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Quasi-Government: The Issue of Accountability

by Michael Stephen Cole

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Abstract

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This thesis is concerned with Executive Non-Departmental Public Bodies (ENDPBs) and the conflict between their accountability and independence. In Britain this issue rose to political prominence in the 1970s when public debate about the scope and accountability of Quangos captured the attention of many politicians and led to the publication of the Pliatzky Report, which made recommendations about the number and accountability of these bodies. The Pliatzky Report also helped in replacing the term Quango with a more useful acronym. The problem of how to define these bodies had been present in the academic debate about Quasi-Government that had developed since the 1950s. In particular, it proved difficult to produce definitions for British governmental bodies given the ad hoc nature of the system.

The Pliatzky Report used Bowen's concept of Non-Departmental Public Bodies and divided the term into three sub-divisions: Executive Bodies, Advisory Bodies and Quasi-Judicial Bodies. Only Executive Bodies are considered in this study because it is not possible to relate accountability to advice or quasi-judicial decisions in a satisfactory way.

After a definition of ENDPBs is established the notion of accountability is scrutinised from two perspectives. First, the concept of ministerial responsibility, the traditional British method of holding government to account, is appraised and shown to be deficient. Second, consideration is given to alternative ways to hold government to account and to the specific question of making the ENDPBs accountable.

Having outlined what forms of public accountability are relevant to Britain, this thesis appraises their operation in relation to ENDPB. This objective is primarily achieved by selecting seven ENDPBs and observing the degree to which they were held to account in three main modes. First, the contribution of Parliamentary Questions to the accountability of ENDPBs is assessed. Next, the amount of information about the activities of ENDPBs is studied and appraised. Thirdly, consideration is given to the role of parliamentary debates, parliamentary committees, ministerial correspondence and contacts with M.P.s, government and non-governmental publications and the media in holding ENDPBs accountable.

Finally, conclusions are drawn about the effectiveness of these arrangements and recommendations are made in order to improve the accountability of ENDPBs.

Quasi-Government: The Issue of Accountability

Contents

Chapter One Introduction

This study considers British Quasi-Government and whether it is accountable. The traditional British method of holding the government to account has been based on the use of Ministerial Departments. Under this system government is conducted through departments headed by a minister who is accountable for all the actions of his/her department to Parliament. In the event of any failure of policy or administration Parliament can call the responsible minister to account and can, if appropriate, force him/her to resign. In a similar vein the government as a whole is collectively responsible and accountable for its policies and can be forced to resign if the failure is sufficiently serious.

In contrast to Ministerial Departments Quasi-Governmental Bodies are not directly controlled by ministers and cannot be held to account in the traditional way. Because ministers have few responsibilities in respect of Quasi-Government Parliament is unable to enforce full accountability by scrutinising and questioning ministers. The inability of traditional arrangments to impose accountability begs the question of whether Quasi-Government is accountable. Given the large number of these bodies and the extent of their responsibilities the question is, in effect, whether a large area of British government is subject to democratic scrutiny and control or whether it is largely insulated from the demands of accountability.

In order to discuss the accountability of these bodies it is first essential to overcome two key problems of definition. These problems are embedded in the history of the subject; their solution requires any analysis to be undertaken from an historical perspective. As a background, Chapter Two focuses on the debate about Quangos that occurred during the late 1970s. Quango was the contemporary term that was used to describe Quasi-Government. This debate was crucial because in it questions were asked about the accountability of these bodies. But the term Quango cannot be used in this thesis because it embraced a vast range of organisations, some of which were not really

Governmental at all. We have to choose a term that refers to bodies that are genuinely Quasi-Governmental rather than just Quasi-Private or even Private. This leads us in towards a consideration of our first problem of definition; we tackle this problem in Chapter Three.

In Chapter Three the various definitions of Quasi-Governmental Bodies are discussed and a judgement is made about which one is most suitable for this study. The definition chosen must refer to organisations to which some notion of public accountability can be applied. In studying this topic the evolution of British Quasi-Government is traced, in order to explain its nature and why it exists in its current form.

Having defined the subject under review accountability must be defined. This search is not for just one type of accountability. The object is to outline all the notions of accountability and consider the type of contraints they each impose on British Quasi-Government. The discussion begins by outlining the traditional British response to holding government to account. In Chapter Four the discussion is conducted by analysing the concept of ministerial responsibility. In particular, the chapter stresses the utility of the doctrine for holding government to account, and how the operation of the notion has altered over the last century and a half.

In Chapter Five other methods by which government and Quasi-Government can be held to account are investigated. This chapter concludes by listing all the different forms of accountability identified. Special emphasis is devoted to the institutional forms through which these different types of accountability operate. Having identified many of these institutions we are now ready to test the accountability of British Quasi-Government.

This core issue is addressed in Chapters Six, Seven and Eight. The approach adopted is to look closely at the scrutiny seven selected organisations received from various institutions. The bodies chosen are the Arts Council, the British Tourist Authority, the Commission for Racial Equality, the Sports Council, the Countryside Commission, the Equal Opportunities Commission and the British Council: they are

chosen to represent a good cross-section of Quasi-Government (see Chapter Six). Reference is made to a wider selection of such bodies as appropriate.

In conducting this study two key divisions in the work are considered. First, the analysis is structured around the notion of ministerial responsibility. Institutions are classified and analysed according to whether, in attempting to hold these bodies to account, they rigidly adhere to the doctrine of ministerial responsibility or whether they circumvent it. Second, the distinction between 'information' and 'impact' is noted. To hold a body to account one must be able to find out what is happening; without information accountability is not possible. However, this information must be able to be used to make a significant impact on the wider world so that action can be taken. If there is no chance of the disclosure of information having an impact the body has little to fear from any scrutiny no matter what is happening. If the body had little to fear from the effect of any scrutiny such appraisal would serve little purpose and the body would not be accountable. The only exception to this position would be if an illegal act was discovered and left the body open to criminal proceedings.

With the above divisions in mind the ways in which Executive Non-Departmental Public Bodies (ENDPBs) are held to account are investigated. In Chapter Six Parliamentary Questions and their use are analysed to discover their utility for accountability; this scrutiny is conducted in the context of their operation within the confines of ministerial responsiblity. Consideration is given to how much information PQs reveal about the seven ENDPBs and at the impact of information released in this way. In Chapter Seven the broader issue of information is explored. The available information is analysed and a thorough analysis of the information about these bodies contained in their Annual Reports is conducted. The focus is also directed at how much information is easily available to M.P.s; this is important given their central role in holding Government and Quasi-Government to account.

Chapter Eight is devoted to assessing the degree to which the bodies are held to account. This is achieved by looking at the main vehicles through which accountability can be enforced and studying the effectiveness, in this respect, of each of these methods. In conducting this survey particular attention is paid to whether the convention of ministerial responsibility is circumvented and what information is released with what level of impact.

In Chapter Nine all the strands of the discussion are brought together and a conclusion about the accountability of these bodies is produced. Finally, consideration is given to the way in which they could be made more accountable and some recommendations to this effect are provided.

Chapter Two The Debate of the 1970s

Introduction

The 1970s was the decade when the government's use of organisations outside the traditional confines of ministerial responsibility became a politically controversial issue. In this chapter the origins and course of the public debate are traced, as an introduction and background to the thesis. The central concerns of the debate are identified and, in order to establish how this debate relates to the main themes of contemporary political controversy, the discussions are placed in the context of the broader political debate of the late 1970s.

The academic interest that preceded this public debate focused at first on Non-Governmental Organisations and gave rise to the term Quango. Orginally, the term Quango was used to refer to Quasi-Autonomous Non-Governmental Organisations. As this academic debate progressed interest began to focus on Quasi-Government rather than Quasi Non-Government. To reflect this change of emphasis the 1970s witnessed the development of new terms such as 'Fringe Body' and 'Non-Departmental Public Body'. The public debate was also essentially concerned with Quasi-Government not Quasi-Non-Government. However, the term Quango had by this stage become so strongly established in popular usage that it became a catch-all phrase for the whole debate. For example, the House of Lord's debate on the issue, in 1978, was a debate on an opposition motion about Quangos.[1]

This all-embracing use of Quango led to confusion about the precise subject matter of the debate. As a means of describing the Quasi-Governmental Bodies the term was misleading (see Chapter Three). In addition, it left the way open for the inclusion of bodies in the debate whose relationship to government was very tangential, and to whom notions such as accountability to government did not really apply (see Chapter Three).

The problem of defining the subject matter was also exacerbated by the organisation of British government. British government was not

created in a logical structure in which each body was established as a particular type of unit akin to others in its class and obviously distinct from other classes of governmental organisation. On the contrary, British government has been characterised by a complex matrix of organisations which, in differing degrees, are subject to ministerial oversight, accountability and control. As Grant Jordan observed "The main characteristic of the British system is its lack of rules; and certainty in terms of items such as agency type and classes of officials, it is often remarked that the British system appears as one of 'mad empiricism', governed solely by considerations of political expediency".[2]

Christopher Hood developed the above argument by comparing the British system to the West German one. In the Federal Republic there existed a limited number of 'standard formulae' for government agencies; each agency having to conform to one of these standard types. Bodies were created to conform to a particular type of administrative structure. This administrative clarity contrasted with the administrative confusion that abounded in British government. Far from being able to classify every governmental agency into a particular class Hood showed that there was not even a definitive list of British government departments.[3]

Given such problems in defining the topic it is perhaps not surprising that in the 1970s no one universally accepted definition emerged, although progress towards this goal was arguably made. Instead, the common ground tended to lie in the identification of various issues and problems associated with the move away from the traditional model of ministerial responsibility to Parliament. This public debate was also linked to other key areas of contemporary political controversy and was in no way a minor topic, divorced from the mainstream political issues of the time. To understand the discussion about Quangos it is therefore necessary to identify the other issues that fed into the debate and to analyse how they were related to it.

The central trend in twentieth century British public

administration has been the expansion in the role of government, away from the minimalist nineteenth century concept in which foreign affairs and the maintenance of law and order were the main tasks. In the nineteenth century the prevailing economic orthodoxy dictated that state intervention in the economy be largely restricted to ensuring the smooth operation of the market. But as the twentieth century developed this involvement expanded to include the role of intervening to stimulate the economic system when it failed to ensure prosperity. This Keynesian concept of demand management dominated the economic thinking of government from the second world war to the mid-1970s, and established government's central role in maintaining economic prosperity.

This expansion in the role of the state strained the notion of ministerial responsibility. Ministers were no longer able to exercise effective oversight over all the activities of their departments because these were now too large and had too many reponsibilities. To prevent departments from growing too large Quango-type institutions were established at 'arms-length' from the ministerial departments, with the minister usually exercising responsibility in such areas as grant allocation and appointments (for a fuller analysis of why Quangos were created see Chapter Three).

In the immediate post-war era a political consensus emerged to support this expanded notion of the role of the state; this was termed 'Butskellism'. Butskellism was used to describe the acceptance of a mixed economy (which provides for state domination and the management of the market economy for social ends); the deference to, and representation of, certain interest groups, such as the trade unions; and the pursuit of policies such as the maintenance of full employment and the provision of the Welfare State. Labour and Conservative Governments differed over priorities but accepted this framework.[4] During the 1960s and 1970s these arrangements became more corporatist (see Chapter Five) as pressure groups, particularly the T.U.C. and the C.B.I., became more and more involved in governmental decision-making.

Quangos were used to perform many of the state's new roles. For example, the Race Relations Board was created to mediate in the implementation of its social legislation. Similarly, the Sports Council and the Arts Council were established to extend the Government's influence over sectors of society in which it had not previously taken much interest. Moreover, Quangos were used to implement interventionist economic policies. Quangos were established to aid the development of specific regions (the Highlands and Islands Development Board) and to promote certain industries (the Tourist Boards).

However, the identification with the performance of so many of the new functions of the state begged the question of what would happen if this Butskellite consensus was ever seriously challenged by a more minimalist conception of the state's functions and responsibilities. It left the Quango vulnerable to attack because of its use as the agent of this expansion of the state's responsibilities. Eventually this is what happened; the Butskellite approach began to be questioned.

In the Conservative Party there had always existed many prominent advocates of a more laissez-faire market orientated approach to economic policy in which the duties of the State were much reduced. However, in the immediate post-war period the collectivist strand of Conservative thinking, with its emphasis on state intervention in economic management and the provision of welfare, became dominant.[5] Nevertheless, by the late 1950s, the laissez-faire strand of Conservative thought began to re-emerge. This trend first expressed itself in concern at the high levels of public spending under the Macmillan administration. The discontent was highlighted by the resignation of three Treasury ministers, in 1958, in opposition to the high level of public expenditure. One of these ministers, Enoch Powell, became an advocate of a return to a more 'free-market' approach to economic policy. Despite the fact that Powell's front bench political career was finished by his 'rivers of blood' immigration speech in 1968 his kind of views on economics and the role

of the state gradually became more influential, as the Conservative Party sought a formula that would enable them effectively to challenge for power.

This movement of opinion in the Conservative Party was emphasised at the Selsdon Park meeting of the Shadow Cabinet in January 1970. At the Selsdon Park meeting the Shadow Cabinet decided to emphasize some of the more libertarian policies adopted by the party since the mid-1960s; these policies included tax cuts, more competition and greater selectivity in welfare provision.[6] It was on these neo-liberal 'Selsdon' policies that the Conservatives fought and won the 1970 General Election. However, in 1972 Mr Heath abandoned this approach with his 'U' turn after the collapse of Rolls Royce and the continued growth in unemployment. After 1972 government policy became more interventionalist and corporatist; this process culminated in the introduction of an incomes policy.[7]

These policies were unpopular amongst the Right of the party and following the defeat of the government in February 1974 this criticism was voiced publicly by Sir Keith (now Lord) Joseph. Joseph argued that the party was conserving socialism and that the centre ground of politics was being dragged leftwards by every Labour government. In particular he said that inflation should be tackled by a return to classic tough monetary policies.[8]

The election defeat of the Conservatives, in October 1974, and the replacement of Mr Heath as party leader by Mrs Thatcher in 1975, gave these neo-liberal views their chance. Mrs Thatcher embraced these concepts and in the years up to 1979 they became increasingly influential in the formation of Conservative policies. In 1974 the Centre for Policy Studies was established, under the Chairmanship of Sir Keith Joseph. Its role was to challenge the established consensus and promote 'free-market' policies. Gradually the party acquired policies designed to reduce the role of the state in national life, and embraced the goal of reducing the percentage of G.N.P. consumed by the state. The reduction in the power of the trade unions was also advocated as was a preference for private provision of health,

education and welfare.[9]

With this questioning of the role of the state came a specific focus on the state institutions performing, regulating and advising on such tasks. Because many of these institutions were Quangos of one type or another it was perhaps inevitable that such critics on the Right would question the powers and even the existence of many of these bodies. This approach was personified by Phillip Holland M.P. who wrote three pamphlets (The Quango Explosion (1978), Quango, Quango, Quango (1979) and Costing the Quango (1979)) expressing an unashamedly anti-Quango viewpoint.

Waste and Inefficiency

Central to Holland's thesis was the idea of a massive state bureaucracy of Quangos, effectively unaccounatable to any democratic institution, controlling and stifling British society. Indeed, he argued that "quango fees, staff salaries, premises and domestic administration approached equality with the national defence budget of eight million pounds".[10] Although he incorporated into his definition of a Quango bodies that were really private (see Chapter Three) and so inflated the extent of Government by Quango, Holland did focus on a central issue in the debate and provided good propaganda for the cause of those who sought to reduce the number of such bodies and the extent of state commitments.

Holland went on to develop this thesis about the negative affect on national life of a large state structure. A key notion in his arguments was that of waste. Because state services were insulated from the pressures of the market place, in theory they had less incentive to be efficient; they therefore used national resources less effectively than the private sector, which has to be efficient to survive. Such arguments have traditionally been the stock in trade of both opponents of state activity and proponents of painless public expenditure cuts. Indeed, examples of public sector inefficiency can always be found to support such views. During this period many examples of Public sector waste were provided by Leslie Chapman in his

book Your Disobedient Servant.[11] However, because Quangos were not directly accountable to ministers they were likely to receive less scrutiny than the rest of the state sector and were thus likely to be more wasteful than the rest of the bureaucracy.

In The Quango Explosion Holland and Fallon cited many examples of Quangos wasting public funds. For instance, they tended to be very generous to their employees: "most of the big national state-funded QUANGOS put their staff on the same basis as civil servants with generous conditions of service, security against redundancy and comfortable index-linked pensions at the end of it all".[12] Furthermore, Holland and Fallon claimed, the prestige in which these bodies held themselves often wasted more public money. For example, "Office costs are invariably high as important bodies have established themselves in 'prestige' central locations".[13]

Holland and Fallon developed their claim that Quangos wasted too much public money by observing that Quangos never seemed to disappear. "The QUANGO never grows old: rather, it multiplies or takes on new forms".[14] Even when Quangos were formally abolished they did not necessarily cease to consume public money. Holland and Fallon cited the case of the Land Commission; although it was officially abolished in 1971 "it was still using up the time of twenty full-time staff six years later".[15]

The theme of waste occurs and recurs throughout the public debate. In the 1978 House of Lords debate on Quangos many allusions were made to the waste of public funds. For instance, Lord Balfour of Inchrye questioned the value for money obtained by such bodies as the Apple and Pear Development Council, because its functions were duplicated by another state body and Lord Balfour doubted if the state needed to promote that industry.[16] In a similar vein, Lord Birdwood questioned the large rises in the salaries of some leading Quanguru, and asked if such increases could be justified.[17] Such issues of waste and inefficiency were of key importance to the debate because they were the issues that 'hit the headlines' with the greatest ease, forced the topic onto the political agenda and helped to keep it

there.

The issue of waste provided a good avenue through which the anti-state critics could challenge the existence of a whole range of organisations, without being drawn into wider arguments about what the extent of the state's role should be. At the same time it was also an area of weakness for the proponents of state activity as it highlighted many flaws in the contemporary arrangements. However, public sector waste (as we have already seen) was not a charge levied at Quangos alone. Furthermore, it has been claimed that the use of Quangos increases the efficiency of government. This view was advocated by Ken Cooper. Writing in Public Administration Bulletin in December 1975, Cooper argued that because Quangos usually had a small number of objectives they could easily develop the appropriate form of organisation for these limited responsibilities.[18]

Desmond Keeling, writing in Public Administration, advanced another reason why Quangos made government more efficient. According to Keeling, there should be a small number of government departments, however they should not be so large as to attract diseconomies of scale. In order to prevent government departments becoming too large Keeling said that responsibilities should be given to Quangos. Keeling argued, not that Quangos are inherently more efficient than departments, but that functions should be hived-off to them to improve the efficiency of the departments.[19] This view was supported by politicians like David Howell M.P. who, in A New Style of Government (1970), called for the creation of new functional units which would have specific objectives and narrower tasks than departments of state and would be "accountable on an efficiency basis".[20] These ideas were put into practice by the Heath Government (1970-74) which created Quangos by hiving-off many governmental bodies (see Chapters Three and Five). In the 1980s the idea of hiving off departmental activity into separate agencies was revived following the Next Steps initiative (See Chapters Four and Nine).

The Public Sector and Quangos

Given the weaknesses in the charge that Quangos were more inefficient than the rest of the public sector this criticism was not sufficient to sustain the debate beyond an anecdotal level. To explain this development, we must turn to look at the areas of the debate that distinguished Quangos from the rest of the public sector.

By the 1970s there was a growing political awareness that the number of such Quangos had increased dramatically in recent times, and that this process was still continuing. This awareness had been stimulated by the realisation by academics during the 1960s of the increasing scale and importance of such bodies. The publication of government reports sanctioning the use of Quangos further increased awareness of how such bodies were being used. In the 1960s this trend was exemplified by the Fulton Report, which recommended a further increase in the use of 'hived-off' bodies[2] (see Chapters Three and Five). But it was the recourse of the 1974-79 Labour Government to the use of public organisations outside the traditional confines of ministerial responsibility to extend the role of government, that provided the immediate background to the debate of the late 1970s.

The 1974-1979 Labour government used various forms of Quango to enact some of its most controversial measures. Its equal opportunity policies were made the responsibility of the Equal Opportunities Commission, while the Price Commission had a major role in enforcing its prices and incomes policies. The government created the National Enterprise Board to extend public ownership without recourse to separate Acts of Parliament. In 1975 the government created the Advisory, Conciliation and Arbitration Service (ACAS) to impose government arbitration over industrial disputes. In addition, the government's aim of conducting a more vigorous regional policy than its predecessor, led to the establishment of Development Agencies for Scotland, Wales and Northern Ireland. These bodies came to have such a high profile that the debate about government policy began to focus on the type of organisations used to implement these policies. The Quango thus moved onto the centre of the political stage.

It was this association with the most controversial policies of a Labour government that probably explains why the Right focused on the issue to such an extent. Holland and Fallon directed the thrust of their arguments at the contribution the Labour government had made to the extension of the Quango. During their first four years in office the Labour Government created a further 42 new Quangos.[22]

As the 1979 General Election grew nearer the Conservative opposition tried increasingly to turn the issue to their advantage. The Conservatives attempted to claim that the government was using the Quango to entrench their position into the structure of government and administration. For example Mr Nicholas Winterton M.P. called for the abolition of A.C.A.S. on the grounds that it was "totally biased in terms of the composition of its council, its terms of reference, its methods and its decisions"[23] and that it was actually "a tax-payer funded recruiting machine for the T.U.C.".[24]

Although much of the initial running in the debate was made by right-wing backbench Conservative M.P.s, the Conservative frontbench eventually also became interested in the issue of Quangos. The 1979 Conservative manifesto contained a commitment to institute a review into the operation of these bodies.[25] However, concern about the growth and existence of Quangos was not confined to the political Right. The existence of the Quango also raised issues that concerned those of different political persuasions and academics.

Despite the importance of such organisations in public administration and policy making no list of Quangos had been compiled. Until 1976 the only publication of any relevance was the annual list of members of Public Boards of a Commercial Character.[26] This publication, however, did not list information about all such bodies. The first edition, in 1948, gave details of 18 such bodies; even by 1969 this total had only risen to 26. This lack of information caused concern as it raised the spectre of rule by a vast number of unknown organisations. The existence of a large and uncharted bureaucracy alarmed a wide spectrum of political opinion and helped to get politicians of all parties interested in the issue.

During the first half of 1976 a series of Parliamentary Questions were asked about how many ministerial appointments were made to what and how many bodies. This questioning was bi-partisan in nature; for instance while the Labour M.P. Willie Hamiliton asked the Home Secretary the number and cost of the appointments he made,[27] Phillip Holland asked him to list the bodies "to which he appoints members that exercise judicial or quasi-judicial functions".[28] This questioning eventually produced a total of 18,010 appointments made by ministers to 785 bodies.[29]

The right-wing anti-state critics of Quangos used this information to show how rule by unelected bodies had spread. These critics expressed the concern that such bodies were not accountable. Holland and Fallon focused on this problem and advocated that "all bodies that receive fifty per cent or more of their income from public funds, whatever their relationship to central government, should be made openly and directly accountable to Parliament".[30] However, this demand for more accountability was used in a supportive role to the central request for the abolition of many Quangos; the fact that these bodies were not accountable was often used as argument for their abolition. For example, Holland attacked the Metrication Board as a socialist Quango and then referred to the fact that "it was set up without the knowledge or approval of Parliament"[31] to justify his opposition. His concern was, primarily, with reducing the number of such bodies; for Holland accountability was a secondary issue, although their lack of accountability was a useful stick to beat the Quangos with.

The above position can be illustrated by reference to how Holland and Fallon thought Quangos should be held to account. Holland and Fallon considered that no new parliamentary institutions would be necessary to hold Quangos accountable.[32] Given the demands on parliamentary time such a view only becomes credible in the context of Parliament having far fewer Quangos to hold to account. Their solution to the problem of accountability was, therefore, dependent on the abolition of many such bodies. Nevertheless, it was concern about

the accountability of these bodies that caused a more widespread anxiety about Quangos to evolve.

