servant gives an advice to ministers it will be totally confidential, they will provide an honest and objective advice to them. Also, individual responsibility convention ensures that ministers answer for their actions in parliament, as well as, in the public. Last but not least, neutrality by civil servants must prevail in order to avoid partisan political activity and especially they must not express views that are contrary to ministers. There is a key point in the accountability relationship between the minister and the agency. The agency chief executives could participate in meetings of the senior servants in a department with ministers. Nevertheless, some agencies - as Companies House-, do not report directly to civil servants in the minister's department,

but to the minister (Hogwood et al., 2001). In a case of large agencies they report directly to the Permanent Secretary, whilst the small agencies report to a civil servant with lower position. Some recent clues have identified that permanence; independence and unity do not secure essentially an effective civil servant. As we know, ministers are accountable to Parliament, and civil servants to ministers. But, the doctrine of independence makes things more difficult for the accountability to be exercised successfully and a minister may lead to prevention from dismissing a civil servant. Moreover, we can understand from the above that there is no consensus of minister's and civil servants responsibility. Thus, we conclude that the doctrine of ministerial responsibility needs reconsideration. In addition, it is almost impossible to differentiate an area where a minister is personally responsible to take the blame, from one in which he is accountable constitutionally. There is a gap in the discrimination of these two areas - the one of where he/she is accountable and the other where he/she is responsible. However, politicians are best described as dishonest, self-serving, power-obsessed and corruptible people who are represented as a danger in the society rather than a salvation (Jones, 2010: 4). They are the kind of people that the majority of the British population does not have any trust or faith in them. Also, accountability is a term that politicians are unfamiliar with it. They should always remember that they work for the people and not for them. Nowadays, politics and its practitioners, according to many opinion polls, are seen variously, as untrustworthy, self-seeking, power mad or cynical manipulators (Jones, 2010: 6). Politicians have the power to do whatever they like under any circumstance without even caring about the

consequences; their only purpose is to achieve their target to their own advantage. However, there are some politicians who are honest and polite people. Nonetheless, There has been noticed a sense of anti-politics in Britain. Thus, focus group studies, according to Ram (2006: 190), have found ' a negative attitude of participants to the term " politics", which was seen as something they did not feel part of or involved in. Instead politics is viewed as the pursuit of an exclusive and disputable elite of hypocrites and liars' (cited in Developments of British Politics, 2011: 152). As we can understand people do not react with the best attitude about politics. They do not want to have any relations with politics. This situation started many years ago, in 1959 where some key finding of a survey took place towards British attitudes to politics. Some of the figures showed that 3 in 10 people have never talk about politics with their siblings or friends. Also, only 2 in 100 would like an involvement in politics and 2 in 10 cannot even name a leader or a minister. Last, 8 in 10 persons are dubious that the promises of election candidates are not going to be followed. At the beginning of the 20th century, people in Britain did not seem enthusiastic about trusting politicians. Finally, not everyone ' hates' politics, but undoubtedly there is substantial anti-political sentiment in the society of Britain. The political system indeed needs improvement to a significant extent. In conclusion, I strongly believe that the accountability of ministers, civil servants and politicians is just an ambition. In general, the less trust we have in the politicians, ministers and civil servants, the more demand for accountability exists. So, from the above analysis and discussion, it is obvious that politician's accountability does not exist. Thus, if politicians are not accountable, then neither ministers nor civil

servants are. This is happening because they are like a chain, interconnected with each other. Ministers, civil servants and politicians need and have to redefine their purpose and their accountability in order to feel like they have succeeded somehow. They must take into consideration several factors in order to achieve that. References: Greenwood, J., Pyper, R. and Wilson D.

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