The Problem of Accountability

Such concerns had been expressed by academics for several years. The Carnegie Corporation's conference on the problem of accountability and independence in modern government in the 1960s had centred around the problem of maintaining the independence of these bodies, while holding them to account (see Chapter Five). The issue of holding these bodies to account was again raised by the 1973 Royal Commission on the Constitution. The Commission's Report observed that there was a lack of "adequate democratic control over such bodies".[33] The Commission argued that these problems would be solved by bringing the bodies nearer to the people they were meant to serve. This could be done by bringing them under the control of Regional Assemblies and would form part of a scheme to devolve much more responsibility away from Whitehall. Accountability required devolution.[34]

These views about the necessity for the devolution were not shared by most of the protagonists in the debate; but anxiety about the lack of accountability was widespread. The concern with the unaccountability of Quangos was part of a wider anxiety about the difficulty of holding Government to account. For instance in 1977 Edward Du Cann declared that both the Public Accounts Committee and the Expenditure Committee were "scrambling about on the tip of an expenditure iceberg".[35]

The problem of holding Quangos to account was magnified by the operation of the doctrine of ministerial responsibility (see Chapter Four). Because of the scope of responsibilities which Quangos possessed large areas of governmental activity had received little scrutiny. For example, in referring to the National Enterprise Board Michael Grylls was moved to comment "We consider the present arrangements for accountability are less comprehensive than justified by the importance of the Board's operations, and the very large sums of public money it spends".[36]

The theme of accountability was highlighted in the 1979 Outer Circle Policy Unit's report What's Wrong with Quangos?. The inadequate degree of parliamentary control exercised over Quangos was seen to be based in the "Inadequate Parliamentary control over Departments and the whole Executive".[37] The Report called for changes in House of Commons Committees and procedure and in the attitude to "the powers of Governments".[38] Public knowledge about the existence of such bodies had to be improved, while the powers these bodies enjoyed should be clearly defined and stated.[39]

These concerns prompted some academics to worry that, as Nevil Johnson stated, the entire model of responsible government might be disintegrating.[40] This model was the notion around which British democratic government had been based. It revolved around the concept of responsible and representative government. Such a government was elected by the people and was thus accountable to the people. Because Quangos were not part of this chain of accountability they called into question the validity of the traditional theory as an explanation of, and a guiding principle for, modern British government. The question was whether the traditional ideas of responsible government were being abandoned in a piecemeal fashion and were being replaced by 'ad hoc' arrangements of convenience, supported by no democratic administrative theory.[41]

In the early 1970s Christopher Hood, in a 1973 New Society article, had drawn attention to the increasing use of Quangos and had offered explanations for this development. Although Hood partly concurred with the view that the use of Quangos was an inevitable response to the state's expanded role because there are limits to central administrative control, he did not believe that this explanation was sufficient.[42] First, Hood argued that, because the size of the Civil Service was a politically controversial issue, government established Quangos to carry out new or existing functions. In this way the state could maintain or extend its activities without increasing the size of the Civil Service. Second, Hood claimed that government created Quangos to deal with awkward problems, like

science and arts patronage, and so remove these problems from ministers.[43] This approach, argued Hood, allowed government to be all things to all men and avoided raising fundamental questions about defining objectives. In the words of Lowi this diffusion of sovereignty robbed government of the capacity for "disciplined and orderly action".[44] In effect a responsible government could pass the problem to a Quango and avoid responsiblity and accountability. However, these concerns were mainly confined to academics; the politicians tended to relegate the issue of accountability of Quangos to a secondary role in the debate.

In a 1979 paper called The World of Quasi-Government Christopher Hood developed his views about accountability.[45] Hood identified four problems for accountability in the creation of Quangos. First, Hood re-stated the general concern that Quangos were simply not subjected to sufficient democratic scrutiny. Furthermore, he showed that the separation of these functions from political control gave ministers few ways of intervening when they judged that political control should be exerted over the activities of a Quango. In essence, the creation of a Quango made it difficult for ministers to intervene even if changing circumstances required that politicians took control.[46]

Second, Hood observed that Quangos could become "more or less totally divorced from the rest of the public service, developing acute 'tunnel vision' or pursuing activities which are way out on a limb in political terms".[47] As examples of Quangos that had behaved in this way he cited the Crown Agents in Britain and the C.I.A. in the United States; in both cases their isolation from the rest of the public service led them into serious trangressions of national law.

Third, Hood claimed that if regulatory bodies were established as Quangos they often became the mouthpiece of those they sought to regulate. Because they were established at 'arms length' from the government they often lacked "a day-to-day political counter-thrust to enable agencies to distance themselves from the collective interests of the regulatee".[50] In support of this argument Hood mentioned the existence and behaviour of the City Takeover Panel, The National House

Builders Registration Council, The Equal Opportunites Commission and the Commission for Racial Equality.

Finally, Hood questioned the traditional view that Quangos, because they are independent from Whitehall and insulated from close parliamentary scrutiny, are 'closer to the people they serve' and are less prone to 'red tape'. On the contrary, Hood thought that, because they are less accountable and subject to less scrutiny, Quangos might be more bureaucratic, faceless and secretive than traditional departments of state.[51] Far from the requirements of accountability imposing bureaucratic rules on Quangos, it was the absence of accountability that might allow a Quango to become isolated from its clients. However, despite these concerns about the unaccountable nature of Quangos, the politicians still relegated the issue of accountability to a secondary role in the debate.

The Issue of Patronage

As we have seen, right-wing critics used the issue of accountability to support their thesis that Quangos were too numerous, too wasteful, too powerful and carrying out tasks that should be no concern of the state. But the criticisms of Quangos put forward by the Left were also not directly related to questions of accountability. The issue that caught the attention of some left-wing politicians was that of the patronage and the number of appointments that ministers made to these bodies. This issue was first raised in relation to Quangos by the Labour M.P. Maurice Edelman. During 1975 Edelman asked a series of Parliamentary Questions to discover how many non-civil service appointments were made by ministers. For example, on 20th February 1975 Edelman asked the Secretary of State for Trade "how many offices of profit are within his gift whose incumbents are not recruited through the normal civil service channels; and what is their value".[52] Mr Shore responded by disclosing that 54 people "hold public appointments at salaries totalling £302,992 per annum".[53]

After Edelman's death other left-wing politicians continued his concern with the extent of ministerial patronage over appointments to

these bodies. Tony Benn drew attention to the power that patronage gave to ministers and Prime Ministers. Writing in 1979, Benn concluded that "in recent years a mass of new patronage based on the royal prerogative has grown up which is dispensed by ministers without Commons control".[54] This situation contrasted unfavourably with that in the United States where Presidential appointees had to be confirmed by Congress.[55] This system was undemocratic and gave ministers and the Prime Minister enormous power. The gift of jobs could be used to exert control over individuals because there were two or three hopefuls for every post.[56] If an individual opposed ministerial or prime ministerial decisions they could forfeit the chance of obtaining powerful and/or well paid positions.

In 1981 Benn developed this argument by acknowledging that most governmental appointments were made by civil servants. In The Case for Democracy, Tony Benn argued that because most of the run-of-the-mill appointments come from civil service lists the people chosen reflect civil service preferences. The Civil Service, therefore, exercised "an influence beyond the confines of Whitehall, and can call upon the resources of its own appointees when it is necessary to do so".[57] Furthermore, Benn claimed that civil servants used this power to "construct a top level corporate structure of committees and Quangos, which brought together all those who could be persuaded to share their desire for the minimum of public controversy that is compatible with the two-and-a-half party system".[58] Using this network Benn argued that civil servants tried to dilute the policies of a radical minister and "divert ministerial energies into safer channels that do not disturb the even flow of established Whitehall policy".[59] By controlling appointments to Quangos and other bodies, Benn claimed that unelected officials maintained their control over government policy.

Eric Heffer argued that it was the Left, and not the Right, who really wanted to reduce the level of patronage.[60] In 1978, Heffer claimed that Holland was wrong when he tried to say that the Labour government was "responsible for the system we inherited, something

that has been with us for fifty years".[61] Furthermore, Heffer claimed that it had been Labour Party members that "have been trying to do something positive about it".[62]

Heffer was responding to the claims advanced by the Right that the Labour government was particularly guilty of making partisan appointments. Holland, in particular, highlighted the growing use of partisan political appointments of trade unionists and sympathetic academics by the Labour government. In The Governance of Quangos Holland recorded that "after five years of Labour Government all the important Quanguru appointments were held by dedicated supporters of the Labour Party".[63] In 1978 Holland had previously shown that power was concentrated within very small groups, for instance T.U.C. Council members held 180 appointments between them. Some prominent trade union leaders held a very large number of appointments.[64] Jack Jones, the General Secretary of the TGWU, held 13 such appointments by the time he retired. Even Jones' deputy (Harry Urwin) possessed 9 such appointments. Some bodies were packed with people of one political persuasion. Nicholas Winterton claimed that the board of ACAS was "packed with socialists and communists who devote their time to meddling in the industrial affairs of the country".[65]

Holland developed his argument by claiming that a political party could perpetuate its control over a large area of public life even after electoral defeat, by making partisan appointments while in office. It was the undemocratic nature of this patronage system that led Holland and Fallon in The Quango Explosion to advise the next Conservative government to eschew partisan political appointments and only appoint experts and laymen.[66] However, this neat remedy begged the question about who to appoint to bodies carrying out essentially political roles. This issue was raised by Barker; he argued that this laid bare a key problem in Holland and Fallon's analysis. They displayed an uncertainty as to whether "the rise of Quasi-Government was only a socialist or corporatist plot or a lasting characteristic of modern government".[67]

The issue of ministerial appointments to Quangos was also tackled

by academics. Alan Doig, writing in Parliamentary Affairs, took a more sympathetic view. He concluded that "with the large number of unpaid appointments, the relatively small per capita expenditure on salaries and the specific and necessary functions of many of the bodies, public bodies are not in general fertile grounds for old-boy networks, petty fiddling and political favouratism."[68] Support for Doig's views was given by an inquiry into appointments to administrative tribunals which claimed not to have "encountered the slightest sign of any abuse".[69]

In truth a total attack on appointments to Quangos was never likely to be implemented. Even while the debate raged The Times discovered that Sir Anthony Royle was busy, at Conservative Central Office, composing a list of Conservative supporters who could be given appointments on the Conservatives' return to power.[70] Indeed, the Labour M.P. Michael McGuire was moved to retort that the real reason for Conservative anger was that they "no longer control these Quangos and that we now have our share of them".[71] In fact, far from all the leading Quanguru were socialists; one of the vice-chairmen of the Equal Opportunities Commission was Lady Howe, the wife of the Shadow Chancellor Sir Geoffrey Howe.[72] When given appointments not all Conservatives seemed to feel morally obliged to refuse. The true position seemed to be that a number of Conservatives were reacting against 'Big Government' and some of the things that 'Big Government' did; their concern about patronage was secondary.

The position of the Left was also complicated. The Left generally did not object to partisan political appointments and often advocated such appointments as a way of ensuring that the will of the democratically elected government was put into effect. However, the Left did object to the current concentration of power in the hands of a few members of central government. Hence, the attitude of the Left on this issue was best seen in the context of their desire to reduce the power of Prime Ministers and ministers. Just as the views of the Right on the Quango issue were wrapped up with their views on broader political questions, so were the views of the Left.

Nevertheless, despite the different sources of their criticisms there emerged a considerable area of consensus between Left and Right over what was wrong with the current system of appointments to Quangos. First, unease existed at the number of such ministerial appointments. Baroness Young, in the 1978 House of Lords debate, claimed that they equalled or surpassed the number of U.K. local councillors.[73] Second, the methods used to appoint these Quanguru was also a matter for concern; normally the statutes establishing the Quango gave no guidance as to how appointments had to be filled.[74] As Davis observed "each appointment is an executive action for which no explanation or justification must be offered to Parliament or the Public".[75]

Given the closed and unaccountable nature of the system much of the criticism of it focused on how to make it more accountable and democratic. During the early stages of the debate the cause was championed by the Labour M.P. Maurice Edelman. Edelman argued for a more open system in which posts would be advertised and for which people could nominate themselves.[76] These ideas were also expressed by the Right; for example, Holland and Fallon in The Quango Explosion advocated more open nomination procedures and the advertising of posts rather than just filling positions from the lists of the 'Good and the Great'.[77]

This attack on the system of appointments did not go unchallenged. In the House of Lords debate on Quangos Lord Birdwood argued that advertising was not the best method as it would be unlikely to attract the most suitable candidates. In any case, the sheer volume of such appointments could be used to argue that far from being a source of ministerial power they actually were a tiresome chore. The issue was not on whom, out of many rival claimants, to grant the 'spoils of office'; but how to find people willing to fill the vacancies.[78]

The use of political appointments was also defended on the grounds that such appointments can be vital in securing the co-operation of key pressure groups. If political appointments ceased,

these Quangos would be less able to obtain the support of the relevant private sector organisations. This focuses on the heart of the anti-state critique of Quangos as bodies of the corporate state. This criticism is seldom voiced on the Left and it can be seen as a partisan point and not as part of the consensus of concern about the system of appointments for Quangos. Furthermore, much of the right wing critique was directed at the number of trade union Quanguru and at the consequential power of the trade unions.

Sherman and Jenkins, in their defence of Quangos, took the idea of securing co-operation from pressure groups a stage further. They claimed that governmental bodies offered many opportunities for people outside the normal sphere of government and admininistration to participate in decision making.[79] The participation of outsiders was not seen just as a way to secure the backing of key groups for government policy but as a positive way of involving people outside the traditional structures of government in the construction and implementation of such policy. Furthermore, most of these posts were unpaid and part-time and the Quanguru holding them should be seen more as performers of a public service rather than as the recipients of important posts. This view was supported by Gavin Drewry who declared that the system mobilised considerable voluntary public service at a trivial cost in relation to public expenditure.[80]

Even Sherman and Jenkins, however, recognised that the way the Quanguru are appointed is in need of reform.[81] A consensus between Left and Right about the problem of appointments was based around the notion that the process had to be made more open and democratic. Both Left and Right were concerned about the lack of parliamentary control over these appointments and at how they were almost totally a matter for ministerial discretion. Once an appointment had been made the minister need never account for the choice or, normally, even justify it on grounds of performance. Hence, the common ground on this issue effectively rested on the concept of accountability. Much of the criticism from the Left was at the undemocratic structure of the current patronage system and not at the number of appointments, who

were appointed as Quanguru or at the functions and utility of the Quangos.

The idea of extending democracy was a vital concept in the thinking of the Left of the 1970s and encompassed such ideas as worker co-operatives, mandatory reselection of Labour M.P.s and the removal of the Labour Party leader's veto over the Party's manifesto commitments. However, this led the Left to be concerned with the accountability of the minister. Left-wing politicians developed the thesis that the 'establishment' combined to prevent the implementation of socialism every time a Labour government was elected. The Labour Party had often been betrayed by its leaders who became a part of this political establishment.[82] The solution to this problem was to reduce the power of the Party Leader and other senior ministers and extend the power of the party activists over decisions.

Although the ideas were not to come to prominence until the 1980s they were being developed in the 1970s through the activities of groups such as the Campaign for Labour Party Democracy. In these circumstances it was not surprising that such currents of opinion should feed into the debate about Quangos. But this intellectual background also meant that behind the arguments of the Left there often lurked the desire to transfer accountability to the party machine. This could be done by appointing party activists who would not 'betray' socialism or by making Quangos more accountable to a Parliament composed of a majority of Labour M.P.s who were themselves accountable to their constituency activists. This theme was echoed by Tony Benn, while still a Labour Cabinet Minister, in 1977. Speaking to a meeting of the Labour Parliamentary Association Benn argued that the Labour Party must make one of its key objectives the substitution of a better system for that process of selection by ministerial appointment. This, he said, was essential "if decisions made by the Labour Conference and by the electorate were to be effectively carried through".[83]

The 1970s Agenda and the Pliatzky Report

The debate of the 1970s identified five main areas of concern about Quangos. First, they were charged with being wasteful of resources. Second, that too many such bodies existed. Third, it was claimed that they were not accountable to democratic institutions and, fourth, the manner in which appointments to them were made was criticised. The final concern centred on the lack of knowledge about the number of bodies in existence.

The above concerns helped to propel the issue onto the top of the political agenda. This high profile debate helped to ensure that, when the Conservatives returned to power, an inquiry was established to look at most of the issues raised in the debate. These wider political issues also helped to determine what issues the inquiry, under Sir Leo Pliatzky (a former Permanent Secretary at the Department of Trade) was able to analyse. The Pliatzky inquiry on Non-Departmental Public Bodies was instituted by a Conservative government committed to restricting public expenditure and reducing the role of the state.

Given this political background it is perhaps not surprising to learn that the inquiry took place "concurrently with separate and much larger scale exercises to reduce public expenditure and the size of the Civil Service".[64] The Pliatzky review of Non-Departmental Public Bodies was thus partly designed to complement "the public expenditure and staff exercises in securing administrative economies".[65] The issue of value for money was central to the inquiry. The inquiry also embarked on a survey to discover what bodies each department sponsored. This survey involved asking all departments of state such questions as whether the function being carried out was necessary, whether it was being done efficiently and whether the Non-Departmental Body should be abolished or retained.[66] Indeed, one of the key achievements of the Pliatzky Report was to draw up a list of bodies that should be abolished. The fear that Quangos were too numerous and too wasteful was an important concern of the review.

However, the review also addressed the fear that Quangos were not accountable. The terms of reference under which the review operated

obliged it to "comment on the arrangements for control and accountability of non-departmental public bodies".[87] Although this was to be done in the context of the analysis of how efficient the bodies were, and whether their continued existence was justified, the issue of accountability was again beginning to be treated as a concern in its own right and not just as a minor issue by politicians.

The issue of appointments was outside the scope of the review. In any case once the Conservatives returned to power their interest in this 'problem' subsided. Indeed, Mrs Thatcher subsequently used her power of patronage to appoint to Quangos Conservative supporters who were 'one of us'. For example, in 1981 she appointed Sir William Rees Mogg, a former Conservative parliamentary candidate, as Chairman of the Arts Council. By contrast those viewed as being hostile to Thatcherism seldom were appointed to key posts, indeed some were dismissed from their post because they were out of sympathy with Mrs Thatcher. For instance, Paul Channon, the Civil Service minister, told the Arts Council to get rid of its vice-chairman, Mr Richard Hoggart (a Labour supporter) because Number Ten "doesn't like him".[88] As Adam Raphael observed, apart from, Lloyd-George, Macmillan and Wilson, "no Prime Minister this century has made more calculating use of the power of her office in rewarding those who are 'one of us' and in shunning those who are not".[89]

The Plaitzky Report gave a qualified defence to the use of such bodies, although the report concluded that the experience with them had been mixed. One manifestation of this critical approach was the naming of a list of bodies appropriate for abolition. Shortly after the publication of the Plaitzky report the government announced that it would be abolishing 30 Executive Non-Departmental Public Bodies (ENDPBs), 211 Advisory Non-Departmental Public Bodies and 6 Tribunal systems. In late 1980 the government further annouced that another 192 such bodies would be wound up by 1983; this would amount to a saving of £23 million per year.[90]

However, in comparison with the total number of Non-Departmental Public Bodies the number of planned reductions was modest. Hood

commented that the staff cut achieved by the Pliatzky cull was actually "proportionally smaller than reductions during 1979-80 in civil service numbers".[91] Many of the cuts were cosmetic in effect; for instance Michael Heseltine abolished half of the bodies sponsored by the Department of the Environment, yet they had been spending less than one percent of the department's Budget.[92] In truth, a drastic reduction in Quangos could only have been achieved by the government withdrawing from vast areas of its current responsibilities; as yet such a move was not politically acceptable.

Given these restrictions, Pliatzky also produced a series of recommendations aimed at making these bodies more accountable for their actions. First, he urged that Annual Reports and Accounts be as informative as possible.[93] In addition to providing information about their activities these documents should normally provide "material designed to help in forming a judgement on the cost-effectiveness of the organisation's activities or on the costs and benefits involved".[94] In particular Annual Reports and Accounts "should include enough information about the remuneration and expenses of the chairman and members of the governing body and its employees to obviate any reasonable grounds for concern on this score".[95]

Second, for those bodies that were grant-financed and received over fifty percent or more of their income from government (the vast majority of EMDPBs) Pliatzky declared that financial accountability was "a matter of conforming to existing good practices as exemplified in the case of the more trouble-free of the existing fringe bodies".[96] Pliatzky then outlined what these features were. For example, good practices provided a role, in monitoring these bodies, for the sponsor departments: they had oversight over numbers, grading and pay of the staff and approved the body's expenditure programme. The sponsor department, in the best cases, had to satisfy itself (before it awarded a grant) that the body had "suitable staff and systems"[97] for managing it. Each body would have an Accounting Officer who would take responsibility "for the efficient and proper application of the money".[98]

Third, this dual system of accounting would be supplemented by dual involvement (between the body and the department) in "the development of policy and in the oversight of performance".[99] Finally, the accounts should be audited by the Controller and Auditor General, who then submits his report to the Public Accounts Committee of the House of Commons.[100]

Pliatzky mainly confined himself, however, to a discussion of how the sponsoring department could hold the body to account. He had little to say about external means of accountability. The exceptions being the paragraphs on the role of the Public Accounts Committee and the Comptroller and Auditor General and the section about the new Departmental Select Committees. He optimistically declared that their capacity to scrutinise Non-Departmental Public Bodies was "a new departure that has the potential for a considerable advancement on a non-partisan basis of the role of Parliament in this field."[101]

Pliatzky was mirroring the deliberations of the Carnegie Project (see Chapters Three and Five) of a decade earlier; how do you strike the optimal balance between the accountability of these bodies and maintaining their independence? By the early 1980s the issue of accountability versus independence had re-established itself as the major theme in this debate. Considering how the right blend between these two forces could be achieved was once again the key preoccupation of the protangonists in the debate.

Conclusion

Although academics and public administrators had long been concerned with the accountability of these bodies, the role of Quangos did not become a prominent political matter until the 1970s. The emergence of the issue onto the political agenda had much to do with broader trends in British politics.

By the mid-1970s many politicians on the Right of British politics had begun to question the post war concept of the role of the state. This growing criticism of the size of the public sector led Conservative politicians to look again at the Quangos who performed,

regulated and advised on these tasks. But while the Right was becoming more sceptical of state activity, the Labour government was busy expanding the role of the state and creating Quangos to implement many of their most controversial policies. These two developments soon made the Quango controversial.

Quangos were soon criticised for being wasteful and unaccountable, however the main complaint was that there were too many of them and that the state should do less. Although Conservative writers argued that Quangos should be made more efficient and accountable the main argument of such people was that these bodies were fundamentally defective. Calls were made for their continued existence to be reviewed and for many of the functions performed by Quangos to be left to the private sector.

Quangos were also criticised on the grounds that they were the responsibility of unelected ministerial appointees. This view was not just held by right wingers but also supported by many on the Left such as Heffer and Edelman. In a similar vein there was much concern about the paucity of information about Quangos. Although the government responded to the widespread concern that little was known about Quangos by releasing more information, public anxiety did not abate. Similarily, the accountability issue, while not being at the centre of the political debate was still of concern to academics like Hood and M.P.s like Michael Grylls. While Nevil Johnson raised the wider question of whether the system of responsible government based on accountable ministers was collapsing.

Despite the criticism of Quangos not everyone was hostile; for example some Labour M.P.s like McGuire doubted the sincerity of the Tory attack on the patronage exercised by Labour ministers. In a similar vein the right wing waste argument was also controversial, for example Keeling claimed that Quangos were likely to be more efficient than traditional arrangements. Nevertheless there was widespread concern in 1970s about the use of Quangos. In response to this concern in 1979 the new Conservative Government established the Pliatzky Review, which reported in 1980.

Pliatzky's report recommended the continued use of Quangos but was also critical of the past and produced a list of bodies to be abolished. However, it subsequently proved impossible to reduce dramatically the number of Quangos because the government refused to contemplate a large reduction in the role of the state. Neither was the system of making appointments to these bodies reformed. Once in power the Conservatives lost interest in this issue; it was not even within Pliatzky's terms of reference.

Pliatzky's review contented itself with composing a series of recommendations designed to make Quangos more accountable. In putting the emphasis on accountability rather than abolition the review was tackling the issue of how to reconcile accountability and control, which had concerned the Carnegie project. The issue of accountability, therefore, was once again at the centre of the debate about Quangos.

But before we look at this issues we must ask what is meant by the term Quango. During this chapter several terms have been used in order to reflect the different number of definitions used and the confusion that surrounded this whole area. However, we cannot proceed any further without being clear about what is being discussed. In the next chapter it is vital that we choose the most appropriate definition and so end the confusion.

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Chapter Three History and Definitions

"There is no general agreement about what constitutes a 'Quango', the term is open to many different interpretations".[1]

(Gavin Drewry: Public Law: 1982)

Introduction

The debate of the 1970s was characterised by uncertainty about how the subject matter should be defined. This debate ranged over the vast area of activity between Government Departments and local authorities, on the one hand, and the private sector, on the other. Different surveys, pamphlets and articles focused on differing aspects of the topic and produced a diverse variety of definitions. The use of many diverse definitions led to different conclusions about the 'problem', what had to be done, or whether such a 'problem' even existed.

The preceding chapter sought to illustrate how this issue emerged onto the political agenda, therefore the focus was directed at identifying the questions raised across the entire spectrum of the debate. The analysis was not just directed at one interpretation of how to define a Quango. However, to carry out any useful analysis it is essential to have a precise definition that is of relevance to the issues under consideration. Our concern here is with the accountability of these bodies. Other issues, such as patronage, are of interest only in so far as they affect the central issue of accountability. Given this concern, the definition chosen should be one that is relevant to the accountability of these bodies.

The field of Quasi-Government is populated by a vast number of different interpretations about how to define the organisations. These definitions are based on different opinions about how much state intervention draws an organisation out of the private sector into the world of Quasi Non-Government or Quasi-Government. The debate about the appropriate definition is founded in disagreement about what level of state involvement necessitates the creation of mechanisms to hold the body accountable to democratic institutions. Unfortunately,

no clear dividing line exists between bodies that must obviously be held to account by democratic institutions and bodies to which such a concept is irrelevant. This confusion begs the question why. The answer is to be found in the piecemeal evolution of British public administration. New administrative structures and arrangements have been created usually as a pragmatic response to a contemporary problem. The creation of governmental bodies has occurred in the absence of the development of any theoretical justification for their use. This opinion was supported by Nevil Johnson. He argued that "the whole process of creating them has gone ahead in a piecemeal fashion, presenting a perfect illustration of opportunistic pragmatism at work".[2]

The British response to a specific problem usually consisted of fitting an organisational structure to the problem, rather than putting the problem into some existing structure (see Chapter Two). This pragmatism meant that the type and degree of accountability demanded varied markedly between different bodies. The pragmatic evolution of administrative practice was the determinant of how much and what type of accountability a body enjoyed. Once the notion of direct ministerial responsibility had been circumvented, theoretical notions and model structures did not seem to provide any framework through which Quangos could be held to account; the only exceptions to this rule were the Nationalised Industries and some Public Corporations (see Chapter Five).

This conclusion led to an acceptance of the proposition that, to discover which of the definitions was most appropriate, a study of the evolution of British public administration should be conducted. This study should show the origins, evolution and growth of central administration and the role in this of the quasi-state sector; it should illustrate how the different definitions emerged and show which one is most suitable for our purposes. As Bowen observed Fringe Bodies (his definition of the term) "are not temporary aberrations which have recently come into vogue. On the contrary they are persisting elements in our governmental arrangements".[3]

History

The origin of all central administration lay in the committees of the King's Council which were directly accountable to the ruling monarch. By the seventeenth century some of these committees had become Departments headed by a single minister; however many of them became committees or boards. The latter arrangement was preferred by the monarch because these committees and boards were answerable directly to the Crown and not to a minister; therefore in the years following the restoration Charles II reconstructed English administration largely on the basis of boards and committees rather than ministries.[4] For example, under Charles II key functions such as the administration of the navy and revenue collection were the responsibility of boards or committees and not ministries. Indeed, certain key offices were put into 'commission' rather than being awarded to one individual. In the eighteenth century the key posts of Lord High Treasurer and Lord High Admiral were often treated in this way.[5]

The control of ministers over the administrative system was, however, greater than it appeared. Four ministries (Treasury, Admiralty, Chancery and the Secretaryship) existed and had considerable administrative powers. In particular, they exercised control over some of the committees and boards. For example, the revenue boards were subject to the Treasury, while even the prestigious Board of Ordnance only enjoyed limited autonomy from the Privy Council, the Admiralty and the Secretaries of State.[6]

In the late eighteenth century reform of the administrative system started in order to make it more efficient and less corrupt. For example, the Foreign Office and Home Office were created in 1782 following the reorganisation of the secretariat. In 1784 The Board of Control was established and given wide powers to regulate the governmental and military activities of the East India Company and in 1786 the board of Trade was re-established. Although both bodies were nominally boards and not ministries power quickly became centralised into one or two hands and the other committee members ceased to be

actively involved. By the end of the century the President of the Board of Control was the only active member of his Board, while only the President and Vice President participated in the affairs of the Board of Trade.[7] As Mark Thompson observed, "though the old custom of entrusting business to boards was nominally continued, what happened in practice was that power was given to single Ministers".[8] In the words of Sir Ivor Jennings the semi-autonomous bodies (his definition of the term) "became fewer and less autonomous as the process of administrative form developed from 1782 onwards".[9]

By the start of the nineteenth century "constitutional development had by then provided some of the conditions under which an administration responsible to Parliament through individual ministers could evolve".[10] The only change needed to complete these conditions was a change in the relative power of the Crown and Parliament. Once Parliament established itself as the dominant partner it would extend its scrutiny and control over public administration and demand the replacement of boards and committees by departments headed by a minister responsible to Parliament.[11]

At this point we must interject a piece of terminological caution. In the nineteenth century many of the bodies that possessed the characteristics of ministries were actually called boards. For example, the Treasury Board and the Admiralty Board both had their powers vested "in a single person who sits in one or other House of Parliament and is responsible to Parliament for every act performed by that Department".[12] They were the equivalent of modern ministries not modern Quangos. Our use of the term board shall be taken to mean a body "which is not itself directly accountable to Parliament".[13] Although this usage of the term board does not precisely correspond to the contemporary language it can be justified on grounds of clarifying the discussion. Indeed, this approach has been used by other writers, such as Willson.

The passage of the Reform Act in 1832 marked the culmination of a change in relative power of Crown and Parliament, but, although Parliament had reached a position from which it could control

administrative details, in the years immediately after the 1832 Great Reform Act the number of boards increased rather than decreased, 11 being created during the next 17 years.[14] Until 1855 several factors combined to prevent ministries being created at the expense of boards. First, the tradition of giving new tasks to boards was generally accepted, while most ministries remained small and ill-equipped to undertake new duties. Second, new administrative powers were seldom considered to be important enough to warrant the appointment of new ministries. Third, the attitude of Parliament helped prevent the creation of ministeries. Parliamentarians still had an eighteenth century view of ministers as placemen and failed to realise how Parliament would be able to hold ministers to account. Finally, opposition to an expansion in the role of the state increases in public expenditure, and centralised administration also helped to ensure that boards were preferred to ministeries.[15]

However, in the second half of the nineteenth century the use of boards fell out of favour. As Willson observed "the use of boards was discredited because in certain cases during the 'forties and early 'fifties experience showed that an administration directly responsible to Parliament was incompatible with the existence of independent boards".[16] In particular, administration of the Poor Law Commission did much to undermine public confidence in the use of boards. Although the Commissioners took important decisions that were often the subject of public controversy they were not subject to any parliamentary oversight. Eventually this position was judged unacceptable and, in 1847, the Commission was replaced by a ministry.[17]

In the early 1850s most of the boards that had existed before 1845 disappeared or were reorganised. For example in 1851 the Board of Works, a new ministry, was formed following the division of the Board of Woods. Similarly, the General Board of Health became a ministry in 1854. After 1855 the doctrine of the individual responsibility of ministers (See Chapter Four) became firmly established and, in consequence, ministries were created in preference to boards. From 1855 to 1906 only two new boards were established, while many existing

boards were merged with ministries.[18] Ministries were preferred to boards on grounds of democracy and efficiency. As Street commented "ventilation of grievances by representatives of the people and defence in Parliament by a responsible Member of the Government were essential, not only to the vitality of democracy but also to the efficiency of administration".[19]

This view was expressed in the Report on the Machinery of Government Committee, 1918 Cd. 9230, which was chaired by Lord Haldane. The Report concluded that the system of administrative boards was "less effective in securing responsibility for official action than the system followed in departments; where full responsibility is definitely laid on the Minister".[20] In arguing this case the Report echoed the message of the Report on the Organisation of the Permanent Civil Service, C. 1713 (1854) (The Northcote/Trevelyan Report) that government could not be conducted "without the aid of an efficient body of permanent officers occupying a position duly subordinate to ministers who are directly responsible to Parliament".[21]

However, in the early twentieth century several new boards were created. The Liberal government, elected in 1905, created new boards to enable the state to become more involved in economic and social matters. For example, in 1911 four separate Boards of Commissioners (for England, Ireland, Wales and Scotland) were established to run the new system of Public Health Insurance.[22] Although ministries could have been used to perform these tasks it was felt that the use of boards was more appropriate. As Willson commented it was felt that these functions should be separated from party politics and that it would be unwise to vest more administrative power in the executive. Secondly, a consensus developed that it would be more efficient if these jobs were performed by boards. Ministries were viewed as being too inflexible and too cautious to manage these functions efficiently.[23]

The Haldane Report (1918) voiced the late nineteenth century view that, where a board was established without explicit statutory provision for a minister responsible to Parliament for their work, the

provision was unsatisfactory and declared that the system of Administrative Boards was "less effective in securing responsibility for official action and advice than the system followed in Departments where full responsibility is definitely laid upon the Minister".[24]

The next year a number of non-ministerial bodies were replaced by ministerial departments. For example, the Road Board was supplanted by the Ministry of Transport and the administration of National Health Insurance was transferred from the Insurance Commissions and given to the newly created Health Department. However, in general, "the sentence of the Haldane Committee was not carried out"[25]; in common with many official reports "very little was extracted and implemented from the Haldane Report".[26]

In the following decades a proliferation of Quasi-Governmental or Quasi-Non Governmental bodies occurred. In particular, this was a response to the expansion in the role of the state. Unless tasks were delegated to such bodies the central government might collapse under the extra burden. In practice, such bodies could not be, and were not, dismissed as being less effective or efficient than ministerial departments. They had become a vital part of the governmental system and were essential, if government was to continue to concern itself with so many aspects of national life. Indeed, because of the nature of many of these extra responsibilities, the ministerial department of state was not thought to be an appropriate form of organisation. It was felt that the state should conduct these activities at 'arms length' from politicians.

During the 1920s, 1930s and 1940s Quasi-Governmental Bodies were used to enable the government to regulate many aspects of national life. For example, the War Damage Commission (1941) was created to make decisions arising from wartime destruction.[27] In a similar vein the Unemployment Assistance Board (1934) was established to draft and apply unemployment regulations and in the post war period the New Town Development Corporations were founded to plan and execute the development of the New Towns.[28]

Quasi-Governmental Bodies were also employed to regulate

industry. In the 1930s the government established guild type bodies to encourage industry to put its own house in order, the most important example of which were the Marketing Boards, which were charged with protecting the industry from the effect of sudden price falls and with improving marketing and production. The majority of each board consisted of representatives elected by the producers, the other board members being ministerial appointees. The Wheat Commission, which was established in 1935 in order to administer a levy and subsidy scheme, was similar to the Marketing Boards, although its members were not directly chosen by the producer but were all appointed by the minister. Other commodity commissions for agriculture, like the Livestock Commission (1937) and the Land Fertility Committee (1937) were also established during the 1930s. Their structure was similar to the Marketing Boards; the Wheat Commission however did not have their own autonomous fund and merely administered Treasury grants. Other bodies were created which did not provide grants but loans, the Agriculture Mortgage Corporation and the Special Areas Reconstruction Association Fund being prominant examples of this type of body. Finally, in 1948 the government established the Monopolies and Mergers Commission to investigate monopolies and mergers and report on their desirability and consequences.[28]

Quasi-Governmental Bodies were also used to manage large trading and industrial corporations. In the 1920s and 1930s the concept of the public corporation was established, the two key prototypes being the British Broadcasting Corporation (1927) and the Central Electricity Board (1926).[29] Unlike the other Quasi-Governmental or Quasi Non-Governmental Bodies, as Tivey observed, public corporations were based on "a theory and a fairly definite set of principles".[29] While recognising the need for accountability and control public corporations also accepted the requirement for managerial independence and attempted to reconcile these two objectives.

In practice public corporations usually have the following five characteristics. First, they are corporate bodies and, second, they are publicly owned. Third, they are statutory bodies whose

constitution, powers and duties are prescribed by law and can be changed only by legislation. Fourth, there is some degree of government control: normally the appointment of the governing board and may include various policy and financial matters. Finally, public corporations are independent in respect of their management and operations, their personnel are not civil servants and the finances are separate from those of the government.[32]

In 1933 a public corporation (The London Passenger Transport Board) was established to own and run London's Underground, trams and buses, while in 1939 a public corporation was established for overseas airlines.[33] Experience of public corporations eventually persuaded the Labour Party that industries nationalised by a future Labour administration should be entrusted to public corporations. This conversion of the Labour Party to Public Corporations was largely due to the efforts of Herbert (later Lord) Morrison. In 1933 Morrison, in Socialization and Transport, argued that Nationalised Industries would need considerable freedom from political control if they were to operate efficiently.[34] In addition, as Coombs showed, it was thought that civil servants would not have the capabilities to control industries if nationalised industries were made the responsibility of departments of state.[35] Morrison's views attracted cross-party support; although Conservatives and Liberals did not support nationalisation they considered Morrison's ideas preferable to the industries being run by civil servants and politicians[36] (see Chapter Six for a fuller analysis of their constitutional position).

After their victory in the 1945 General Election the new Labour government created ten Nationalised Industries along the public corporation model to run the Bank of England (1946), Civil Aviation (1946), Coal (1947), the Railways (1947), Road Haulage (1947), Waterways (1948), Hospitals (1948), Electricity (1948), Gas (1949) and Iron and Steel (1950). Subsequent nationalisations of Iron and Steel (1967), National Bus Company (1967), Rolls Royce (1972), British Leyland (1975), British Shipbuilders (1976) and British Aerospace (1976) all adopted the same administrative arrangements.[37]

The expansion in the use of Quasi-Governmental Bodies was because they were considered to have certain advantages over ministries or departments of state. First, if the task to be undertaken is too technical to be adequately performed by ministers and civil servants, greater expertise will be required. Second, and relatedly, it might only be possible to perform efficiently the function if 'outside' experts are used. Third, the government might wish to put a 'buffer of independence' between it and the exercise of a particular function. For example, the B.B.C. was established as a public corporation because it was felt that broadcasting should be insulated from normal political pressures, so that its political neutrality could be preserved. Similarly, the Arts Council was created in a quasi-governmental form to insulate the award of public grants to the arts from political pressure. Fourth, it can be argued, that in the interests of dispersing and decentralising decision making and policy implementation, it is desirable that ministries or departments of state should not be the sole agents of government activity. Finally, the creation of Quasi-Governmental Bodies often leads to a reduction in the number of civil servants. This can be seen by politicians as a desirable result because it gives the illusion that government waste and bureaucracy are being cut.

So far the discussion has been solely concerned with bodies performing executive tasks; now the role of Advisory and Quasi-Judicial Bodies must be mentioned. Advisory bodies have long been a feature of British government, as Zink observed "there has never been anything to prevent department heads and officers from conferring informally with individuals or groups outside the public service".[38] In the early twentieth century these consultations began to be put on a statutory basis. For example, in 1899 the Act of Parliament that created the Board of Education made provision for departmental advisory committees composed of non-governmental experts.[39] Similar provision for advisory committees was made in the 1909 Board of Trade Act and the 1911 National Insurance Act.[40]

During the first World War large numbers of advisory committees

were established by executive order, without express statutory authority.[41] The 1918 Report on the Machinery of Government (see above) welcomed the use of advisory committees so long as they did not "impair the responsibility of ministers to Parliament".[42] In the following decades the number of advisory committees dramatically expanded to reach 1,561 by 1980 (when they were counted for the Pliatzky review of Non-Departmental Public Bodies).[43]

A consensus existed that advisory bodies with representation from outside the departments were needed because the department's own staff could not provide all the necessary advice by themselves. Writing in 1962 Harold Zink observed that advisory committees had "rendered good service by bringing to the departments information and advice based on first-hand knowledge. They have also inspired public confidence in administrative authorities as being guided by such information and advice rather than by mere theory or bureaucratic presuppositions".[44] In other words it was considered that efficient policy making needed an input from external experts.

Quasi-Judicial Bodies have also come to be recognised as being essential to the operation of modern government. Although Quasi-Judicial Bodies have their origins deep in British history most of the current tribunals were created during the twentieth century. From the 1880s onwards a tendency developed for "statutes introducing new controls or new services to introduce also special machinery for the settlement of disputes".[45] This expansion in the use of Quasi-Judicial Bodies was called into question by writers such as Lord Hewart who, in 1929, criticised the use of these bodies in his book The New Despotism.[46] In the view of the critics judicial decisions were best handled by the ordinary courts. In response to this criticism the government established the Committee on Ministers' Powers (The Donoughmore Committe), which reported in 1932 (Report of the Committee on Ministers' Powers, 1931-32 Cmd 4060.)

The Donoughmore Committee considered that Ministerial Tribunals had "much to recommend them".[47] Tribunals were often cheaper than ordinary Courts of Law, more accessible, freer from technicality, more

expeditious and better able to "exercise a special jurisdiction".[48] In addition, the Donoughmore Committee thought Tribunals "better able at least than the inferior Courts of Law to establish a uniformity of practice".[49] But while the Committee recognised the advantages of using tribunals they urged caution and recommended that "such tribunals should be set up only in those cases in which the conditions beyond all question demand it".[50] However, this caveat exercised "hardly any influence on legislative policy".[51] In the years that followed the use of Quasi-Judicial Bodies increased. A considerable expansion in the use of these bodies resulted from the creation of the Welfare State by the 1945-51 Labour government. As each statute became law it was also necessary to establish a tribunal to deal with disputes; therefore bodies like the National Insurance and Industrial Injuries Tribunals, the Supplementary Benefits Commission Appeal Tribunal, the National Health Service Tribunal and the Medical Appeal Tribunal were established.[52]

During the late 1940s and early 1950s the application of Quasi-Judicial Bodies was also expanded to cover land, property and transport. The expansion in the role of the state made necessary this growth in the number of Quasi-Judicial Bodies in order to prevent departments adjudicating in their own disputes.[53] This system received a further boost after the publication of the Report of the Committee on Administrative Tribunals and Inquiries, 1957, Cmnd 218 (the Franks Report). The Franks Committee reviewed the system and put forward proposals for improvement; unlike the Donoughmore Report it did not challenge the role of Quasi-Judicial Bodies but accepted that they had a role to play in British government. Instead the Franks Committee concentrated on making the system more open, fair and impartial and recommended the creation of a Council on Tribunals to oversee the system. In 1958 Franks' main recommendation was put into effect when the Tribunals and Inquiries Act established a Council on Tribunals.[54] Since 1958 the use of Tribunals continued to increase, for example Pliatzky recorded the existence of 67 Tribunal systems when he reported in 1980.[55]

The scope of Quasi-Government was further increased when existing functions of government were separated from departments of state; this process was given a boost following the Report on the Civil Service 1966-68, 1968, Cmnd 3638 (Fulton Report) which called for the "hiving-off of autonomous bodies from departments"[56] (see Chapter Five). Following the Report's publication some parts of the government were hived-off to agencies. In 1969 after 30 years of debate the Post Office was finally 'hived off', while, in 1971, the regulation of civil aviation was removed from direct ministerial control and given to the new created Civil Aviation Authority. Subsequently, in 1973 and 1974, most of the job-finding, training, health and safety, and conciliation and arbitration functions of the Department of Employment were 'hived off' to the Manpower Services Commission, the Health and Safety Commission and the Advisory, Conciliation and Arbitration Service.[57]

It was hoped that 'hiving off' would improve efficiency by creating accountable units outside the traditional structures of government, with specific objectives and narrower tasks than existing departments. This approach coincided with comparable developments in the U.S.A. During the Post-War period the federal government had increasingly devolved responsibility to private bodies on a contractual basis. These developments gave rise to fears, in both countries, that the new administrative structures may not be accountable. It was this concern which led, in the late 1960s, to the creation of the Anglo-American Carnegie project on accountablity; it was out of this academic forum that the first definitions of the Quango emerged.

Definitions

The first attempt at a definition was provided by Alan Pifer (the president of the Carnegie project). Pifer, from his study of American institutions, developed the term Quasi Non-Governmental Body. These organisations had many of the features of the private non-profit making sector: for instance they determined their own programme, their

employees were not civil servants and they often received some financial support from outside government. They were governed by a board of trustees/directors which was ultimately responsible for the organisation's affairs.[58] Given these characteristics the term Non-Government was considered to be appropriate. These organisations had certain features that distinguished them from the private sector. First, they were largely financed by the government and mainly existed as a servant of public purposes. This meant that they were dependent for their financial existence on Congress and the departmental agencies to which they were related. The necessity for public accountability built into this framework obviously restricted the organisation's freedom of action in a way unknown to a genuinely private body. Secondly, they were not created by private initiative but by the government.[59] Hence the state was said to create bodies that were claimed to be Quasi Non-Governmental, provide them with most of their finance, use them to carry out certain aspects of public policy and expect them to be accountable for their actions. This seemed to be a much better definition of Quasi Government than Quasi Non-Government. In any case, this is a definition developed with reference to a specific type of American organisation; these bodies did not exist in Britain in any recognisable form. Given such caveats it is not possible to base this thesis on Pifer's definition. The importance of this concept lies in its establishment of terms that could later be modified to produce more relevant concepts.

Pifer's paper was amongst those discussed at the Anglo American Accountability Conference at Ditchley Park in 1969. The conference was organised by the Carnegie Corporation as part of its project on the feasibility of decentralising public activities while ensuring that organisations to which these activities were devolved remained accountable. For instance, do we insist on holding all bodies accountable for what they do, and destroy their initiative? Or do we insist on their autonomy and lose effective control over them?[60] The participants thought that the Ditchley Conference had been able to discover important questions and provide tentative answers but more

research was needed. It was because of these feelings that the Carnegie Corporation decided to fund a research project based on co-ordinated research between the Universities of Essex and Glasgow and the Manchester Business School.[61] At the Ditchley Conference the British participants had been dissatisfied with the terminology, which seemed to have been created to meet United States' circumstances. Given such dissatisfaction, the participants in the research programme felt that the first stage was to gain a better understanding of the 'Quasi-Non-Governmental Organisation'. To do this, a classification of bodies into Government (G), Non-Government (NG), Quasi-Government (QG) and Quasi-Non-Government (QNG) was created.[62]

This classification was explained in Public Policy and Private Interests: the Institutions of Compromise (Macmillan, 1975), which was written by the participants in the project. Government was taken to mean the Armed Services, Home Civil Service and the Diplomatic Service. These bodies fitted in with the traditional doctrines of governmental accountability. They acted "to inform the Cabinet through a hierarchical chain of command, and to execute its orders".[63] Local Government was also included in (G) as "in the last resort Central Government can coerce local authorities or reorganise local government".[64]

Non-Government was defined as the private sector, although it was noted that the private sector did not really exist in a pure form, due to state intervention to limit the social costs imposed on the community by the activities of such Non-Government.[65] The notion of the private sector was a tool for analysis (rather than as a concept existing in its uncontaminated form). It served to highlight the existence of a large sector of mainly private, as opposed to public, activity.

The further extension of government intervention into the private sector was used to develop the concept of Quasi-Government. Quasi-Government was taken as meaning the nationalised industries, and therefore as state ownership of industrial and commercial organisations, in which the usual requirements for accountablity were

attenuated for commercial reasons. Quasi-Non-Government was then defined as a residual category to cover tasks that could not be left to the other organisations.[66] However, this approach does not tell us what the Quasi-Non-Governmental Body is, just what it is not. This does not yield any common characteristics for such bodies, apart from illustrating what they are not. Furthermore, it also blurs the distinction with the private sector because the point at which government intervention changes the status, from Private to Quasi-Governmental, is not specified. It also, theoretically, includes a vast number and range of bodies usually known as Quasi-Governmental and leaves the way open for the term Quango to be used in the same way. Such a wide-ranging residual definition is not really adequate as it is difficult to talk about such a diverse set of organisations under one term. Nevertheless, this classification did mark an interesting development because it was the first real attempt to relate these concepts to British government. Further progress, however, required a more precise definition.

The analysis can be developed by reference to the classification established by Hood and Mackenzie, (two of the participants in the project) following their case studies. Their definition of Government highlighted the ambiguities of the term and was directed to the proposition that government is harder to define than had previously been admitted. In particular, they pointed to the fact that the distinction between Government and Quasi-Government is imprecise. Hood and Mackenzie showed that within this area a large number of different types of body could be identified. These organisations ranged from ministerial departments to non-ministerial ones, from agencies totally within the civil service network to bodies employing civil servants and non-civil servants, and from bodies only employing civil servants as assessors or on secondment to governmental bodies not employing them at all.[67]

Hood and Mackenzie then argued that there existed no sharp cut-off point between Government and Quasi-Government. This approach dramatically enlarged the potential scope of Quasi-Government. The

term Quasi-Government could now be said to include organisations such as the Race Relations Board (now Commission for Racial Equality), the B.B.C., the University Grants Commission, the tribunal systems, the Arts Council and many more, although the position of any specfic body in the spectrum was a matter for debate and was not self-evident.[65] The potential range of bodies located in this area, between definite Government and various types of Non Government, was vast. It was because of this vagueness that Hood and Mackenzie chose to focus on the reasons for creating such bodies, as an alternative way of making sense of the subject. However, this approach did not lead to the production of a definite group of Quasi-Governmental Bodies. Nevertheless, this focus on Quasi-Government highlighted a key group of organisations that were to later attract attention, when the term Quango became attached to them. In addition, this analysis focused on how accountability could be weakened by giving autonomy to organisations that were not necessarily non-governmental.

Hood and Mackenzie also spoke of Quasi Non-Governmental Bodies, defining them as governmental agents in one of two senses. First, they can be essentially private bodies performing public functions as a small part of their activites. Second, Hood and Mackenzie argued that they can be organisations established by government but which either do not officially exist or are officially described as private.[66] However, this second definition of Quasi Non-Governmental Bodies was not developed by subsequent writers and can be discarded. Indeed, the real significance of this definition lay in the development of the term Quasi-Government and the development of interest in the types of bodies so described. But, Quasi-Non-Government was still used to mean bodies that were basically private. It could be argued that the first development signalled the subsequent demise of the later definition; this theme will be developed later.

The growth of bodies that performed some task for government, but which were not subject to the traditional accountability to a minister and thus to Parliament, as we have already seen, gave rise to a public debate in the 1970s. A vital component of this debate was the search

for the most appropriate definition on which to base the discussion. This process was eventually to send the discussion off into a direction quite different from where the initial academic analysis took place; namely into the realms of what Hood and Mackenzie called Quasi-Government. The focus tended to be directed more at why the traditional lines of accountability were removed than at an analysis of the use of organisations outside the boundaries of the state by the government. However, the phrase Quasi-Non Governmental Organisation had evolved into the term Quango (Quasi Autonomous Non-Govermental Organisation) and had become the political term for the subject. The term Quango quickly established itself as the term to describe all organisations in this field; as the focus of the debate moved so did the term Quango. In Quangos in Britain, Barker remarked that the initial use of the term, as meaning Semi-Private Bodies that were in a significant relationship to the state, was superseded by the use of the term to mean bodies created by the government.[70]

The term Quango eventually came to be used as an all embracing term to denote almost any body carrying out some task for government, but outside the traditional structures of accountability. It was this broad approach that Phillip Holland employed in his anti-Quango pamphlets. Holland, who listed 3,068 Quangos in Quango, Quango, Quango, claimed that the enormous number of these bodies represented a threat to democratic accountability on a large scale.[71] However this conclusion revealed more about Holland's definition than the number of Quangos. As Drewry commented, Holland's working definition of Quango as "an official body to which a minister makes appointments other than civil servants"[72] was "absurdly wide".[73] This classification was too wide to provide the basis for a discussion of public accountability. Many of the organisations included were really private bodies.

The use of Quango in such a wide-ranging fashion served to undermine confidence in the term. The use of the term to describe any body in a definite relationship to government had, as Barker observed, rendered the term useless. "No term which is applied to any organisation, from a local council of voluntary service to the

National Coal Board, has any value. It is simply distinguishing several thousand bodies from Government Departments on the one hand and commercial firms, membership organisations, or private charities on the other".[74] Although the term Quango retained its status as the buzz-word[75] for the topic (even the House of Lords described a debate on the topic in 1978 as a debate on Quangos) its value as a precise and useful term was practically non-existent. In its wide use it was meaningless, while in its narrow use it was misleading, because the phrase Quasi-Non Government was used to describe the Quasi-Governmental Bodies that were increasingly becoming the focus of the debate. Given these problems a better term, that focused attention on the key notion of Quasi-Governmental Bodies, was needed.

The establishment of a more appropriate term or phrase was hindered by the vagueness of the entire field, as Doig observed "there is no one characteristic or lack of a characteristic that distinguishes Quangos or Non-Department Public Bodies from other organisations in the structure of Government".[76] British government has evolved in a piecemeal fashion and its organisation is not structured on a specific administrative theory as in, for example, France (see Chapter Two).[77] Indeed, even the distinction between public and private is extremely difficult to define. Furthermore, the government can have more control over some private bodies, for example through grants or contracts, than over some organisations that are more governmental in nature (see Chapter Five). It is worth re-emphasising this point to show that any definition is open to dispute.

There is even ambiguity about what constitutes a government department. For instance the Civil Service year book includes, in the list of departments or sub-departments, organisations such as the Arts Council, the Gaming Board, the Highlands and Islands Development Board and even the Women's Royal Voluntary Service; all of these bodies have been defined as Quangos.[78] However, other official publications, such as the Supply Estimates or the Hansard Civil Service Statistics, use their own definition of what constitutes a department. Even the government seems to be unclear about where to draw the boundary

between the departmental and the non-departmental. As Hood, Dunsire and Thompson noted "there is certainly no single and all-encompassing definition of such agencies - only a variety of lists of agencies called 'Departments' compiled for a number of different purposes with a high degree of mismatch".[79] Faced with such problems, rather than try to establish the definitive definition of the Non-Departmental Quangos it is better to choose the definition that enables us to discover the most about the issue of accountability.

The initial attempts to establish such a definition focused around the issue of patronage and government appointments. Before 1976 the only publication listing such organisations was the list of Commercial Public Boards; it gave details of 33 such bodies (see Chapter Two).[80] In 1976 a series of Parliamentary Questions revealed that ministers had in their gift 18,010 appointments to 785 Official Bodies (see Chapter Two).[81] To provide further information about ministerial patronage the government, in 1976, produced a directory of paid public appointments made by ministers; this publication was updated in 1978.

However, whether the focus on patronage is a good basis from which to establish a definition is very debatable. A key problem is that public appointments are made to a whole range of bodies. As we have already observed, such a way of defining the term incorporates many private bodies. Any definition based on appointments will also include many public bodies to which the concept of accountability cannot be related in a satisfactory way and who are outside the reference of this work. Tribunals are included in such a patronage definition but could not be included in a definition centred on accountability. The notion of holding the judiciary accountable to political institutions is incompatible with the notion of judicial independence. Similarly, advisory bodies are also omitted from this survey becuase it is difficult to apply the concept of accountability to their operations. As Nevil Johnson observed the accountability problem strictly speaking can "arise only in respect of a body with some degree of executive responsibility: we simply do not expect

adjudicatory bodies to account for themselves, save perhaps in a strained sense to an appellate jurisdiction, whilst to talk of advisory bodies being accountable is usually misplaced".[82] Some reports, such as the one from the Outer Circle Policy Unit, confine their whole notion of Quasi-Government to executve bodies. Whether this is correct is an indeterminable question and is a matter of opinion and controversy. But this is not important; what is essential is that the question of accountability can be satisfactorily applied solely to executive bodies, therefore our notion of Quasi-Government must be confined to them alone. Having confined our deliberations to executive bodies we must now consider how many of these executive bodies should be included and what criteria should be employed to distinguish them.

The first governmental attempt to establish a list of such bodies, based on more criteria than just patronage, came with the Civil Service Department's Bowen report in 1978. Although this report was valuable, in that it represented a significant contribution to public knowledge, it also contained some fundamental flaws. The Bowen report coined a new term Fringe Body and observed that it was impossible, using existing sources, to establish a definitive list of them. To establish such a list every government department was invited to complete a questionnaire about each body for which they accepted sponsorship. The report produced no precise definition of a Fringe Body. However certain common characteristics, that Fringe Bodies usually possessed, were listed. The Bowen Report listed the following, as the crucial common characteristics that a Fringe Body should possess:

"a. A fringe body derives from a ministerial decision to establish a special institution to perform a particular defined function on behalf of the Government, or a decision to take over or adapt an existing institution for that purpose.

b. A fringe body is responsible to a Minister for carrying out the designated function. It is free to do this in its own way within the limits set by its terms of reference and by the resources conditionally allocated to it. A Minister is generally answerable to Parliament for the terms of reference of a fringe body and by any

statement of its functions as well as for the financial provision made for Exchequer funds for its work. He is not however answerable for particular acts of a fringe body nor does he normally concern himself with its day-to-day operations.

c. A fringe body's existence is characteristically sanctioned by an Act of Parliament or an Order under an Act. There is however a range of constitutional instruments by which a fringe body can be established. Some fringe bodies are registered under the Companies' Act as companies limited by guarantee to establish their corporate status; some are registered as Charities.

d. Fringe bodies are not normally Crown bodies nor do they act on behalf of the Crown; there are however some important exceptions to this statement.

e. A fringe body is normally financed by a grant-in-aid or by a statutory levy and not off the face of a departmental vote but there are some so financed. Fringe bodies may draw funds through more than one channel and Non-Exchequer funds may be a significant part of their income.

f. The Chairman and Members of the board or council of a fringe body are appointed by a Minister (in a dozen instances by the Prime Minister) and they can presumably be dismissed by him. Normally however he plays no part in the day-to-day operations of a fringe body. A Minister's power to intervene is limited and is usually defined by the Founding instrument. There is a limited range of fringe bodies, notably Royal Commissions, of which the Chairmen and Members are appointed by H.M. The Queen.

g. The Board of a fringe body recruits and employs its staff who are not civil servants; there are some exceptional instances of fringe bodies whose staff are civil servants. For most fringe bodies the pay and conditions of service of the staff are approved by the sponsoring Department with the consent of the Minister of the Civil Service.

h. The accounts of most fringe bodies are audited commercially and are then submitted to the Minister. They are in this case not subject to audit by the Controller and Auditor General but he may have the right to inspect the organisation's books of account. The annual accounts are normally laid before Parliament by the sponsoring Minister.

j. Most fringe bodies are required to produce an Annual Report which the responsible Minister lays before Parliament".[83]

In addition to these criteria the Civil Service Department decided that certain bodies were outside the scope of the review. The

Armed Services, for instance, were excluded as their employees are crown, not civil, servants. The judiciary, government departments, the nationalised industries, local authorities, the police authorities and the National Health Service as well as the Houses of Parliament were also excluded.[64] It was through such exclusions that a definition of fringe bodies evolved. They were said to "function as satellites of Departments in the zone of government between Departments and the outer zone of the Local Authorities and the private sector. Fringe Bodies have their own distinctive orbits but departmental forces of varying power operate on them".[65]

The Survey did establish a definition much more relevant to accountability than the narrow patronage based concept. However, it is arguable if this analysis really told us much more than we already knew from earlier research, such as the Carnegie project. The concept of such bodies being between the public and private sectors and having some independence but being subject to government influence is hardly novel. The only new thing about this definition is term Fringe Body, but it is debatable as to whether it is a fortunate phrase. It has been seen as implying, although this was not the expressed intention, that such bodies are marginal and unimportant.

The central contribution of the Survey was to establish a useful list. This was more important than the establishment of another form of words to describe the place of such organisations in the scheme of government. But problems also exist in this sphere. First, the accuracy of the final list depended on the response of the departments filling in the questionnaire. Most of the exclusions were left to the decisions of individual departments. In these circumstances the list could be no more than the sum of dozens of different interpretations of the Civil Service Department guidelines. As Sir Norman Chester observed, it was unlikely to have been applied consistently across different departments.[66] Secondly only 33 out of the 252 listed bodies had all the characteristics of a Fringe Body. The question of how many of the other bodies to include is impossible to answer. Each department in Whitehall had to decide how many and which criteria

warranted inclusion; the ground for discretion thus multiplied.[87]

Doubt has also been cast on the wisdom of some of the exclusions made by Bowen's survey. Chester, for instance, argued that the Nationalised Industries, the N.H.S. Bodies and the Quasi-Judicial Bodies had the characteristics of the definition of Fringe Bodies and should have been included.[88]

These problems with the Survey arose, in the main, from the way it was conducted; they reduced its importance. Given the inconsistencies it is not possible to use the Survey's definition of Quangos in this thesis. Nevertheless, Bowen's analysis does represent a significant contribution to the debate and marked an attempt to produce a list not based on the patronage criteria alone.

The new Conservative government, following its election in 1979, instituted a review of Quangos, which it termed Non-Departmental Public Bodies. The review was directed at establishing which bodies had outlived their usefulness or which could not be justified in the context of the government's parallel review of public expenditure and the size of the state sector. In order to undertake such a task, as we saw in Chapter Two, a survey of these bodies had to be undertaken; this was done in the Pliatzky Report on Non-Departmental Public Bodies (1980).[89]

The Report at last provided a coherent justification for the dropping of the term Quango. Pliatzky argued that these bodies were not Non-Governmental but Non-Departmental and hence should be described as such.[90] This completed the gradual movement of interest away from Quasi Non-Government to Quasi Government. It also served to focus attention on the issue of accountability; these bodies were all in some sense governmental and the executive bodies should be accountable to the democratic system.

Like Bowen, the Pliatzky Report excluded certain bodies. For example, Pliatzky excluded the Nationalised Industries on the grounds that they had been the subject of other inquiries and because they should be looked at as "industrial or commercial enterprises and not as adjuncts to government"[91] while the other public corporations and

the National Health Service bodies were excluded because they had been investigated elsewhere.

The Pliatzky Report also did not try to define the bodies by way of nine different criteria as the Bowen Report had, but established broad categories. This approach reduced the discretion of the departments in answering the questionnaire; it focused attention on the key concept of the role the body performed rather than equally on a whole group of characteristics.

Pliatzky also had the advantage of being able to build on the work conducted by Bowen. The Pliatzky Report took Bowen's idea of the Fringe Body and reformulated it into the Executive Non-Departmental Public Body (ENDPB). Pliatzky's definition was that these bodies were not government departments or part of government departments but carried out a wide range of "operational or regulatory functions, various scientific and cultural activities and some commercial or semi-commercial activities".[92] The Report also reviewed Advisory and Quasi-Judicial Bodies; they too were classified as Non-Departmental Public Bodies. This served to establish their place in the system of categorisation; Bowen had just ignored them. However, as has already been shown, it has been decided to concentrate on accountability for executive acts and the accountability of ENDPBs becuase there are problems with applying the concept of accountability to Quasi-Judicial and Advisory Bodies.

The term Non-Departmental Public Body was employed by the subsequent government annual publication Public Bodies. This publication gave information about public bodies "that Ministers had a degree of accountability for"[93] and included details about Advisory and Quasi-Judicial Bodies as well as Executive Non-Departmental Public Bodies. However, as was shown above, Advisory and Quasi-Judicial Bodies were excluded from our analysis due to the decision to concentrate on accountability for executive decisions.

The accountability criteria allows Public Bodies to include the Nationalised Industries and some other Public Corporations. Their commercial nature does, however, distinguish them from the Executive

Non-Departmental Public Bodies and raises a host of unique issues. For these reasons they can also be excluded from the main body of the thesis.

National Health Service authorities was also included in Public Bodies. This category was composed of Regional and District Health Authorities, which were established to provide health services under powers exercised by health ministers and Special Health Authorities set up to perform particular functions within the National Health Service.[94] But as they cannot really be said to be bodies sponsored by a parent department, but N.H.S. bodies in their own right, they were also excluded.

Non Departmental Public Bodies: Size and Powers

In Chapters Six, Seven and Eight this survey studies seven specific ENDPBs in order to discover the extent to which ENDPBs are held accountable. Before we embark on such an analysis it is, however, necessary to illustrate the size of these bodies and the extent of their powers. The size of ENDPBs can be illustrated by referring to the seven ENDPBs scrutinised in Chapters Six, Seven and Eight. These ENDPBs (the Arts Council, the British Council, the British Tourist Authority, the Countryside Commission, the Commission for Racial Equality, the Equal Opportunities Commission and the Sports Council) represent a cross-section of ENDPBs and were chosen for the reasons listed in Chapter Six: the size of these seven ENDPBs in terms of budget and staff numbers are listed in table one. As can be seen in this table there was a considerable range in the size of these bodies. For example, the budget of the British Council is, at £325 million per year, 83 times greater than the Equal Opportunities Commission which received a mere £3.894 million per year. Similarly, the British Council with a staff contingent of 4741 employs over 33 times more people than the Equal Opportunities Commission which had 143 staff.

In tables two and three this analysis was taken a stage further by showing the size of the sponsoring departments and comparing their size to that of the ENDPBs they sponsored. First the total budget of

Table One: ENDPBs' Budget and Staff

ENDPB	Budget (£ million)	Staff
Sports Council	49.7	658
British Council	325.0	4741
British Tourist Authority	37.9	340
Countryside Commission	22.1	148
Commission for Racial Equality	11.8	196
Equal Opportunities Commission	3.894	143
Arts Council	155.5	356

Source - Public Bodies 1990

Table Two: Departments' Budget and Staff

Department	Budget (£ million)	Staff
Foreign Office	2451	9582
Home Office	1611	42753
Education	4315	2540
Arts/Libraries	459	60
Environment	2286	6069
Employment	3842	55883

Source - The Government's Expenditure Plans 1990-91 to 1992-93, Treasury, H.M.S.O. 1990. Chapters 2, 6, 8, 9, 11 and 12.

Table Three: ENDPBs' Budget and Staff as a percentage of the sponsoring Department

ENDPB	Budget	Staff
British Council	13.00%	49.00%
Sports Council	0.012%	0.26%
British Tourist Authority	0.010%	0.006%
Arts Council	34.00%	593.00%
Commission for Racial Equality	0.007%	0.005%
Equal Opportunities Commission	0.002%	0.003%
Countryside Commission	0.01%	0.024%

these ENDPBs were compared with the total expenditure of their sponsoring departments. The Arts Council's budget amounted to 34% of the level of the total Office of Arts and Libraries budget and was the largest % of any of these ENDPBs. Only the British Council, whose spending was 13% of the level of the Foreign Office's Budget also accounted for a significant % of its parent department's spending. The other five ENDPBs spent 0.012% or less as much as their sponsoring department. When government grants and not gross expenditure was used as the criteria, yet smaller figures were produced because some of these bodies had other sources of revenue and did not rely on government for all their funds. For example, the Sports Council raised 16% of its funds from other sources, while the British Council raised 25% of its funds in this way and the British Tourist Authority obtained 32% of its funds from non-government sources. The other bodies, however, obtained all their funds from the government.

Finally, staff numbers were noted and compared with those of the relevent sponsoring department. Only the Arts Council and British Council employed a significant number of staff as compared to their parent department. The British Council employed nearly a half as many staff as the Foreign Office, while the Arts Council employed more staff than the Office of Arts and Libraries. Whereas the Office of Arts and Libraries had 60 staff, the Arts Council employed nearly six times this number. The other five bodies employed a small number of staff compared to their sponsoring departments. Apart from the Sports Council, whose total of 658 was 0.26% as many as the total employed by the Department of Education and Science, all the other bodies employed less than 0.03% as many staff as their sponsor departments.

The size of these individual ENDPBs was not large in relation to Government departments. The size of the Non-Departmental and Executive Non-Departmental sector was, however, much more significant. In 1990 Public Bodies listed 1539 Non-Departmental Public Bodies: this total was composed of 374 ENDPBs, 971 advisory Bodies, 66 Tribunals and 128 other bodies. ENDPBs spent £12577 million which represented 8% of the level of the combined departmental budget of £161900 million. Advisory

bodies had a budget of £6160 million, which was 4% of the level of the departmental budget, while the combined budget of the Tribunals was £63 million or 0.0004% of the combined departmental total. Non Departmental Public Bodies had a combined budget which amounted to 12% of the level of the total departmental budget. As was noted above, when Government grants to the Executive Non-Departmental Public Bodies is used in place of the total budget, smaller figures are produced. In 1989/90 ENDPBs received £9131 million in grants from their sponsoring departments and, therefore, consumed 5.6% of the departmental budgets. Advisory Bodies and Tribunals do not raise funds independently of government, therefore there is no difference between their budgets and government grants.

ENDPBs employed a total of 156791 staff in 1989/90. This represented 56% of the level employed by the departments, who had 281248 staff. Advisory Bodies employed no staff, while Tribunals employed two people.

Although ENDPBs employed a large number of staff, in all other respects the size of Executive Non Departmental Public Bodies was small in relation to the size of their sponsoring departments. These bodies do, however, possess significant powers. The division of powers between Non-Departmental Public Bodies and Ministerial Departments was outlined in Non-Departmental Public Bodies: A Guide for Departments which was published by HMSO in 1985. The Report said that certain powers and obligations were frequently given to and required of NDPBs. NDPBs usually were able to appoint their own staff and had control of their staff salaries, allowances and pensions. They usually had the power to raise money by levies or charges and were able to borrow or lend. They, often where appropriate, possessed powers of enforcement and were able to create subsidiary organisations. NDPBs usually, unless established as Crown Bodies, were empowered to acquire property to accommodate the body's staff and activities. Obligations to submit accounts by a specific date, to lay audited accounts before Parliament and to publish them were also common. Finally, NDPBs usually had an obligation to inform Parliament of their activities through an Annual

Report.[96]

Ministers normally retained "suitable powers of appointment and dismissal over the chairman and board members".[97] In addition, Non-Departmental Public Bodies: A Guide for Departments listed five other types of powers that statutes often give ministers over NDPBs. First, statues creating NDPBs often contained "a requirement that the body exercise particular functions subject to guidance from the Secretary of State, and/or in accordance with plans approved by the Secretary of State".[98] Second, ministers often possessed general or specific powers of direction. Third, ministers may retain certain financial powers; for example, in some instances borrowing or capital expenditure by an ENDPB is subject to ministerial control or approval. Fourth, Departmental approval and Treasury consent is often needed for issues involving staff numbers, terms, conditions and superannuation arrangements provided the body receives at least 50% of their funds from government. Finally, ministers often have powers to require the production of information they need in order to "answer satisfactorily for the body's affairs".[99]

NDPBs are used to perform a vast array of roles. Executive bodies are used, for example, to fund the arts (Arts Council), fund sport (Sports Council), monitor broadcasting standards (Broadcasting Standards Commission), re-organise, develop and regulate crofting (Crofters Commission), fund economic and social research (Economic and Social Research Council), to advocate the consumer's case (National Consumer Council) and for many other tasks. All Government Departments. as listed in Public Bodies 1990, sponsor Advisory Bodies which provide advice on a wide variety of topics such as Dartmoor (Dartmoor Steering Group and Working Party), nursing and midwifery (Standing Nursing and Midwifery Advisory Committee) and renewable energy (Renewable Energy Advisory Committee). Tribunals are sponsored by 15 out of the 26 Government Deprtments listed in Public Bodies 1990. Most departments sponsor six or less tribunals each: only the Home Office (which sponsors ten) and the Northern Ireland office (which sponsors 11) sponsor more than six.[100]

Conclusion

After excluding Advisory Bodies, Quasi-Judical Bodies, the Nationalised Industries and the National Health Service Bodies we are left with the ENDPBs. This is the most appropriate term to use in this work. Because they are executive bodies performing executive tasks the notion of holding them to account is appropriate. Becuase many of these bodies were also Fringe Bodies they have many of the characteristics associated with Bowen's Fringe Bodies. However, Pliatzky's definition is a much better term than Bowen's Fringe Bodies. It is more appropriately named (see above). But of much more importance is the fact that Pliatzky's definition is much more general. This means that its credibility cannot be undermined by showing how many bodies do not conform to parts of the criteria. Most ENDPBs do publish an Annual Report, most of their major appointments are made by a minister and they normally are able to conduct day-to-day business free of interference yet they are not defined in terms of such features. ENDPBs are defined in terms of their enactment of public duties outside the normal departmental confines.

The definition of a ENDPB is based on whether they perform a public function, outside the confines of departments, for which they can be held to account. By focusing on the performance of executive tasks we are thus focusing on the requirement to hold them to account. It is this feature that makes this term so appropriate for our purposes. This approach produced a total of (1980 figures) 489 bodies relevant to this study. Having discovered the most suitable defintion we must consider the topic of accountability. It is to this that we shall now turn.

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Chapter Four Ministerial Responsibility

Introduction

The central concern of this study is the notion of accountability. In future chapters we shall try to assess in what sense and to what degree Executive Non-Departmental Public Bodies (ENDPBs) are accountable. In order to do this, we have to define the term precisely, in the same way as we defined ENDPBs (see Chapter Three).

The key issue is what form of accountability is best suited to produce the optimal scrutiny and control over ENDPBs. To study this topic it is essential to consider how Britain has sought to hold the government accountable to the popular will. The British answer to this problem has traditionally been based on the notion of the individual and collective responsiblity of ministers to Parliament; it is to these concepts that we now turn.

Ministers are accountable collectively for acts carried out in the name of the government. If the government loses a vote of confidence in the House of Commons it is obliged to resign. The convention of the collective responsibility of government evolved during the first half of the nineteenth century, prior to the passage of the Great Reform Act of 1832. The origins of the doctrine can be traced back to Robert Walpole. In 1739 Walpole went as far as to argue that he was answerable for the exercise of his ministerial powers to the House of Commons; although he said that these powers emanated from the King and not from Parliament. Three years later he resigned, following a defeat in a Commons division.[1] However, for the convention to become established three developments were required. First, the Cabinet must be united and, second, controlled by the Prime Minister. Finally, it had to be understood that a dissolution or resignation must follow inevitably from a defeat in the House of Commons. These conditions had all been established by 1832.[2]

But these conditions did not make the rise of the convention to become a central feature of British government inevitable. It was perfectly possible that the convention of collective responsibility

could have just become a device through which to strengthen the doctrine that the mandate to govern depended on victory at a General Election and on securing a favourable majority in the Commons. It was the nature of party politics for the next 35 years that increased the importance of the convention. During this period party discipline was very weak; between 1832 and 1867 ten governments were ousted in House of Commons' no-confidence votes.[3] So flexible were the party alignments that party leaders sometimes changed sides from one ministry to the next. No government between 1832 and 1867 survived for an entire Parliament.[4] The convention thus became equated with the idea that the government and government policy must always enjoy the support of a majority of M.P.s in order to survive. It was on the experience of these years that the doctrine of collective responsibility was based. Bagehot, for instance, said that the House of Commons is "the real choosing body; it elects the people it likes, and dismisses whom it likes too".[5]

The 35 years following the Great Reform Act were, however, very unusual. During this period Parliament dominated the executive as it had never done before and as it was never to do again. The extension of the franchise in 1867 saw a strengthening of party organisation outside Parliament, a consequent tightening of party discipline in the Commons and a change in the balance of power between the executive and the Commons. In the twentieth century only three governments, so far, have fallen because of defeats in the House of Commons; all of these being minority party administrations. The modern government merely needs the support of a 'working' majority of M.P.s to ensure its survival for a full session of Parliament. The possibility that a government, in such a position, could forfeit office by losing the confidence of a Commons majority is not a political reality short of, perhaps, a disastrous military defeat.

Ministers and Parliament

Political pressure from inside and outside Parliament can, of course, lead to key changes in government policy. But the most

effective type of pressure is often from loyal government supporters who would never risk endangering the position of the government; not least because their political careers are inevitably tied up with its success. Nevertheless, such pressure can produce the resignation of the responsible minister, provided the policy is closely associated with an individual minister. By repudiating the policy and procuring the resignation of the relevant minister it is sometimes possible to save the position of the government as a whole. For instance, in 1935, the political storm following the announcement of the Hoare/Laval pact was abated by the repudiation of the Foreign Secretary's policy over sanctions and Hoare's resignation, even though the issue was central to the whole of the government's foreign policy.[6] In this way, government is sometimes able effectively to avoid collective blame for a major policy failure, by admitting the mistake, changing the policy and dismissing one individual. This process is thus perhaps best viewed as a way to circumvent the collective responsibility of the government, rather than as a way to enforce it.

The second type of ministerial responsibility to Parliament is the individual responsibility each minister has for the running of his or her own department. Each minister, commented Jennings, "is responsible to Parliament for the conduct of his Department".[7] The first manifestation of this idea was the concept of impeachment of ministers guilty of mismanaging their departments. The use of impeachment was eventually supplanted when politicians came to consider "the loss of office and public disapprobation as punishments sufficient for errors in the administration not imputable to public corruption".[8] In more recent times, constitutional experts have generally concurred with this view of the individual responsibility of ministers. For instance, Sir Ivor Jennings defined individual responsibility "in terms of the possible forfeiture of office in the face of disapproval by the House".[9] The notion of the individual responsibility of ministers would thus seem to imply the threat of dismissal from office for failure.

It was not until the late nineteenth century that ministers came

to be seen as bearing the sole responsibility for their department's actions. The sole responsibility of the minister was established by events such as the Scudamore case of 1873. Scudamore was a senior official in the Post Office who accepted the blame for misappropriating public funds. Although the ministerial head of his department (the Chancellor of the Exechequer) agreed that Mr Scudamore was responsible, the Commons did not. Mr Bernal Osborne M.P. declared that "this House has nothing to do with Mr Scudamore. He is not responsible to us. We ought to look at the Heads of Departments".[10]

Birch took the analysis a stage further by identifying two distinct strands to this notion of the individual responsibility of the minister. First, is the obligation of the minister to account to Parliament for all actions of his or her department".[11] The act of every civil servant has to be regarded as the act of the minister; the minister can, therefore, be asked to justify and explain these acts. Although s/he cannot possibly have been aware of all the decisions taken by the department s/he is held responsible for them because Parliament must have someone they can hold to account for the running of departments of state. If a minister could avoid responsibility for mismanagement by blaming his or her civil servants Parliament could not hold anyone to account, because civil servants cannot argue their case in the House. As Gilmour observed, the notion of individual ministerial responsibility gives public and Parliament someone "to shoot at".[12] If this was not the case the public would only have "a vast and impersonal bureaucracy to vent its feelings on".[13]

The key notion in the foregoing analysis is that of 'responsibility' and its precise meaning; the clarification of this is essential. Responsible could be taken to mean either 'answerable to' or 'answerable for'.[14] If the former definition is implied the concept of the individual responsibility of ministers means merely that "Ministers must explain and defend to Parliament the actions carried out on their behalf".[15] This notion implies no convention imposing a duty to resign due to parliamentary disapproval and provides "no constitutional remedy for departmental mismanagement".[16]

However, the British constitutional tradition contains much evidence to support the claim that ministerial responsibility means 'answerable for' as well as 'answerable to'. This was basically the view expressed by Bagehot; he saw ministerial responsibility as requiring a degree of answerability that would test the ability and competence of the minister. Bagehot declared that "a fool who has publically to explain great affairs, who has publically to answer detective questions, who has to argue against able and quick opponents, must soon be shown to be a fool".[17] This leads to the second strand of Birch's definition; that the minister must receive "the whole praise of what is well done, the whole blame of what is ill".[18] Serious mistakes must hence cause the responsible minister to resign.

We have again arrived at the idea that ministers should be held accountable for their acts as ministers and that the ultimate sanction for failure should be the loss of office. This theoretical analysis, nevertheless begs the question as to how this doctrine has operated in practice. To remedy this shortcoming, it is now necessary to trace the operation of this convention over the last century.

First, it is vital to emphasize that this concept of the individual responsibilty of ministers to Parliament is a nineteenth century notion. It was formulated to relate to public administration as it existed over 100 years ago, not as it exists today. Nineteenth century departments were much smaller in size; for example in 1841 the Foreign Office had a staff of 40 and the Foreign Secretary wrote or dictated nearly every dispatch; he personally controlled almost every aspect of British Foreign policy.[19] The smaller size of departments meant that they could be 'run' by ministers. But in the twentieth century the growth in the size of departments has changed the context in which the convention operates.

Because of the large number of decisions the modern minister has to take, s/he inevitably is forced to rely on advice and briefs prepared by officials. Although the constitutional letter of the doctrine is upheld, in that the formal decision is always the

minister's, this does not mean that "it was really his or that he had any genuine freedom of choice".[20] Therefore if the minister can show that s/he could not possibly have known of the mismanagement or prevented it s/he can normally escape the full consequences of the failure. In 1886 calls for the Home Secretary's resignation followed the outbreak of serious rioting in Trafalgar Square. When he procured the resignation of the Metropolitian Police Commissioner, the view was expressed that the Home Secretary should take the blame for the failure of police policy, because he was the constitutionally responsible minister. However, Mr Childers (the Home Secretary) was able to avoid such responsibility because he had only taken up his post at noon on the day of the riots. Thus, he could not have reasonably prevented the mismanagement.[21]

However, the minister must be able to show that in no way could s/he have possibly prevented the error from occurring; this point can be illustrated by the Macdonell case (1904). Macdonell was a senior civil servant to the Irish Secretary (Mr Wyndham). Due to a misunderstanding, Macdonell erroneously believed that Wyndham wanted him to conduct negotiations, with the Irish, on devolution. Nevertheless, Wyndham was responsible because Macdonell had told him he was conducting these negotiations in a letter which he (Wyndham) did not read. Wyndham could reasonably have been expected to have prevented or, at least, stopped the negotiations; hence the minister was held responsible and so resigned.[22]

But even accounting for the fact that ministers have not had to resign if they did not know about the failure or could not have prevented it, the number of ministerial resignations as a result of the operation of the convention of the individual responsibility of ministers has been very small. Finer put the number, between 1855 and 1954, at just 20.[23] Furthermore, after Dugdale's resignation in 1954, no minister resigned because he or she was 'responsible' for an administrative or policy failure until Carrington, Atkins and Luce resigned, in 1982, over the Argentine invasion of the Falklands. Since 1982 three ministers have resigned due to the operation of the

convention of the individual responsibility of ministers. In 1986, Sir Leon Brittan resigned as Trade and Industry Secretary following the 'Westland Affair' (see below). In 1988 Edwina Currie resigned as a Parliamentary Under Secretary of State at the Department of Health following comments made in an interview to Independent Television News. In response to a question about food safety Mrs Currie claimed that "most of the egg production in this country, sadly, is now infected with salmonella".[24] This controversial statement caused a dramatic decrease in egg sales and created a political storm. The government admitted that the statement was inaccurate and compensated the producers, however Mrs Currie refused to retract her initial statement. Eventually she was forced to resign.

The latest resignation was that of Nicholas Ridley, who resigned as Secretary of State for Trade and Industry in July 1990. Mr Ridley was forced to leave the government after accusing the Germans of trying to use European economic and monetary union to extend their power over the continent. Ridley, who used highly intemperate language, appeared to liken the Federal Republic to Nazi Germany and labelled the European Commissioners reject politicians. These comments caused the government considerable embarrassment and made it impossible for Ridley to conduct negotiations with the Germans, the European Commission or the French, whom he had also insulted. Given this situation Ridley was forced to tender his resignation.

During this period several other ministers resigned from the government; however these departures were not as a result of the failure of policy or administration. For example, the resignations of Sir John Nott in 1983 (who was Defence Secretary), Lord Gowrie in 1985 (who was Minister for the Arts), George Younger in 1989 (who was Defence Secretary) and Sir Norman Fowler in 1990 (who was Employment Secretary) were for personal reasons unconnected with the doctrine of ministerial responsibility.

Of the remaining resignations from the government since 1982 four were due to policy disagreements. In 1985 Ian Gow resigned as a Minister of State at the Treasury because he disagreed with the

Anglo-Irish Agreement. Nigel Lawson's resignation in 1989 as Chancellor of the Exchequer was mainly the result of policy differences with Mrs Thatcher over economic and exchange rate policy. Sir Geoffrey Howe's resignation as Leader of the Commons in October 1990, which ultimately lead to the ousting of the Prime Minister, concerned the government's attitude to European integration. The final resignation from the Government was that of Michael Heseltine as Defence Secretary over the 'Westland Affair', who resigned over the issue of prime ministerial power and collective cabinet responsibility (see below).

Although the Thatcher years have seen ministers resign as a result of the convention of individual ministerial responsibility the number of these departures is still low. Given this small total, it is clear that other influences are working to prevent the full operation of the convention; these were outlined by Finer. The first influence diminishing the full impact of the convention is that the minister is usually supported by the convention of the collective responsibility of the government; the House is normally invited to overthrow the government, not just decide on the merits of one minister. In such circumstances a minister in a government supported by a Commons majority will survive.[25]

Such party solidarity has often been used to shield ministers technically responsible for very serious mistakes. For instance, party solidarity ensured the survival of the Prime Minister, and the other ministers who could in some way be held accountable, following the Suez debacle in 1956. If party solidarity can protect ministers from their mistakes even when they lead to military defeat, this begs the question as to where the constitutional convention of the individual responsibility of ministers now stands. Sir Ivor Jennings was moved to observe that ministerial responsibility was now an aberration from the common rule of collective responsibility. "Ministers get attacked. They are however, defended by other Ministers, and the attack is really aimed not at the ministers but at the Government. It may be convenient for a Prime Minister to promote a difficult minister to a

different office; but that is not the Opposition's intention; their principal anxiety is to cause the Government to lose at the next General Election".[26]

Individual ministerial responsibility was now a deviation from the normal model of the party battle, in which all those on your side are supported and all those in opposing parties opposed. Furthermore, this led to the situation in which ministers who make very big mistakes must sometimes be shielded, because the government must support itself to survive in office, the Suez affair (1956) being a good case in point. Ministers who make less serious errors, that do not put the government's survival at risk, are more expendable. In particular, the criticism can often be more damaging if it mainly comes from your own party; in these instances the capacity of 'government solidarity' to protect the minister is reduced. For example, Mr Dugdale's main critics, over the Crichel Down affair, were Conservative M.P.s (see below). Indeed, Herbert Morrison spoke of Dugdale's resignation as "a victory for the 1922 Committee".[27]

The second influence that diminishes the full impact of the convention is that there is the possibility that a minister may be moved on to different responsibilities rather than be dismissed from the government. The forfeiture of office is not the only penalty for failure; often the forfeiture of one specific office is thought to be sufficient punishment. For example in the late 1940s, Mr Shinwell's mishandling of the fuel crisis did not lead to his resignation, but to his transfer to the War Office.[28]

Third, Finer commented that even when a minister does resign he may soon return to office. The convention of individual ministerial responsibility may, therefore, only operate to exclude an individual from office on a temporary basis. For instance, just six months after his resignation as Foreign Secretary (over the Hoare/Laval pact) Samual Hoare returned to office at the Admiralty. The most recent example of this phenomenon was the rapid return to office of Richard Luce, who was forced to resign due to the failure to prevent the Argentine invasion of the Falklands. He was subsequently reappointed

to his old job as a minister of state at the Foreign Office and later became minister for the arts. However, such a return to office is rare, most ministers who leave the government never return to office. When Leon Brittan resigned in the wake of the 'Westland Affair', Mrs Thatcher, in her reply to his letter of resignation, implied that he would soon return to the government. However, Leon Brittan did not return to the Cabinet, but was knighted and appointed as a European Commissioner. Finally, Finer noted that the operation of the convention of the individual responsibility of ministers can often depend on purely personal factors.[29]

Of particular importance is the relationship between the responsible minister and the Prime Minister as well as the responsible minister's standing and allies in the government and the party. The responsible minister might be secure because he or she has a large following in the Party; in modern times Peter Walker's survival as a cabinet minister under Mrs Thatcher is a good example of this. The minister might be a very senior figure in the government whose departure would make a significant difference. This consideration certainly helped Lloyd George survive the Marconi scandal in 1912. The minister could also be too loyal an ally for the Prime Minister to lose. Dismissal from office following a serious mistake of administration or policy is often less related to the seriousness of the error and extent of parliamentary criticism but more to the "haphazard consequence of a fortuitous concomitance of personal, party and political temper".[30]

The Expansionist State and Ministerial Accountability

Fears that the traditional ways of holding ministers accountable were no longer adequate increased as the role of the state expanded. The issue was how to hold to account the enlarged modern government, which delegated many legislative and judicial powers to officials and semi-independent bodies. Because ministers were only theoretically responsible for the exercise of these powers it was easy for them to avoid the blame for failure. In this situation a danger existed that

power would fall to unaccountable and unelected officials. These concerns had long been considered by constitutional experts, but were not regarded as sufficiently acute to warrant a public inquiry until Lord Hewart, the Lord Chief Justice, published an attack on this system in The New Despotism in 1929. In the same year the Lord Chancellor appointed a committee to "consider the powers exercised by or under the direction of (or by persons or bodies appointed specially by) Ministers of the Crown by way of (a) delegated legislation and (b) judicial or quasi-judicial decision, and to report what safeguards are desirable or necessary to secure the constitutional principles of the sovereignty of Parliament and the supremacy of the law".[31]

The Committee on Ministers' Powers (The Donoughmore Committee) reported in 1932. The Committee acknowledged the concern expressed in The New Despotism but saw nothing to suggest that "our constitutional machinery is developing in directions which are fundamentally wrong".[32] Nevertheless, the Report did identify inadequate parts of the constitution and showed where specific safeguards were required to avoid ministers abusing their power.

The Donoughmore Committee expressed concern about the use of delegated legislation. Although the Report considered that delegated legislation was "the inevitable consequence of the adoption of collectivist ideals"[33] and that the contemporary political consensus about the role of government necessitated the use of such legislation, the Commission was worried about its volume and character. The problem was that Parliament had not adapted its procedures to deal with the increased volume of delegated legislation. Indeed, the Report doubted whether Parliament had realised the extent of this expansion or the degree to which it had "surrendered its own functions in the process, or how easily the practice might be abused".[34]

The Committee took the view that the practice of delegation was open to abuse and made a series of recommendations to prevent this occurring. These ideas included the rigid limitation of exceptional provisions permitting the modification of statutes and a simplification of the nomenclature for delegated legislation. Most

important of all were the recommendations for securing effective control by Parliament of the grant and exercise of legislative powers. These involved "the standardisation of procedure for laying Bills before Parliament, the issue of memoranda for explaining the purpose of a legislative power, and the setting up of a Standing Committee in each House for considering Bills containing legislative powers and regulations laid before the House".[35]

In the second half of the Report judicial or quasi-judicial decisions were discussed. Here the Committee was concerned with the granting, by Parliament, of judicial or quasi-judicial decisions to ministers and ministerial tribunals and how far such a practice could be justified. After defining both judicial and quasi-judicial the Report made recommendations about who should be responsible for different types of decision.

The Report concluded that the separation of powers is the principle by which Parliament should allocate the executive and legislative tasks involved in its Acts. If the Act was mainly concerned with administration its execution should be entrusted to a department of state, but if "the measure is one in which justiciable issues will be raised in the course of carrying the Act into effect, ...then prima facie that part of the task should be separated from the rest, and reserved for decision by a Court of Law".[36] The Report declared that judicial decisions should be assigned to ministers only in special circumstances. However, the Report thought that quasi-judicial decisions were quite different. In the case of these decisions the presumption was the reverse of that for judicial decisions. For an issue that "ultimately turns on administrative policy",[37] the Report concluded that the decision should be taken by a minister.

Unfortunately, as Jennings showed, the Report did not properly define the term 'justiciable issue'; thus it was difficult to specify precisely which decisions should be taken by a minister and which should be judged by a Court of Law.[38] Nevertheless, many of the Report's recommendations were well received and later implemented; for

example Standing Committees, in both the House of Commons and the House of Lords, were subsequently established to look at delegated legislation.

The Report, however, did not solve the problem of ministerial accountability; its terms of reference were too narrow and only covered delegated legislation and judicial and quasi-judicial decisions. The Report ignored the effect of party discipline on ministerial accountability and did not take into account the fact that most of the government's backbench supporters wanted to help their ministers rather than hold them to account. Indeed, by the 1930s the doctrine of the individual responsibility of ministers appeared to have become "a Constitutional nicety with little substance in relation to practical administration or politics".[39]

Since the evolution of a disciplined party system it had become a weak device to force ministerial resignations. By the 1950s it had also become a useless method of apportioning blame. The political head of a department could not normally be expected to control the department to the extent that he could be personally blamed for failures; such an approach would have bordered on the inequitable. The view that ministers could be asked to resign because they were nominally responsible had become inoperative, however, was challenged by the Crichel Down case.

The Crichel Down Case and its Aftermath

In 1938, the Air Ministry acquired 725 acres of agricultural land on Crichel Down as a bombing range. It was bought from three owners. After the war the land was transferred to the Ministry of Agriculture, then trying to maximise domestic food production. In 1950, the ministry's Agricultural Land Commission decided to let all the 725 acres as one large modern farm rather than sell it in smaller and less efficient lots. However, the son-in-law of one of the original owners, Commander George Marten, tried to buy the 328 acres, which would, if returned to the original owners, now belong to his wife.

The ministry stuck to its policy and Commander Marten received

support from the National Farmers' Union and his M.P. In order to resolve the issue the Government appointed an inquiry under the Chairmanship of Sir Andrew Clark.[40] Unfortunately for the Government the Clark Report was very critical of the Civil Service and the actions of the Ministry of Agriculture. The impact of the Report was increased by Dugdale who, having been made aware of its contents before publication, had concluded that "in view of of the nature of the mistakes and errors of judgement and the public way in which they had been exposed he need take no further action in relation to them".[41]

Dugdale took refuge in Clark's conclusion that in the Crichel Down Affair there was "no trace of bribery, corruption, or personal dishonesty, and no legitimate complaint about the sale to Crown Lands or their subsequent letting".[42] But, alongside Clark's damning judgement of civil service incompetence, Dugdale's response looked complacent. As Nicolson commented, Dugdale's statement to the House of Commons on 15 June 1954 had "all the ingredients not to tranquillize but to excite, depress, and infuriate parliament, all parties (but the government party most of all), press, and public".[43] Althougth, as Nicolson further observed, the Clark Report was unfair to the Ministry of Agriculture this was not the view taken in 1954. The Report worked "as a hate-potion against the civil service"[44] and created a political storm.

In particular Conservative MPs were very concerned about Clark's disclosures and Dugdale was given an unsympathetic hearing by the Parliamentary Conservative Party's backbench Agriculture and Food Committee. As a result of this meeting the 1922 Committee, in June and July, held three meetings about the Crichel Down Affair, at which various ministers tried to defend the Government's position. These meetings culminated in an angry meeting on 15th July 1954 when Sir David Maxwell-Fyfe addressed the 1922 Committee and failed to satisfactorily justify the Ministry's conduct.[45] Shortly after this encounter Dugdale submitted his resignation, even though he had not known about the relevant decisions in time to prevent them. Some

authorities spoke of this case as representing a re-assertion of the responsibility of ministers to bear the consequences of any mistake in their department.

However, Finer is perhaps more accurate when he ascribes Mr Dugdale's resignation as being due more to bad luck than to just desert.[46] Furthermore, Dugdale himself claimed that his resignation had not been because of any notion of ministerial responsibility. He told Lord Boyle, a personal confidant, that he had tendered his resignation not because he accepted responsibility for an act of maladministration, but because he had not been prepared to abandon the decision that Crichel Down should be retained by the ministry and equipped as a single farm.[47] In his study of the Crichel Down Case, Nicolson claimed that Dugdale was made the scapegoat for the affair in order to mollify the Conservative Parliamentary Party's backbench agriculture committee.[48]

Nevertheless, the Crichel Down case started a public debate on what kind of responsibility a minister should bear for his or her department. It was clear that the convention needed to be reformulated to show in what way government was accountable for decisions and their implementation. It was from this process that the notion of 'answerability' evolved.

In the debate on the Crichel Down affair the Home Secretary, Sir David Maxwell-Fyfe, outlined his and the government's view of what the convention of the individual responsibility of ministers now meant. First, Sir David defended the broad concept of individual ministerial responsibility. He declared that "without it, it would be impossible to have a civil service which would be able to serve Ministers and Governments of different political persuasions with the same honesty and zeal we have always found".[49] Where a specific ministerial order had been made Sir David said that the minister must "protect the civil servant who has carried out his order".[50] When the civil servant had acted "properly in accordance with the policy laid down by the Minister, the Minister must protect and defend him".[51] The Home Secretary further asserted that "where an official makes a mistake or

causes delay, but not in an important issue of policy and not where a claim to individual rights is seriously involved, the Minister should acknowledge the mistake and accept the responsibility, although he is not personally involved".[52] The minister must also state that he will "take corrective action in the department".[53] Yet this implies that the minister's constitutional responsibility to Parliament for his/her department is merely the responsibility to take corrective action once the issue has been raised; it does not imply any personal responsibility for the error. As Gilmour claimed, by announcing that he or she will take corrective action the minister is not taking the blame; he or she is blaming someone else.[54]

Sir David Maxwell-Fyfe developed his views to argue that where "action has been taken by a Civil Servant of which the Minister disapproves and has no prior knowledge, and the conduct of the official is reprehensible there is no obligation on the Minister to endorse any action he believes to be wrong or to defend mistakes".[55] The minister, however, is bound to answer to Parliament for the error but only in terms of correcting the mistakes, not accepting the blame for it. For most decisions the minister was to be answerable rather than accountable in the full sense of the term.[56] By 1954, the doctrine had been diluted in theory as well as in practice. Far from marking a revival of the convention, the Crichel Down Affair served to reduce its potential scope and so bring it more into line with contemporary political reality.

The Crichel Down Affair also led to the establishment of a departmental committee to consider the operation of administrative tribunals and inquiries. The committee, under the chairmanship of Lord Franks was enjoined by its terms of reference to consider and make recommendations on two issues. First, it was concerned with "the constitution and working of tribunals other than the ordinary courts of law, constituted under any Act of Parliament by a minister of the Crown or for the purposes of a Minister's functions".[57] Second, the Franks Committee had to look at the operation of "such administrative procedures as include the holding of an enquiry or hearing or on

behalf of a Minister on an appeal or as the result of objections or representations, and in particular the procedure for the compulsory purchase of land".[58]

The Franks Committee's terms of inquiry broadly corresponded to the second part of the Donoughmore Committee's terms of reference. Since the publication of the Report of the Committee on Ministers' Powers (1932) the expansion of governmental activities and responsibilities had caused a transformation of the tribunal system. Old tribunals had been adapted to wider purposes, new tribunals had been established and more extensive powers had been created. In these new circumstances Lord Franks' committee had to re-assess the situation and recommend reforms.

In their Report the Franks Committee called for the creation of two standing Councils of Tribunals (one being for Scotland) to keep the constitution and the working of tribunals under continuous review. The Report also declared that tribunals should be regarded as "machinery provided by Parliament for adjudication rather than as part of the machinery of administration".[59] Tribunals should consist entirely of people from outside the Government and were clearly intended by Parliament to be independent of the executive. The Franks Report also made a series of recommendations about the conduct of public inquiries. In particular it recommended the creation of a code of practice for such inquiries and described how it thought public inquiries should be conducted.[60]

Both the Donoughmore Committee and the Franks Committee recognised the necessity for judicial proceedings and administrative hearings to be governed by different rules. For the Donoughmore Commission argued that the difference between judicial and quasi-judicial and administrative turned on whether an issue was ultimately determined according to rules or by the application of policy. The Franks Committee developed this idea, directly attacked the problem of how to delimit policy and ignored the three-fold classification into judicial, quasi-judicial and administrative. If an issue was determined by the application of policy it should be the

responsibility of a minister; if this was not the case it should be resolved by a court or a tribunal.[61]

Like the Donoughmore Committee, the Franks Report defined the type of decisions for which ministers should be held accountable. Together with the Maxwell-Fyfe doctrine it could be seen as establishing a post-Crichel Down definition of ministerial responsibility. However, this consensus about the individual responsibility of ministers did not take into account the fact that some of the basic requirements for the operation of the notion were disappearing. Mention has already been made of the disappearance of small nineteenth century style departments of state and the reduction in the independence enjoyed by backbench M.P.s (which meant that party solidarity could be used to protect ministers). Another factor central to the working of the doctrine of ministerial responsibility was the anonymity of civil servants; it is to this that we must now turn.

Civil servants were the servants of the minister; they had to promote the aims and interests of the government in office. Theirs was the role of the politically neutral servant who sought to further the policies of whatever government the people elected. But because they existed to serve politicians it followed, under the classic theory of the doctrine of ministerial responsibility, that they must operate through the minister. Their advice to the minister was given in confidence and they were forbidden from publicly criticising government policies. In the words of Sisson they are "near to being a part of their ministers' minds - advisors, never actors in their own right".[62] In return, the minister took theoretical responsibility for all the actions of his or her department, thus protecting the officials. In practice, however, the position has been substantially modified.

The shift to an 'answerable to' version of the doctrine has helped to erode civil service anonymity. This meant that ministers have been able to announce publicly that the true responsibility for many departmental actions lay with civil servants. The ministers thus

ceased to be the only publicly acknowledged figures in their departments. Officials could not now expect always to be anonymous; the ability of the minister to shield his or her officials had begun to collapse. As the century progressed this process increased.

The Other Side of Accountability: Civil Service Anonymity

The civil servant's anonymity has been further reduced by several key events that have occurred during the 1980s. In particular, the creation of the Departmental Select Committees, in 1979, and the appearance before them of civil servants, did much to erode the anonymity enjoyed by civil servants. These appearances are conducted within the context of agreed guidelines about how the official must behave. Officials appear before these committees as the minister's representative and act within the context of ministerial policies and instructions; they are bound within the established rules of collective and individual ministerial responsibility.[63] However, civil servants appearing before such Select Committees are also duty bound to "be as helpful as possible to the committee and.....any withholding of information should be limited to reservations that are in the interests of good Government or to safeguard national security".[64] The officials also have a duty, of sorts, to the committee as well as to the minister; this serves as a counter-pressure to total loyalty to the minister and must help to undermine the convention.

In 1980 the question of the relationship between Select Committees and civil servants evolved further. The Public Accounts Committee asked the Treasury if it would be a breach of the Official Secrets Act for an official who believed that misleading evidence had been given to a Select Committee by one of his superiors to publicise his opinion. The Treasury said that if the only publication was to the committee it would not count as a breach. This was because such a publication would be a proceeding of Parliament and would be absolutely privileged.[65] Adherence to a strict notion of confidentiality thus appeared to be further reduced, not just in

relation to Select Committee witnesses but in respect of any issue discussed by a Select Committee.

Furthermore as Regan showed, once officials are brought before Select Committees the process can develop a momentum of its own, because the committees are keen to probe the officials about their opinions.[66] This experience is not just confined to the highest levels but is becoming a common experience for middle-ranking civil servants, hence their anonymity is also being eroded. Indeed, some individuals are appearing so often that they are beginning to acquire a "real public and continuing identity"[67] amongst those associated with the Committee's work; for these officials the breach of their anonymity cannot be seen as an aberration but as part of their job.

Other events during the 1980s have also acted to reduce the anonymity that civil servants enjoy. The protracted Civil Service pay dispute, at the start of the decade, raised the prominence of the Civil Service trade unions and helped to put the service at the forefront of political debate. This was perhaps inevitable, given a government committed to radical programmes and mistrustful of the service as guardians of the old political consensus. This tension was increased by the government's desire to reduce the size of the public sector and use private operators where possible. Anonymity was not possible in its old form because the bureaucracy, its size, efficiency and even loyalty had been put onto the political agenda.

These tensions were illustrated by the Tisdall and Ponting cases. Both the Ponting and Tisdall cases involved breaches of confidentiality by a civil servant. Sarah Tisdall, a junior clerk at the Foreign Office, leaked a document to The Guardian about the installation of Cruise Missiles. For this breach of the Official Secrets Act she was jailed. The case of Clive Ponting was more complex and had several key implications for the relationship between the minister and his or her civil servants. Ponting was an Assistant Secretary at the Ministry of Defence in charge of a section concerned with Naval operations. He leaked information relating to the proposed responses by Secretary of Defence Heseltine to House of Commons

inquiries concerning the sinking of the Argentine cruiser 'General Belgrano', during the Falklands war. This information was given to Mr Tam Dalyell, an opposition M.P. who had been conducting a campaign to discover the truth and expose what he saw as government deceit over the affair.

Ponting justified his actions by claiming that he thought he was being used to help ministers to deceive Parliament. Ponting cited part of Section Two of the Official Secrets Act that seemed to allow such a disclosure to a person if it was in the interests of the state[68]; in this case the person was Mr Dalyell. This argument was good enough to earn Ponting an acquittal at his subsequent trial. The verdict served as a vindication of Ponting's central argument: that a civil servant ultimately had a duty to the public interest that superseded his duty to his or her minister. But it stood in total contrast to the traditional notion of the responsible minister and his or her obedient and anonymous officials.

In response to the Ponting case, Sir Robert Armstrong issued a memorandum clarifying the position regarding the duties and responsibilities of civil servants in relation to ministers. This memorandum was a restatement of the traditional doctrine. Civil servants were Crown servants and so servants of the government of the day; they enjoyed "no constitutional personality separate from the duly elected Government of the day."[69] The Civil Service existed to provide the government with advice regarding the formulation of policy; to assist the government in implementing decisions; and to manage and deliver services for which the government was responsible. Policy determination was the responsibility of ministers alone. Civil servants had no constitutional role in the determination of policy "distinct from that of the Minister".[70] Civil servants must loyally carry out ministerial policy whether they agreed with it or not. Subject to the conventions limiting ministers' access to papers of the previous administration, civil servants had a duty to present the minister with all the experience and information at their disposal that might have a bearing on a policy decision the minister had made

or was preparing to make and to give the minister honest and impartial advice. Civil servants were in breach of their duties if they withheld relevant information from the minister deliberately, if they knowingly did not give the minister their best advice, or if they tried to delay or obstruct a decision because they disagreed with it.[71]

The sole responsibility for disclosure of information lay with the minister. Civil servants had an obligation to keep all confidences they obtained in the course of their official duties. Armstrong instructed that "there is and must be a general duty upon every Civil Servant, serving or retired, not to disclose, in breach of that obligation, any document or information or detail about the course of business which has come his or her way in the course of duty as a Civil Servant".[72]

The disclosure of such confidences would serve to undermine the vital trust that must prevail between ministers and their civil servants and thus damage the entire Civil Service. Government efficiency would also be reduced as ministers might feel unable to discuss particular courses of action with their civil servants for fear that the latter might make a subsequent disclosure that could embarrass him or her personally and the government in general.[73]

Civil Servants who gave evidence to outside bodies, such as parliamentary Select Committees, must be guided by the government's general policy on the giving of evidence and the disclosure of information, and by any departmental policies relating to information disclosure and the requirements of confidentiality and security. In all other respects it was the minister who had the ultimate responsibility for the disclosure of information. Here too "it is not acceptable for a serving or a former Civil Servant to seek to frustrate policies or decisions of Ministers by the disclosure outside the Government, in breach of confidence, of information to which he or she has had access as a Civil Servant".[74]

A civil servant who felt unable to act as instructed by his or her minister must ultimately resign from the service. Only if the instructions were found to be unlawful could the civil servant avoid

executing them. Outside the confines of illegality the civil servant did not owe any allegiance to a higher notion of the public good and must carry out the wishes of his or her minister.[75] The only exception to this principle, admitted by Armstrong, was if "taking or abstaining from the action in question is felt to be directly contrary to deeply held personal conviction on a fundamental issue of conscience".[76] Only in such circumstances could civil servants decline to follow ministerial instructions.

The Memorandum voiced the government's view that the traditional way to hold the government accountable was still that on which British government operated. Holding the minister responsible was the only way that the executive could be made accountable for its actions. Civil service anonymity was justified on the basis that civil servants just advised government and implemented government policy - they were in no sense policy-makers. Theirs was still, basically, a duty to be loyal to the minister they served; broader considerations were seldom relevant. However, this dictum did not end the debate about ministerial responsibility and, in particular, the relationship between the minister and his or her officials. A year later the role of civil servants again forced its way to the front of the political agenda; the occasion was the 'Westland Affair'.

The 'Westland Affair', Civil Service Anonymity and Individual Ministerial Responsibility.

Westland was the only British firm manufacturing helicopters for military purposes. Unfortunately, during 1984 the company suffered severe financial problems. Without a rescue package Westland would have been unable to continue trading. Westland had a long-standing design and manufacturing relationship with Sikorsky, a United States firm. Given their plight, and this association, Westland were willing to accept a rescue deal that involved Sikorsky having a minority stake in the firm. However, the deal had wide implications because it meant that Britain would be dependent on the United States in the supply of military helicopters. For this reason the Ministry of Defence hoped

that Westland could do a deal with European firms to help to establish a group that could compete with the United States; this option was the one favoured by the Secretary of State for Defence - Mr Michael Heseltine.[77]

In accordance with this opinion, Mr Heseltine lobbied in support of the 'European Option'. But the government had meanwhile adopted the collective position that the issue was a matter for the Westland board alone, and that the government should be neutral between the European and American options; public ventilation of the issues must not occur. In particular, any information should be made available to the Westland board and both consortiums on an equal basis. Mr Heseltine was now in contravention of collective responsibility. As the affair wore on it also highlighted a number of fundamental issues of individual responsibility.

The Secretary of State for Trade and Industry, Mr Leon Brittan, then decided to campaign actively against Mr Heseltine; in doing so, he too was in breach of the same notion of collective responsibility. Mr Brittan told his officials to comply with any requests for information so that Heseltine's lobbying could be "thwarted by any means".[78] He even 'leant' on Sir Raymond Lygo, the head of British Aerospace, to withdraw from the European consortium.[79]

The Solicitor General had written a letter to Mr Heseltine warning that inaccurate information could open the government to civil liability. Mr Brittan now authorised its leaking to harm Mr Heseltine, who meanwhile resigned; unable to abide by the Cabinet's collective decision. He claimed the Prime Minister had agreed to the leak. Mrs Thatcher, however, declared that she had no knowledge of the leak until it had occurred. Although her Private Office had supported the leak it had done so without her knowledge; in these circumstance Mr Brittan was blamed for the mistake and was forced to resign.[80]

However, Brittan did not resign because he took responsibility for the mistake but because he had lost the confidence of his colleagues. As Linklater and Leigh showed Brittan resigned after Cranley Onslow (the Chairman of 1922 Committee) told him that the mood

of the party was that he should resign.[81] As Peter Jenkins commented Leon Brittan's departure from the government was because the Party needed a fall guy. In order to protect Mrs Thatcher's position someone had to accept the blame; in the event party support was withdrawn from Brittan.[82]

Brittan's resignation, as Madgwick and Woodhouse showed, demonstrated that resignation is based on political judgement, not constitutional responsibility and that "responsibility in the British system is answerability to ministerial colleagues and party, not Parliament."[83] What the 'Westland Affair' highlighted was that grave errors by ministers only force a minister out of office if the party is alienated, ministerial colleagues are unwilling to protect him or her and a scapegoat is required.[84]

In her reply to the Commons debate on the 'Westland Affair' Mrs Thatcher argued that civil servants had taken political decisions on their own initiative. She claimed that Department of Trade and Industry civil servants had actively canvassed support for the 'United States option' in preference to the 'European option' and then were instrumental in leaking the Solicitor General's letter. This disclosure, Mrs Thatcher declared, was discussed with officials in the Prime Minister's Office who then, without asking Mrs Thatcher, agreed to the letter's leak. The letter was therefore leaked without the Prime Minister having any knowledge of what was taking place. She said that the civil servants had got to know their ministers' minds so well that they were able to predict what action they would take or approve if asked; hence the civil servants did not need to ask her. From this assumption, it is a small step to a position where civil servants decide what action the minister would endorse if taken by civil servants.[85]

This version of events, however, has been questioned by several commentators. Linklater and Leigh observed that the Prime Minister's "apparent lack of curiosity"[86] about the leak of the Solicitor General's letter was the "least plausible of her public statements on the affair".[87] Hugo Young expressed this view in stronger terms when

he argued that Mrs Thatcher's statement about the "Westland Affair" was "probably the most unconvincing statement she ever made to the House of Commons".[88] According to Young few believed the Prime Minister's claim that "every person involved in the affair, official or politician, had in fact behaved impeccably at every stage".[89] Similarly her assertion that "all the right people had communicated in the right way and received the right authorisation for what they rightly did"[90] convinced few observers. Finally, still less people believed Mrs Thatcher's claim that she had no knowledge of the leak.

Given these doubts about Mrs Thatcher's version of events it is not appropriate to draw conclusions from the "Westland Affair" about the type of decisons taken by ministers and civil servants. Nevertheless the 'Westland Affair' affected the constitutional status of civil servants because it put individual civil servants in the spotlight and led to their names being revealed. The Prime Minister, however, did not allow them to appear before the Commons Select Committee investigating the affair. Mrs Thatcher was anxious that civil servants should not be subjected to such a public arena and seemed to insist that ministers bear all the responsibility. But by this stage certain civil servants had been identified as bearing a responsibility for the turn of events. Responsibility for what had occurred had been divided between politicians and officials. The position was confused; no one seemed to know what responsibilities should be borne by the ministers and what by the civil servants. Moreover, where ministers failed to assume the responsibility a need arose to question the civil servants directly about their decisions. The Armstrong Memorandum already appeared to be inadequate. As a response to these problems, the duties of civil servants and ministers were reviewed by the House of Commons Treasury and Civil Service Select Committee (Seventh Report from the Treasury and Civil Service Committee 1985/86: Civil Servants and Ministers: Duties and Responsibilities p.viii; 1985/86 H.C.92).

Many of the witnesses called to give evidence by the Select Committee thought that the Memorandum was not the appropriate

response. Professor Ridley referred to it as "in itself no solution to the present controversy".[91] Criticism was not confined to academics. For example, the Association of First Division Civil Servants was moved to comment that its members had been looking for "some suggestion that the world had changed".[92] As this had not been forthcoming the Association noted that its members were "disappointed."[93] None of the witnesses doubted that the Memorandum was "a correct statement of the constitutional position as it had been understood throughout this century and even earlier".[94] But most doubted that this position was adequate for the late twentieth century. Even Sir Robert Armstrong was forced to concede that "I do not think my note (the Memorandum) is necessarily the final word".[95]

On the specific issue of accountability the Committee did not start from a theoretical acceptance of the traditional constitutional concept of ministerial responsibility. It first looked at how ministerial responsibility had operated during the previous thirty years. In practice, ministers tended only to be responsible for government policies and acts carried out by them or acts carried out by civil servants on their (the minister's) specific instructions. They were not liable for the acts of their officials of which they were unaware. But if ministers are not accountable for such actions, the question is raised as to who was. Indeed, who should be penalised for blunders? Who might be asked to resign in the event of serious mistakes occurring? In the words of the Committee report "if it is not Ministers it can only be officials".[96]

The recognition that ministers cannot be always held accountable for the actions of their departments raised the subsequent problem of how to construct a mechanism to make officials accountable to Parliament when ministers deny responsibility. The Select Committee stopped short of devising such a structure, but it did invite the government and others to produce proposals on how to deal with the issue of public accountability.

However, the Select Committee Report was not a repudiation of the

doctrine of ministerial responsibility. The Report upheld two basic parts of the convention, that ministers and not officials are accountable and responsible for matters of policy and that the civil servant's advice to ministers should remain confidential.[97] The Report was an attempt to adapt the theoretical notion of ministerial responsibility to bring it into line with the practical operation of ministerial accountability. For every act of government it should be possible to hold someone responsible; if not the minister, then one of his or her officials.[98]

In accordance with normal practice the government published a reply to the Select Committee Report. Predictably the government welcomed the Select Committee's upholding of the two principles of the sole responsibility of ministers for policy issues and the confidentiality of civil service advice to ministers. But the government did not support the idea that civil servants could be made responsible and so held accountable. While the delegation of authority within departments involving internal accountability was welcomed by the government, especially in ensuring a more efficient use of resources, any accountability of civil servants to an external body was not supported. "Any attempt to make Civil Servants directly accountable to Parliament, other than in the strictly defined case of the Accounting Officer's responsibility, would be difficult to reconcile with Ministers' responsibility for their Departments and Civil Servants' duty to their Ministers".[99] Once again the government had restated the view that only ministers can be responsible and so be held accountable.

Recently the government has restated its adherence to the status quo. The government is proposing to introduce a new code of conduct for civil servants that asserts that civil servants are "bound by absolute allegiance at all times and without question to ministers alone".[100] Civil servants are merely the loyal subjects of ministers and have no constitutional role distinct from that of their minister.

This code is a response to the reform of the Official Secrets Act which repeals the old 'catch-all' provision whereby civil servants

could face criminal prosecution if they disclosed, without the authorisation of the responsible minister, information learnt in the course of their work. Under the new legislation, disclosure of domestic information will not be a criminal offence; however, under the code of conduct, civil servants who leak such information will face the sack.[101]

The reponse to this draft code from the First Division Association of Civil Servants has, however, been hostile. The F.D.A. are concerned that the code could lead to a "serious conflict of loyalty"[102] and is worried that ministers might send civil servants to Parliament to lie on their behalf. The Association is also calling for the civil servants to have confidential access to an independent complaints body when they believe they have been asked to do things they consider improper. In contrast, the government continues to argue that such a body is unnecessary and that officials with a crisis of confidence can go to their superiors.[103] Nevertheless it is questionable how much longer the government can continue to defend its interpretation of the relationship between ministers and their officials. As civil servants become more and more public figures they might become, at least in part, responsible and accountable. If this does happen a sharing of responsibility and accountability between ministers and officials will result. The absolute responsibility of the minister for all acts done in his or her name will have come to be seen as a thing of the past. Nevertheless, this does not mean that the entire concept of the individual responsiblity of ministers can be dispensed with, just that s/he is no longer responsible and accountable for everything done by his or her department. The minister would still be responsible and accountable for much of its operations; the doctrine would be updated rather than abandoned.

An Imperfect Compromise

Imperfect as it is, the notion of individual ministerial responsibility is still the basis on which the democratic accountability of British government is built. It is perhaps better to

think of it as more a way to hold the executive, as a whole, accountable, by focusing on one specific person and so avoiding different government departments passing the buck amongst themselves. Because the minister may be questioned on anything for which he has notional responsibility, the minister is forced to acquaint himself with the major decisions taken in his or her name. A democratically elected politican, therefore, will be forced to discover the most important things that officials are doing, see that government policy is being implemented and that this is being done in an acceptable way. To this extent, the minister can 'control' his or her department and enforce some notion of a chain of command running from the elected representative of the people to the unelected bureaucrats. These ideas have given us our first and most important form of accountability - vertical accountability.

The doctrine of ministerial responsiblity does not say what matters ought to be entrusted to ministers, or in what degree they should be solely entrusted to them. The convention just says that "Ministers must be accountable and answer to Parliament and ultimately to the electorate for matters which are entrusted to them or their Departments".[104] Neither does it imply that ministers should be responsible for all public issues. It is silent on how far this notion of vertical accountability should be extended. This silence is an effective admittance that the convention is not an adequate vehicle through which to hold all government activity accountable to the popular will.

Given that the convention of ministerial responsibility cannot be relied upon to secure the optimum level of governmental accountability the question was raised as to what other devices could be evolved to increase this vertical accountability. But, as Marshall showed, attempts to establish such devices have been attacked as being incompatible with the doctrine of ministerial responsibility. The doctrine can be used as a reason not to extend vertical accountability further. Marshall cited three types of situation in which ministers use the convention of individual ministerial

responsibility to attack certain demands for new institutions or extra information.

First, the convention has been used to try to defeat demands for ad hoc independent inquiries into administrative matters on the grounds that the executive is accountable to Parliament but does not share governmental decision-making with Parliament. For example, Erskine May recorded that Parliament "cannot convey its orders or directions to the meanest executive officer in relation to performance of his duty".[105] This interpretation was supported by Gladstone. When a select committee was created to investigate the conduct of the Crimean war he denounced the select committee as "a proceeding which has no foundation in the constitution or in the practice of preceding parliaments".[106]

Second, ministerial responsiblity has been used to refuse requests for the disclosure of information. The argument advanced in this instance is either that publicity for certain material is undesirable and/or that only ministers or their subordinates should decide "the limits of desirability and the occasion for secrecy".[107]

Thirdly, Marshall claimed that an incompatibility with ministerial responsibility has been given as a reason to oppose the permanent establishment of new procedures or institutions. For example, the proposal to establish a Parliamentary Commissioner for Administration was initially dismissed by the government because they thought that it could not be reconciled with the principle of "Ministerial Responsibility to Parliament".[108] It was argued that "there is already adequate provision under our constitutional and Parliamentary practice for the redress of any genuine complaint of maladministration".[109]

This argument has, however, been weakened by the changes that have taken place in the operation of the doctrine of the responsibility of ministers. As has already been shown the convention's force has been diluted and has come to mean something nearer to answerability rather than responsibility.

Hiving-off of Agencies and the Next Steps Report

A further erosion in the strength of the convention of individual ministerial responsibility was rendered probable following the publication of the The Next Steps Report in 1988 (Improving Management in Government: The Next Steps). The Report was the product of an investigation, by the Efficiency Unit of the Cabinet Office, into the management of the civil service and was concerned with assessing the management of the service and suggesting ways to improve performance.

The Report argued that "at present the freedom of an individual manager to manage effectively and responsibly in the Civil Service is severely circumscribed".[110] This problem arose because of the controls on "the way in which resources can be managed".[111] Decisions on recruitment, dismissal, choice of staff, promotion, pay, hours of work, accommodation, grading, organisation of work and the use of IT equipment were all taken centrally: local managers having no control over them. The Report argued that the rules were "seen primarily as a constraint rather than as a support; and in no sense as a pressure on managers to manage effectively".[112] They concluded that "the advantages which a unified Civil Service are intended to bring are seen as outweighed by the practical disadvantages".[113] To overcome the problem of a uniform Civil Service The Next Steps Report recommended that agencies should be created to conduct the executive functions of government within a policy and resources framework.[114]

Each agency would need to be given a well defined operational framework, which established "the policy, the budget, specific targets and results to be achieved".[115] The framework also had to specify how to deal with politically sensitive issues and the extent of delegated managerial authority. In addition, the management of the agency had to be "held rigorously to account by their department for the results they achieve".[116] But once the framework has been created the agency must have "as much independence as possible in deciding how those objectives are met".[117] The Agency head would be given responsibility to achieve the best performance within the framework.

The Report declared that its aim was to create a "quite different

way of conducting the business of government".[118] The central Civil Service would consist of a small core "engaged in the function of servicing Ministers and managing departments, who will be the 'sponsors' of particular government policies and services. Responding to these departments will be a range of agencies employing their own staff .... and concentrating on the delivery of their particular services with clearly defined responsibilities between the Secretary of State and the Permanent Secretary on the one hand and the Chairmen or Chief Executives of the agencies on the other".[119]

A dilemma existed between the traditional notion of ministerial responsibility and the freedom required for the agencies. the Report's answer to this problem was to use the classic 'arm's length' formula. Ministers would remain fully accountable for policy. For agencies established as "government departments or part of government departments"[120] Ministers would also have ultimate accountability for operations. But the Report also urged that these arrangements be supplemented by the "establishment of a convention that heads of executive agencies would have delegated authority from their Ministers for operations of the agencies within the framework and resource allocations prescribed by Ministers".[121] The agency heads would be accountable to ministers for the operation of their agencies but would also be accounatble to Select Committees for the way in which their delegated authority had been used. For agencies created outside departments the Report said that "appropriate forms of accountability to Ministers and Parliament would have to established according to the particular circumstances".[122]

However, this Report's approach to accountability seemed to be contradicted by Mrs Thatcher's assertion that the creation of the agencies would cause "no change in the arrangements for accountability".[123] If Mrs Thatcher's view prevailed there would be little difference between executive agencies and departments. "Agency staff would take safe options so as not to embarrass ministers, ministers will intervene in the working of agencies, and, as a result, chief executives will not be as entrepreneurial as the authors of The

Next Steps hoped".[124]

These issues were discussed by the Commons Treasury and Civil Service Select Committee in their Report on the Next Steps Initiative which was published in July 1988.[125] Whilst welcoming the establishment of these agencies the Report foresaw problems for accountability. The Report argued that there "is a dilemma over matters for which the Chief Executive is accountable".[126] The Report said that some decisions affecting individuals such as the withdrawal of benefit would always need to be raised with a minister, but argued that this did not represent a constraint on managerial freedom, but "an essential check on potential abuse".[127] However, the Select Committee concurred with the government's desire to see most of these issues without ministerial involvement.

In evidence to the Select Committee Richard Luce, the Minister for the Civil Service, argued that the Next Steps reforms would not alter the principle of ministerial responsibility in relation to appearances before Select Committees. Select Committees could invite Chief Executives to appear before them but would not be able to summon them. Furthermore, Chief Executives would give evidence under the 'Osmotherly rules' which oblige them to give evidence on behalf of ministers. The Treasury and Civil Service Select Committee challenged this re-statement of the traditional position and argued that Chief Executives should give evidence on their own behalf about their duties as the head of their agency. If the Select Committee was not satisfied with the answer provided by a Chief Executive or found that s/he has operated outside the framework they could then question the minister.[128]

In conclusion, the Report declared that we "do not advocate abandoning the principle of ministerial responsibility, but modifying it so that the Chief Executive who has actually taken the decisions can explain them in the first instance. In the last resort the Minister will bear the responsibility if things go badly wrong and Parliament will expect him or her to put things right, but the process of Parliamentary accountability should allow issues to be settled at

lower levels, wherever possible".[129]

Finally, the Select Committee Report recommended that the Chief Executive should be the Accounting Officer for his/her agency if he/she "is to be given responsibility for the efficient and effective use of the resources provided for within the framework".[130] In making this recommendation the Committee rejected the Government's view that the Accounting Officer should normally be the Permanent Secretary of the sponsoring department.

In replying to the Treasury and Civil Service Select Committee Report, the governemnt accepted the Committee's recommendation that Chief Executives should be the Accounting Officer for their Agency where it is a separate department or has its own Vote. Elsewhere, the "Departmental Accounting Officer for the Vote from which the Agency is financed will designate the Chief Executive as Agency Accounting Officer".[131] Under these arramngements the Chief Executive will have a direct and personal responsibility for the Agency's expenditure".132 In these circumstances the "departmental Accounting Officier would send the Agency Accounting Officer a letter of appointment which would define his duties as Agency Accounting Officer in the light of the powers and responsibilities assigned to him in the Agency framework document".[133]

The Government, nevertheless, reaffirmed the general rule that Chief Executives were personally accountable to ministers for the discharge of their duties as established in the Agency's framework agreement and that Chief Executives' authority was delegated to them by ministers who were and would remain accountable to Parliament and its Select Committees.[134]

The Government's position was restated by Richard Luce, when he gave evidence to another inquiry by the Treasury and Civil Service Select Committee into the Next Steps initiative in 1989.[135] Mr Luce argued that as civil servants, Chief Executives would continue to be answerable to ministers and that "it will be the minister in charge who carries the ultimate accountability".[136] In conclusion, Richard Luce claimed that the "clarified system of accountability created by

the Next Steps may make it easier for the legislature to scrutinise the executive".[137] The Committee, whilst not overtly concurring with his view noted that to date no problems had arisen over the accountability of Chief Executives. However, the Committee warned that the existing agencies were small and dealt with "well-defined and uncontentious executive functions".[138] In contrast, the Report, concluded that accountability arrangements for future agencies might pose serious problems. In particular, the Committee agreed with Gavin Drewry when he observed that "the promised translation into agency form of major DSS functions..... having a good deal of political sensitivity, will be a major test of the Government's position on accountability."[139]

On 16th July 1990 the Treasury and Civil Service Select Committee published a third report on the Next Steps initiative.[139] The Report concurred with the conclusions of the 1989 Report and said that no problems had yet arisen "over the ability of Parliament and its committees to call Chief Executives to account for their actions".[140] Although they again added the caveat that the creation of a Social Benefits Agency would raise new accountability issues.[141] In addition, the Report looked at PQs about these agencies. The Committee noted that the minister determined whether s/he should answer a question or the Chief Executive should reply. The Government considered that these arrangements were "designed to ensure that hon Members deal direct with the person...who is best placed to answer on the matter in hand".[142] However, replies from the Chief Executive, even if placed in the Commons library, did not appear in the Official Report, are not freely available to the public and might not be subject to Parliamentary privilege.[143]

The Committee expressed concern at this position, especially as answers on operational matters, which the Chief Executive would answer, might have implications beyond the specific case. For example, a question to the Chief Executive of the Employment Service Agency about the opening hours of benefit offices might "cause deep concern amongst M.P.s and their constituents".[144] In conclusion the Report

said that if problems persisted in the procedures for answering questions about these agencies the Chief Executive's replies should be published when they arose out of a question tabled to a minister.[145] In its reply to the Report the Government recognised these concerns and promised to "place all letters from Chief Executives arising from written Questions"[146] in the Public Information Office of the House of Commons library where they would be available to the public on request. Only corrrespondence about personal and confidential matters being excluded. If "a case is of wider interest or it is desirable that a reply should be covered by Parliamentary privilege"[147], the government promised that the minister would be able to decide to reply to a written PQ so that the "full response is published in Hansard".[148] In conclusion, the government stressed that an intention of the Next Steps was to improve the flow of information to Parliament.[149]

Despite these accountability problems the progress of the initiative continued, by October 1990 34 Agencies, employing a total of 80,000 people and costing around £3 billion to run, had been established.[150] In addition the Government planned to increase this number to 50 by the summer of 1991.[151] Yet the success in establishing these agencies did not mean that the central accountability problem of the dilemma between the traditional concept of ministerial responsibility and the freedom required for the agencies had been resolved. If responsibility was genuinely devolved to chief executives, ministerial responsibility would suffer because the range of topics for which a minister was individually responsible would be reduced. If, as ministers have claimed, this reform does not affect the individual responsibility of a minister it is hard to see how the changes can benefit management or efficiency. The real problem is that, for these reforms to be successful, individual ministerial responsibility has to be curtailed or the responsibilities of the minister and the chief executive will be unclear, thus enabling each to blame the other for failure and to avoid taking responsibility for decisions.

Collective Ministerial Responsibility and the 'Agreement to Differ'

The suspension of the doctrine of ministerial collective responsibility when it proved convenient to the government has also been important to the debate about ministerial responsibility. In an informal sense the convention could be said to be suspended every time ministers attack government policy and remain in office, as the central notion of the convention is that all members of the government should always defend the policy of the government of which they are members. Breaches of collective responsibility are not entirely unknown: In 1974, several ministers, including one Cabinet Minister (Mr Benn), openly opposed the government's decision to sell frigates to Chile.

These spontaneous infringements by individual ministers of the convention of collective ministerial responsibility are of minor constitutional importance compared with the concept of the 'agreement to differ'. The first occurrence of this political phenomenon was in 1932, over the issue of tariff reform. In order to keep the National coalition government together the Prime Minister agreed that dissenting ministers could express public dissent on this issue. In 1975 the 'agreement to differ' was used again. The Prime Minister announced that ministers who disagreed with the government's policy of campaigning for a 'YES' vote in the E.E.C. referendum had the freedom to advocate their views. This 'agreement to differ' was important because it served to undermine the notion of ministerial responsibility as the cornerstone of the British Constitution. Rather, it was a convention liable to be suspended to suit temporary political convenience. Furthermore, contemporary with the suspension were other events indicative of a long term erosion of the convention. The publication of the Crossman Diaries and the report into the collapse of Court Line both highlighted recent differences between ministers and their civil servants. They helped to reduce the latter's anonymity and served as a prelude to the further weakening that was to occur during the ensuing decade.

The 'Westland Affair' and Collective Ministerial Responsibility

As has been shown above collective ministerial responsibility is concerned with the idea that the government must speak with one voice and that all members of the government must support government policy. As Questions of Procedure stated "decisions reached by the Cabinet or Cabinet Committees are binding on all members of the Government".[152] This rule was clearly broken by Michael Heseltine when he campaigned openly against a Cabinet decision. Heseltine was also in breach of collective ministerial responsibility when he argued that the decision on Westland was "less authoritative than others"[153] because of how it was reached. According to Questions of Procedure government decisions should not be regarded as being more or less authoritative than each other.[154]

However, if Mr Heseltine had breached collective ministerial responsibility then, it could be argued, so had Mrs Thatcher. This view rests on the position that in order to justify collective ministerial responsibility the decision must be reached collectively. In commenting on his experience at the heart of government Lord Hunt of Tamworth observed that, where a minister was unhappy and unsatisfied that an issue was not being given a hearing, he had never known "a prime minister refuse to have it on the agenda".[155] According to this view Mrs Thatcher broke the convention when she tried to stop Heseltine bringing the issue to a full Cabinet. As Peter Hennessy commented "under the parameters outlined by Lord Hunt, Heseltine should have had his full Cabinet discussion".[156]

The flaw in this argument is that some decisions are regularly taken without the knowledge of the full Cabinet; sometimes the existence of the Cabinet Committee taking the decision is itself not known to every Cabinet Minister. For example, under the 1974-1979 Labour Government the decision was taken to modernise the British nuclear deterrent without informing most of the full Cabinet. According to this view there was nothing special about the 'Westland Affair' and many collectively binding decisions were taken without the support of the full Cabinet. The true position seems to be that where

the decision is known to the full Cabinet traditionally a Prime Minister would have been unlikely to prevent a minister from putting it on the agenda of the full Cabinet, although there is no rule to say that a minister has the right to expect to put an item on the agenda of the full Cabinet. However, this does not mean that every Cabinet Minister has the chance to influence every government decision. Therefore the requirement that every decision must be reached collectively does not apply to modern government.

The above conclusion, however, does not detract from the fact that Mrs Thatcher's behaviour in trying to prevent Mr Heseltine from raising the Westland issue at full Cabinet was unusual. Furthermore, although there is no opportunity to influence all decisions, in practice a minister is able to put most items on the Cabinet agenda should s/he desire. In this context Mrs Thatcher's actions could be seen as contrary to the convention of the collective responsibility of ministers and illustrative of how the doctrine has been eroded during her premiership.

Towards a New Concept of Ministerial Responsibility

Madgwick and Woodhouse looked at how both individual and collective ministerial responsibility had altered and produced their slippery slope of responsibility.[157] This theory takes account of the tendency of Prime Ministers to accept the praise of success and avoid the consequences of failure. In consequence successful policies are usually covered by collective responsibility with the Prime Minister taking the credit. But if a policy or administrative failure occurs the buck will often be passed to the departmental minister so that s/he takes the blame. Mostly s/he is protected by enough collective responsibility to ensure his or her survival but, if circumstances demand it, the government can withdraw the security of collective support and leave the responsible minister exposed to criticism. In such circumstances resignation might follow. The theory supports the conclusion reached earlier that the consequences of an administrative or policy failure relate less to the magnitude of the error and more

to political convenience.

Conclusion

Ministerial responsibility, in both its forms, has undergone great changes. Its ability in its traditional form to hold the executive to account has been much weakened by the passage of time and the evolution of democratic government. However, it is still the manifestation of vertical accountability in British central government. This vertical accountability is the type of accountability that is most relevant to British institutions (it is often used as being synonymous with the term accountability). An appraisal of how it operates, in relation to ENDPBs, is, therefore, a vital stage in discovering if such bodies are held accountable for their actions. As a prelude to this inquiry it is useful to draw together the various strands of the discussion so far, to produce conclusions about the helpfulness of the notion of ministerial responsibilty in achieving a genuine form of vertical accountability.

In attempting to exercise a precise scrutiny or control over small details of government policy and policy implementation the doctrine is not very effective given the large number of such decisions, the dearth of elected officials to hold them accountable, and the lack of resources to help them to do this. A key role is played by party loyalty; this imposes a restraint on backbenchers not to try to undermine confidence in the government, and serves to protect ministers from the consequences of failures. But the system does press ministers to enforce an executive chain of command, exert some control over the main areas of departmental concern, and ensure some accountability by officials to democratic institutions.

Furthermore, the civil servants know that they might be called on to justify any decision to politicians or public in the light of government policy or natural justice. Although this responsibility is more the responsibility to explain and correct than the responsibility to prevent, it does mean that some sort of chain of executive command can usually be established to control and hold to account the

unelected officials. The critics of ministerial responsibility who, like Gilmour, argued that the doctrine of ministerial responsibility to Parliament had become "an excuse for avoiding such accountability"[158] are oversimplifying the problem.

But whether ministerial reponsibility is the best method by which to hold the executive accountable is, nevertheless, debatable. As Greenwood and Wilson argue, the doctrine of the individual responsibility of ministers had survived precisely because it is of benefit to ministers and their officials. "The minister retains his position as the sole voice of the department, while the civil servants maintain their anonymity and so leaves them free from any repercussions arising from their advice".[159] By contrast, if the doctrine was altered, and the advice of officials were to become widely known, ministers would face a much harder task in debating with their opponents. Those opponents would know that their views were supported by some in the ministry, while officials would have to account for their advice and decisions directly, and would be unable to hide behind their minister. Although this position has been modified in certain circumstances, as has already been illustrated, for the vast majority of decisions ministerial responsibility and official anonymity still prevail.

Such a relaxation of the doctrine would almost certainly lead to more information becoming available about how and why the decision was taken. This would give Parliament and public more information with which to challenge the executive and hold it accountable. At present, as Mackintosh observed, "the public, the press and M.P.s are often starved of the material with which to make up a counter-argument".[160] Adequate public information about an issue is essential before the executive can be held accountable. If this criterion is used to judge the utility of the doctrine to enforce public accountability its shorthcomings become apparent. But to say that it is a positive hindrance to holding the executive accountable is going too far; the doctrine does offer several devices to provide, at least, a measure of accountability.

The measure of vertical accountability that the operation of the doctrine of ministerial responsibility provides has been supplemented, in recent years, by constitutional devices that go beyond the doctrine. Of special importance are the Departmental Select Committees. They produce a regular set of Reports on various aspects of their department's work, and (as has already been shown) have managed to circumvent the doctrine in its most rigid form. The creation of the Ombudsman is another pertinent development as he can investigate cases brought to his attention concerning the operation of government, provided they relate to bad administration and do not impinge on policy.

This analysis assumes that all activities of government are open to scrutiny, and that the constitutional arrangements accept that all governmental activity should be subject to democratic accountability. This is not so. The exercise of the maximum ministerial control possible is not thought to be appropriate for every function that the state performs (see Chapter Three). For this reason certain public bodies have been established outside the ambit of direct ministerial accountability.

Once the need for some areas of government activity to be taken away from direct ministerial responsibility and supervision is accepted, the British system of accountability has little left to offer. The only way this accountability could be enforced would be for the ministers to take control over all aspects of the Non-Departmental Public Bodies' work, as only then could s/he be held accountable by Parliament for them. The minister cannot be held accountable for aspects of their operations that s/he has no control over. Therefore, the result of the total adherence to this form of accountability would be the centralisation of decision-making and a resultant collapse of the system due to an incapacity to cope with the burden placed on the centre. This realisation leads on to the conclusion that the traditional theory of the accountability of ministers is not only incompatible with the existence of any ENDPB, Public Corporation or Nationalised Industry, but that it is incompatible with the scope of

modern Government.

The accountability of ENDPBs requires the formulation of alternative systems to hold British Government to account. It is to this problem that we now turn.

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Chapter Five Beyond Ministerial Responsibility

Introduction

As we illustrated in Chapter Four, the doctrine of ministerial responsibility gradually became an ineffective device with which to hold the executive to account. Because of their 'arms length' relationship with ministers this was even more true of the Executive Non-Departmental Public Bodies (ENDPBs). As Chester commented "When a function, power or duty is vested in a Minister, usually nowadays by Parliament, that Minister is accountable to Parliament for the exercise of that function, power or duty. He is not, however, accountable for the exercise of functions, powers or duties not vested in him, but in other bodies whether private or public".[1]

Ministerial responsibility can only be used to force accountability over aspects of the duties, powers and functions of the ENDPBs for which the minister has responsibility. This, however, begs the question of how the ENDPBs are held to account for the duties, functions and powers for which they alone have responsibility. Mechanisms that take the process of accountability beyond the confines of the doctrine of ministerial responsibility are required. But, as Chester commented, "the House of Commons has not yet found a way of making anybody other than Ministers accountable to it".[2] But, Chester further observed that "a less formal association of answerability or dialogue is easily developed via select committees with as wide a range of public and private bodies or groups as M.P.s may wish or can sustain".[3]

As we saw in Chapter Four, although the formal supremacy of the doctrine of ministerial responsibility is still observed, in practice it has been much eroded and compromised. In order to maintain some credible form of vertical accountability, procedure and rules have been forced to adapt, for instance civil servants are becoming increasingly more accountable to Select Committees (see Chapter Four). In this chapter we look at the changes that have taken place and at the new institutions that have evolved in order to take the process of

public accountability beyond the notion of ministerial responsibility. To show how the whole of the network model of accountability operates the ways in which downward and horizontal accountability can be enforced will also be outlined.

The extension of vertical accountability, beyond ministerial responsibility, really dates from the 1960s: although these developments were modelled on existing institutions. For instance, the Select Committees established during the 1960s and 1970s were able to draw on the experience of older Committees such as the Select Committee on the Nationalised Industries. The pace of reform dramatically increased from the mid-1960s onwards. This movement was related to wider views about the capacity of contemporary British government to run a modern state. These changes both led to the creation of more ENDPBs and to the establishment of institutions designed to make these bodies more accountable; both reforms were part of the same process. We must now conduct an analysis of this process and show how and why these reforms came about.

During the years immediately following the end of the Second World War confidence in the traditional arrangements of British government was still very high. British politicians, administrators and academics liked to see themselves as the custodians of the 'best' system of democracy functioning anywhere in the world. It was argued that this system had enabled Britain to become a world power adequate to control a vast empire. But once Britain began to lose its position of dominance in world affairs, the position of the 'Westminister Model' became very exposed. By the mid-1960s Britain had become mainly confined to the role of a regional power. For example, in 1967, the British government was forced to withdraw from all their operations 'east of Suez'; Britain no longer had the resources to compete with the Superpowers.

Britain's attempts at competition with the Superpowers just served to aggravate her underlying economic problems, that had been growing steadily more acute since the end of the Second World War. By the mid-1960s these problems had forced their way into the national

consciousness. The key problem facing any government appeared to be how to halt a seemingly irreversible national decline. The Labour Party was returned to power in 1964 on the theme of 'modernisation' and of harnessing the 'White heat of the technological revolution' in order to re-establish Britain's position in the world.

To see where the blame lay for this decline, and to discover how it could be reversed, a sceptical gaze was cast at virtually all of Britain's institutions. The assumptions of superiority about British government were replaced by a critical attitude. Questions were asked about how the system could be improved and brought into line with the requirements of the late twentieth century; the old complacency was dead, long acknowledged virtues became vices in need of reform. Some of these changes had vital implications for accountability. We must, therefore, detail these changes, and show what implications for accountability ensued.

Fulton and Pliatzky

The civil service and the machinery of government came in for particular criticism. The view that the civil service was not up to the standard required by a modern society gradually gained acceptance. In the late 1950s and early 1960s a series of academic books addressed this problem. For example, in 1963 Chapman spoke of the higher British Civil Service as 'a closed corporation' largely uninfluenced by the wider community.[4] In 1965 the House of Commons Estimates Committee joined the call for reform. The Estimates Committee argued for the creation of a committee of non-civil servants to "initiate research upon, to examine and to report upon the structure, recruitment and management of the Civil Service".[5]

The government accepted the above recommendation from the Estimates Committee. In 1966, they announced the establishment of an inquiry, under Lord Fulton, into the Civil Service with terms of reference broadly similar to that recommended by the Estimates Committee. The Fulton Committee reported in 1968. Their central conclusion was that "the structure and practices of the service had

not kept up with its changing tasks".[5] The Committee concurred with the widely held contemporary opinion that structural reforms held the key to improved performance. They advocated a whole series of structural reforms ranging from the creation of a Civil Service Department to the abolition of the system of grading civil servants in terms of particular classes.

The Fulton Committee on the Civil Service considered how departments could be restructured in order to improve their efficiency. In particular, deliberations focused on whether there existed areas of Civil Service work that should be 'hived-off' from the central government machine. It was argued that for 'accountable management' to be most effective it should be introduced when an activity has been established outside a government department; this solution should be adopted for many executive actions, especially the provision of services to the community. Although such boards would be mostly outside the day-to-day ministerial control and scrutiny of Parliament, ministers would retain powers to give them directions when required.[7]

The Committee supported these proposals by refering to existing arrangements in British government. A number of commercial enterprises within the public sector were already run on this principle, indeed so were some public sector non-commercial bodies such as the Atomic Energy Authority. This system operated on a much wider scale in Sweden. In Sweden central departments dealt with policy making and were, in consequence, quite small. The management and operation of policies was hived-off to autonomous agencies; this system was used for both commercial and non-commercial activities. The danger with this approach lay in the fact that many new policies evolved from existing policy and from that policy's practical application; any separation of policy-making and policy-execution could be harmful to efficiency. However, after studying the Swedish experience with such hived-off bodies, the Fulton Committee concluded that the separation of policy making and policy implementation did not cause serious problems.[8]

By contrast, the Fulton Committee thought that many existing departmental functions could be hived-off. The Committee declared "that there is no reason to believe that the dividing line between activities for which the minister is directly responsible and those which he is not is necessarily drawn in the right place today".[9] Although they recognised that the creation of further autonomous bodies and the drawing of the line between them and central government would raise parliamentary and constitutional issues, especially if they affected the answerability for sensitive matters such as the social and education services, they finally concluded that the possibility of a considerable extension of hiving-off should be examined.[10]

The Committee was effectively advocating a greater use of Quasi-Government to improve efficiency. As Brown and Steel showed, such hived-off bodies are freed from several departmental constraints. For example, they can gain greater flexibility over issues such as staffing, expenditure or the administrative methods they use. Such freedom and flexibility could well stimulate efficiency by improving adaptability to events or enabling greater risks to be taken.[11] Indeed, as we observed in Chapter Three, the Fulton Report did lead to an expansion of Quasi-Government; bodies such as the Manpower Services Commission being hived-off.

In 1980 the Pliatzky report on Non-Departmental Public Bodies reviewed the success achieved through hiving-off such bodies. The Report concluded that while some of the hoped for advantages of hiving-off had been secured there were also disadvantages. Although Pliatzky thought that "the clock should not be turned back"[12] he also argued that we should not think in terms of a considerable extension of hiving-off "as an instrument for securing improved efficiency and economy across a wide range of public activities".[13] Pliatzky declared that it had not always been easy to get the right balance between disengagement from detail and reserved powers of supervision or intervention. In particular, he argued that "great care had to be taken if the objective in principle of creating an accountable unit of

management is not to be frustrated by the difficulties in practice in making effective arrangements to secure accountability for performance".[14]

Anglo/American discussions about accountability

The key issue was the problem of holding such 'accountable units of management' to account. By removing these functions from the direct responsibility of the minister one also removed much of the capacity to hold them accountable. Conversely it could be argued that, given the inability to hold the executive to account via ministerial responsibility, little of any substance was lost. Yet, as we saw in Chapter Four, the doctrine of ministerial responsibility, although much weakened, is not totally defunct. If this last proposition is accepted the question becomes one of how to provide for the independence required for an efficient service, yet provide mechanisms to hold the bodies to account.

Indeed, the issue of hiving-off was part of a wider debate about how to reconcile the values of independence and accountability. How could government "respond quickly, flexibly and effectively to problems and still remain accountable to the electorate".[15] In relation to Quasi-Government, this topic was first raised by Alan Pifer, who was writing in the United States during the late 1950s. Pifer studied a large number of American private non-profit-making bodies and developed the notion of the 'Contract State'.[16] This idea arose from the expanded devolution of responsibility on a contractual basis. In Britain, David Howell showed how Pifer's thesis was a variant on the central dilemma of reconciling accountability and independence.[17] Out of the trans-atlantic exchanges about these issues, there evolved two parallel discussion groups, in Britain and the United States. Both these groups were charged with exploring this conflict between independence and accountability. This process culminated in the meeting of these groups at the Ditchley Park Conference of 1969 (also see Chapter Three).

Traditionally the degree of independence an organisation enjoyed

was dependent on its legal status. But as the contacts between government and society have become more complex this assumption has become untenable. Some public bodies can, in practice, have more independence from government than some private companies or associations.[18] For instance, the state owned Nationalised Industries had virtual independence in the conduct of their day-to-day management. By contrast, a privately owned firm heavily relying on government contracts may have less independence. To obtain such contracts it might have to comply with a whole range of criteria dictated by the state. This argument acted as the starting point for the discussions at Ditchley. These discussions were directed at identifying a more accurate picture of the relationships between the state and the organisations with which it was associated.

In the United States the transfer of many government functions to private bodies on a contractual basis had led to the emergence of the term 'Contract State'. The term 'Contract State' was developed during the late 1950s and early 1960s in the wake of the Federal Government's use of large private corporations to develop defence programmes. During the 1960s the federal government started to make use of the private sector on a contractual basis in other areas, for example the use of private bodies to deal with the aftermath of urban riots.[19]

These developments were the background to the discussions at Ditchley. The deliberations focused on analysing the Contract State and its implications for accountability and control of government activities. The British participants initially denied the existence of a Contract State in Britain. But, as the conference progressed, they came to see that parallel developments were occurring on both sides of the Atlantic, and that much of the difference was just in language and terminology. In particular, the British participants came to recognise that no clear distinction could be drawn between grants and contracts. Any body giving a grant or granting a contract takes steps to ensure that the funds are effectivly used; hence some type of accountability is required.[20]

Throughout this process an underlying tension between

accountability and independence was present. The central government must be able to maintain a strong policy directive over the organisation performing the task. At the same time this organisation must have enough independence to produce "the maximum incentives for a distinctive and creative contribution to the government".[21] This was the key to obtaining the optimal balance between independence and accountability.

One approach to the central dilemma was provided by David Robinson. He viewed the problem of resolving accountability and control as one of achieving the most suitable balance between three types of accountability. The first type was fiscal accountability; this was directed at ensuring that the funds allocated, by the government, were spent in accordance with the law and the terms of the contract. This fiscal accountability was, however, a minimum requirement; it might still not ensure fair value for the government's expenditure. This problem is partly rectified by the application of programme accountability. Programme accountability was used to ensure that the appropriate results followed from the programme. Third, Robinson identified process accountability. This type is concerned with ensuring that the delegated task is implemented according to the agreed and appropriate procedures. The task of holding a body to account was dependent on establishing what mixture of these types was appropriate.[22]

Some other participants argued that different types of accountability could not be identified in this way; this approach was championed by Hague. He argued that "devising a successful accountability system is not simply a matter of deciding what would be the correct mix between these three types of accountability".[23] Of far greater importance were the institutional structures of the body carrying out the task and the audit organisation.

Bruce Smith merged these two approaches to produce five critical factors central to the problem of accountability; these factors included institutional arrangements and types of accountability. First, the terms of the contract merited attention, clarity about the

precise arrangements being essential to future accountability. Second and third came the quality of management in both parties to the contract. The quality of management was vital because it affects the capacity of government to oversee and hold to account the other organisation. Fourth came the need to devise a yardstick or quality control measure in the absence of other performance criteria. In particular, it was essential to create graded penalties for non or mal performance. Finally, the role of the audit agency and the legislature were identified as being of crucial importance.[24]

Smith seemed to be saying that there was no definitive solution to the central dilemma, the tools used to achieve accountability had to vary with individual circumstances. Conversely, Hague was more definite, he claimed that the conference agreed that organisations should be free to decide on processes but not on programmes. Key differences existed about whether any general conclusions could be drawn, about how to hold such bodies to account and whether the arrangements used to ensure accountability would have to be determined by individual circumstances. However, individuals did produce some practical ideas about how such accountability could be achieved, even if these ideas were suggestions and partial answers rather than solutions.

David Howell, for example, placed the key emphasis on the importance of defining the responsibilities of people performing tasks at every level of the organisation. If responsibilities were clearly defined contractors could be given greater independence. In addition the public or the legislature could discover what was going on and who was responsible. In this way Howell believed that the authority of the British public sector could be further delegated.[25]

Another radically different approach was to focus on the concept of participation. Nevil Johnson challenged the idea that the legislature could ever hope to "make broad political accountability effective over the whole area of public and quasi-public activity".[26] He advocated decentralisation and the dispersal functions as an alternative course of action.[27] Mackenzie developed these ideas and

produced the concept of mutual accountability. He claimed that accountability could be achieved by an inversion of the traditional hierarchial model of democratic accountability. In his model the people would be the bosses.[28] This approach begged the question as to whether any obligation existed to observe a form of social accountability and was a good starting point for a wider discussion about mutual accountability.

As the Carnegie project progressed the participants became aware that the process of accountability encompassed other relationships beyond the traditional concept of vertical accountability. The notion of accountability to peer groups was identified. In some instances accountability was achieved by self-policing by peer groups. This process is often institutionalised and the peer group given a statutory role; the Law Society is a good example of this phenomenon. However, self-policing by itself is not the solution to the problem of accountability.[29] Another concept of accountability was that of downward accountability to the clientele, this notion involved ideas such as the participation of these clients. It was these concepts that later developed into the concept of mutual accountability, involving a network model of interrelated organisations; based on the interaction of vertical, horizontal and downward accountability. Inevitably, the acceptance of such a network approach involved an implicit downgrading in the importance of the constitutional aspect of accountability.

The official upward accountability was reduced in importance. The very existence of rival concepts of accountability posed an intellectual threat and provided some choice as to which type of accountability was most suitable in any instance. Vertical accountability was no longer the only available type of accountability. However, of far greater importance in explaining this relative decline must surely have been the continued attachment of vertical accountability to ministerial responsibility. Because many aspects of Quasi-Governmental bodies' activities were beyond ministerial responsibility the danger existed that they would also be

beyond the reach of vertical accountability.

Select Committees

Most of the structures designed to enforce accountability were solely concerned with vertical accountability, usually within the context of ministerial responsibility. Although wider definitions of vertical accountability and the other types of accountability did have a role to play, they seldom found expression in an institutional form. Their lack of expression in any institution rendered them hard to quantify and served to marginalise their importance as attention was inevitably focused on what accountability various institutions could secure. The same mood that precipitated administrative reform in the 1960s, also led to reforms in the structure of some of the organisations charged with holding the executive to account. It is to these developments that we must now turn. We begin by looking at the transformation of the system of Select Committees in the House of Commons and at the creation of the Ombudsman.

According to Erskine May, Select Committees are "committees composed of a number of members specially named, who are appointed by each House from time to time to consider, inquire into, or deal with particular matters or Bills".[30] As such they can be distinguished from Standing Committees. Standing Committees are an integral part of the legislative journey that Public Bills take through Parliament. They are charged with examining and perhaps modifying and improving Public Bills. Select Committees play little part in the passage of legislation, they are seldom used to deal with Public Bills and are mostly confined to deliberating on Private Bills.

Following Gavin Drewry's analysis, Select Committees can be divided into two distinctive groups.[31] First, a whole range of Select Committees have evolved to deal with the internal arrangements of Parliament, the Committee on Members Interests being a prominent example of this type. However, these Select Committees have no impact on accountability beyond the confines of Parliament and are therefore of no interest to this survey.

The second type of Select Committees are those that conduct investigations over and scrutinise issues of 'wider public concern'. This category includes all the committees that are appointed on a permanent basis to monitor public administration; examples of this class include the Departmental Select Committees and the Public Accounts Committee. Also included in this category are Select Committees appointed to look into a specific issue; the Select Committee on the Wealth Tax (1974/75) is a good example of this type. Finally, this category includes the Select Committees charged with "technical scrutiny of aspects of public business".[32] These Select Committees are 'Joint' and so are composed of members of both Houses of Parliament; an appropriate example of this type is the Select Committee on Statutory Instruments. Until the latter half of the nineteenth century Select Committees were extensively used to consider Public Bills; in the late twentieth century such a usage of Select Committees is rare.[33]

The practice of establishing Select Committees to inquire into the conduct of individuals or departments dates from 1689 and the inquiry, by both Houses, into the management of the war in Ireland.[34] Most of the social reforms of Victorian times were based on Select Committee Reports. Walkland concluded that "the Select Committee was the normal way of doing House of Commons business in the nineteenth century".[35] The use of Select Committees went into a dramatic decline during the last half of the nineteenth century. Following the passage of the 1867 Reform Act the nature of the work done in Parliament began to be transformed. In particular, the creation of a modern Civil Service enabled the government to transfer to it the responsibility for the preparation of legislation. As the initiative for the introduction of legislation passed from Parliament to the government civil servants took over the preparation of legislation from the Parliamentary Select Committees.[36]

As the functions of the state increased concern grew about the inability of Parliament to hold the executive to account. However, as Johnson concludes, until 1914 Select Committees were extensively used

to conduct inquiries into 'alleged abuses' and areas 'of public policy on which action was demanded'.[37] Nevertheless, wider concerns about the lack of scrutiny of the executive by Parliament prompted the Haldane Committee on the Machinery of Government (1918) to advocate a greater use of Select Committees. Haldane argued that a series of permanent Select Committees should be developed, each charged with the "consideration of the activities which cover the main divisions of the business of Government".[38] This concept of extensive and possibly departmental based Select Committees became established and was a constant theme in the continuing debate about parliamentary reform.

Practising politicians also put forward proposals for greater scrutiny of government by Committees. A radical proposal was advocated by Fred Jowett and the Independent Labour Party. In his evidence to the Select Committee on Parliamentary Procedure of 1913/14, Jowett argued that each Minister should preside over a departmental committee. All legislative and administrative matters relating to the department should come before the committee and all departmental documents should be made available to the committee, nothing being withheld. In this way Jowett hoped to create a situation in which "every Member of Parliament could, if he desired, make an informed and constructive contribution, and the full light of democracy would be thrown on everything done".[39]

Similar ideas were advocated by David Lloyd George in 1931. He did not agree with Jowett to the extent of supporting the former's idea of relegating the minister to the role of committee chairman. Under Lloyd George's plan the committee would not have had the power to control the administration of the department "though it could examine the Minister and his civil servants and any papers it chose to ask for".[40] Lloyd George was actually advocating "Parliamentary Advisory Committees, which would supervise but not have control over or responsibility for the Departments of State".[41] These Committees were to have the power "to recommend but not to initiate legislation".[42]

The ground had been laid for the creation of such a system of

scrutiny by the establishment of the Public Accounts Committee (1861) and had been further enhanced by the creation of the Estimates Committee (1912). The Public Accounts Committee was given the responsibility of ensuring that "public expenditure was properly incurred for the purpose for which it had been voted and in conformity with the relevant Act".[43] The Public Accounts Committee gradually came to interpret its terms of reference more widely and started to conduct value for money investigations.[44] Although the P.A.C. could not make audits of departments a Controller and Auditor General (an official of Parliament) did have the power to do this. Furthermore, the P.A.C.'s report was subject to the full scrutiny of the Commons, because it was the subject of an annual debate in the Chamber. However, this scrutiny was of a fairly narrow and purely financial type.

Accountability of the executive was enhanced by the establishment of the Estimates Committee. It was charged with examining the annual departmental estimates and with studying ways in which policies could be conducted in a more efficient manner.[45] The Committee was concerned with a narrow financial concept of accountability that did not go much beyond seeing that the grant-in-aid was spent in a lawful and efficient way. It was expressly forbidden to inquire into areas of policy. Although this rule was not strictly adhered to in the post-war era the main thrust of its deliberations was confined to the area of administrative efficiency.[46]

During the late 1950s and early 1960s demands grew that "the Commons should extend its scrutiny function through the wider use of investigative Select Committees".[47] An academic consensus began to develop around the idea that there should be a series of Committees charged with overseeing the work of all central government departments. For instance, Bernard Crick argued for the growth of a comprehensive pattern of 'standing' Select Committees covering all areas of government policy.[48]

In 1965 the Select Committee on Parliamentary Procedure produced a series of proposals advocating an enhanced role for Select Committees. The Committee proposed strengthening the Estimates

Committee and widening its terms of reference. The objective was to transform it into an 'Expenditure Committee' that would examine "how the departments of state carry out their responsibilities and to consider their estimates of Expenditure and Reports".[49] It recommended the Committee function through specialised sub-committees. However, these proposals were "limited in scope and only partially implemented".[50] While sub-committees were appointed these reforms "were not, however, allowed to become properly established".[51] These reforms were superseded by the Crossman reforms of the late 1960s. These sub-committees were forced to contract in order to release members to serve on the new specialist Select Committees.

In 1966 Richard Crossman became Leader of the House of Commons. Unlike his predecessor, Crossman saw himself as a parliamentary reformer. Whereas Herbert Bowden had agreed to the implementation of a watered down version of the Procedure Committee's report, Crossman sought a Select Committee system that would do more than just monitor expenditure. His ideal was a system that would allow members to "formulate pertinent questions about policy before decisions had actually been taken".[52] Crossman hoped that these Select Comittees could exercise overt scrutiny in areas of policy .

In accordance with these objectives six new Select Committees were created during the 1966-70 Parliament. The pattern of specialist Select Committees that emerged was very unsystematic. While four departments (Agriculture, Education, Overseas Aid and Scotland) were shadowed by Select Committees, all the other departments received no such general scrutiny. Furthermore, the choice of these departments was based more on which minister would agree to have a committee imposed on him or her than on an appraisal of what was appropriate for purposes of accountability.

The distinction between four departmental and two subject Select Committees far from establishing a coherent system for holding the government to account merely added to the randomness of the arrangements. The system was imposed on top of the existing provisions for financial scrutiny through sub-committees of the Estimates

Committee and successful existing Select Committees such as the Select Committee on the Nationalised Industries and the Public Accounts Committee. Indeed, the departmental Select Committees were not intended to be permanent; they were meant to focus on a department for a session and then 'move on' to look at a different department. In addition the operation of the Select Committees was weakened by a lack of agreement about the extent to which they could study matters of policy.[53]

Many of these grievances were illustrated by the Select Committee on Parliamentary Procedure's Report in 1969. The Procedure Committee argued that these Select Committees, whilst weakening the Estimates Committee, had not themselves tried to scrutinise expenditure. To remedy this shortcoming the Procedure Committee advocated the creation of an Expenditure Committee to replace the Estimates Committee. The Expenditure Committee would operate through eight functional sub-committees that would not be tied to particular subjects or departments. This system would also include a general sub-committee with the duty to conduct "general reviews of the government's public expenditure plans".[54] The objective was to put the scrutiny of expenditure onto a more systematic and extensive basis.

In 1971 a modified version of the Procedure Committee Report was implemented and an Expenditure Committee created which had the power to "examine projections on public expenditure and to consider the policies behind those projections".[55] This committee worked through a series of specialist sub-committees. In addition to a steering sub-committee the sub-committees dealt with defence and overseas affairs, economic affairs, social affairs, technological and scientific affairs, building and natural resources and the supplementary estimates.[56] Some of Crossman's Select Committees were retained as was the Select Committee on the Nationalised Industries and the Public Accounts Committee. However, although the 1970s saw an overall increase in Select Committee scrutiny it was not put on a comprehensive or systematic basis. The system still comprised various departmental and subject Select Committees in addition to the Select

Committees established from time to time to look into specific and controversial topics.

In 1978 the House of Commons Select Committee on Procedure concluded that "the essence of the problem.....is that the balance of advantage in the day to day working of the constitution is now weighted in favour of the Government to a degree which arouses widespread anxiety and is inimical to the proper working of parliamentary democracy".[57] The key recommendations of the Report centred around the reform of the Select Committee system. The recommendation was for the replacement of most of the existing Select Committees by twelve committees. Each of these new Select Committees would be given the duty to examine "all aspects of expenditure, administration and policy within the responsibilities of a single government department".[58] Although some more traditional members feared that such developments would weaken the chamber of the House of Commons these proposals attracted a near unanimity of praise from M.P.s.

In 1979 Parliament approved the creation of such a system of departmentally based Select Committees. The system implemented, however, differed in certain key respects from the Procedure Committee's recommendations. First, the responsibilities of the committees varied from the recommendations of the Procedure Committee's Report. For instance, Employment was given a separate committee and Industry was combined with Trade. Furthermore, the number of committees was set at 14 not 12; this was done to allow committees to be created to monitor the Scottish and Welsh Offices. Of much greater importance for accountability was the refusal to allocate eight days for debates on the Select Committee Reports. This meant that their Reports might never receive scrutiny by the whole House; they could become marginalised and receive little public exposure.[59]

The scrutiny of government departments had been put on a more comprehensive basis. Although the Committees could only deal with a limited number of topics each, this reform did mean that the 12 major

government departments and Scottish and Welsh affairs did have a watchdog committee shadowing them on a permanent basis. Ministers and civil servants now knew that they may be forced to account for any of their actions to one of these committees. Indeed, as we illustrated in Chapter Four, these committees regularly called civil servants as witnesses. The effect of this development (see Chapter Four) was to force civil servants to move closer to a position in which the Committee held them to account. These Select Committees gradually came to circumvent the doctrine of ministerial responsibility. Because of this evolution the departmental Select Committee could be seen as an institutional device that takes the practice of vertical accountability beyond the confines of ministerial responsibility. In doing so it could be said to maintain the credibility of the British practice of vertical accountability.

Parliamentary Commissioner for Administration

A key issue in the 'problem of accountability' is that of the redress of individual grievances. So far we have subsumed this problem into the general concern with accountability. This issue warrants more detailed attention. Such specific one-off grievances against government institutions are often of the utmost concern to the general public. To individuals the fact that the government has not dealt with them in a fair and equitable manner is of much greater importance than any absence of scrutiny over broader issues. To have ignored this area would have been not to have tackled the issue of accountability from the viewpoint of the ordinary voter. To deal with such issues, the Parliamentary Commissioner for Administration, or Ombudsman was created.

Dissatisfaction existed about the existing parliamentary devices for pursuing cases of individual grievance against the government. Under the traditional procedure an M.P. could raise a case in an Adjournment debate or write to the organisation. This procedure afforded some opportunity to take up a constituent's case. By the early 1960s, doubts began to be raised about whether such opportunites

were sufficient. In 1961 the Whyatt Report (The Citizen and the Administration: The Redress of Grievances) commented that it was probable "that proceedings between a Department and an M.P. would develop into a contest, one that was likely to be uneven, given the Minister's access to documents and information not freely available to members".[60]

To solve the above problem the Whyatt Report called for the creation of an Ombudsman. The concept of the Ombudsman developed in the Scandinavian countries. He was authorized to receive and investigate complaints concerning issues of maladministration. If illegal acts were discovered he could initiate proceedings in a court of law. In cases of proven misbehaviour, inefficiency or negligence, his main weapon was persuasion and publicity. His investigations were open, his reports public and his prestige high. Moreover he had full investigatory powers so that no official could refuse to answer a question and no department withhold any document that he might wish to inspect.[61] Such an official could help to reduce the advantage enjoyed by government. The possibility that maladministration could be identified, publicised and rectified should lessen the number of errors by making the bureaucracy more responsive to individuals. This would occur because public servants would have to account, in the case of mistakes, to an independent official. In 1967, Parliament passed legislation to establish such an Ombudsman, known as the Parliamentary Commissioner for Administration.

The British Ombudsman (the Parliamentary Commissioner for Administration) was authorized to investigate complaints of maladministration referred to him by members of the House of Commons, to report the results of his investigations to members requesting them and to the authorities involved. In the event of discovering cases of maladministration that were not subsequently remedied or currently the subject of remedial action he could lay a request before both Houses of Parliament.

However, the remit of the British Parliamentary Commissioner was more restricted than that of many continental Ombudsmen. Many

governmental areas of operation were beyond his jurisdiction; for example he could not inquire into any aspect of the Nationalised Industries' activities. Secondly, he had to confine his activities to maladministration. Although this second restriction applied to many other Ombudsmen it was not universal. In New Zealand, for example, the Ombudsman could investigate complaints that actions by government departments were unjust, unreasonable or oppressive. Despite recommendations to the contrary, such as those in the 1977 Widdicombe Report,[62] this latter restriction has not been relaxed. Nevertheless, the creation of a Parliamentary Commissioner for Administration did provide another avenue through which individual grievances against executive action could be heard; it has made the executive somewhat more accountable.

The Parliamentary Commissioner for Administration, however, was of little use in holding ENDPBs to account because very few of these bodies fell within its remit. By the mid 1980s the Commissioner had powers to investigate only 12 ENDPBs (the Advisory, Conciliation and Arbitration Service, the Health and Safety Commission, the Health and Safety Executive, the Horserace Betting Levy Board, the Manpower Services Commission and the seven Residuary Bodies). In addition the Local Commissoner for Administration had jurisdiction over the New Town Development Corporation and the Commission for the New Towns).

In the 1983-84 Parliamentary Session a Report from the Commons Select Committee on the Parliamentary Commissioner recommended substantial changes in the Commissioner's remit. The committee rejected the idea that the Commissioner's scrutiny should be mainly confined to Government Departments and considered that "the case for including at least some non-departmental public bodies within the jurisdiction of one or other "Ombudsman" is really one of principle".[63] The Select Committee concurred with the view that "members of the public who believe they have suffered injustice should have a means of obtaining independent investigation of complaints against those non-departmental public bodies whose administrative functions bear upon the interests of individual citizens or groups of

citizens".[64]

The Report stressed that "there should be no possibility of shelter behind technical 'non-departmental' status".[65] Nevertheless, the Report did not advocate an extension of the Commissioner's remit to deal with Advisory or Quasi-Judicial Bodies and decided to concern itself solely with ENDPBs. In a similar vein the Committee decided that the Parliamentary Commissioner for Administration should not have jurisdiction over professional bodies or the promotion examination boards on the grounds that "administrative activities of such bodies do not directly affect the man-in-the-street".[66] The Report also excluded registered charities because they came under the Charity Commissioners who are themselves accountable to the Parliamentary Commissioner for Administration.[67] In total the committee proposed that 120 ENDPBs (including multiple bodies) be added to the Commissioner's jurisdiction (See Appendix One).

The Government announced its acceptance in principle of these recommendations in a Commons written answer on 8th July 1985. In reply to a question from Sir Anthony Buck, Barney Hayhoe, the minister for the Civil Service, declared that the Government intended to legislate to extend the Parliamentary Commissioner for Administration's jurisdiction over ENDPBs.[68] In its response to the Select Committee Report the Government accepted most of the recommendations for the inclusion of ENDPBs within the Ombudsman's remit whilst making "significant additions to and subtractions from the Select Committee's list".[69] The Government rejected 44 ENDPBs suggested by the Select Committee including the Natural History Museum and the 26 Wages Councils but added 23 ENDPBs to the list such as the Commission for Racial Equality, the Equal Opportunities Commission, the British Library and the Research Councils (See Appendix Two). In total the Government recommended that 99 ENDPBs (including multiple bodies) be added to the Commissioner's jurisdiction.[70]

In the Parliamentary and Health Service Commissioner Act of 1987 these recommendations were put into effect and the Parliamentary Commissioner for Administration was given jurisdiction over an

additional 92 ENDPBs (including multiple bodies). This change meant that the Parliamentary Commissioner for Administration now had jurisdiction over a total of 104 ENDPBs (See Appendix Three).[71] Although this was a substantial improvement on the previous position it was still a relatively small number compared to the total number of 396 ENDPBs then (1987) in existence.

The Parliamentary Commissioner for Administration is not the only official charged with resolving public grievances. A Commissioner exists for the N.H.S., Local Government and Northern Ireland. In addition several other organisations and industries have a body charged with handling grievances. For example, the Broadcasting Complaints Commission deals with complaints against broadcasters, while the Civil Aviation Authority does the same for the airlines. Similarly bodies have been created to regulate and deal with complaints against the newly privatised industries (see below).

Legal Accountability

The creation of the Parliamentary Commissioner for Administration and the other public sector grievance procedures is a manifestation of the fact that individual grievances against the bureaucracy cannot be rectified through ministerial responsibility alone. Given the number of decisions and complaints such an idea would be absurd. But this office is not the only manifestation of this view. In recent decades, because of the growing perception of the inadequacies in the existing system of political and managerial accountability, there has been increasing interest in legal accountability. As Harden and Lewis commented observations about the criticisms about parliamentary procedures for redress of grievances have "not infrequently been accompanied by suggestions that the judiciary, previously perceived as somewhat constitutionally unadventurous, might be about to restore the balance in favour of the citizen".[72] This concept of legal accountability "not only is different from notions of political or managerial accountability but also may, indeed, cut across them in so far as actions arising from political imperatives offend against the

more fundamental rules of human conduct".[73]

This notion of legal accountability to the courts has two distinct components. First, there is accountability in order to ensure that the executive does not exceed its legal authority and that the way in which decisions are reached conforms to the rules of natural justice. Second, legal accountability can be used in order to make executive actions conform to certain basic human rights.[74]

The first concept of legal accountability is enforced by reference to ultra vires and natural justice. Central to judicial review of administrative action is the idea that public authorities will be restrained from exceeding their powers and inferior tribunals will be prevented from exceeding the limits of their jurisdiction".[75] This doctrine of ultra vires prevents public authorities "from doing anything which the law forbades, or taking any action for which they have no statutory authority".[76] This concept of judicial review is, nevertheless, just "an aspect of statutory interpretation".[77] This dependence of statutory interpretation means that the doctrine of Ultra Vires, as Harden and Lewsi observed, suffers from two key limitations. "First, it can have relatively little impact on broad statutory grants of discretionary power, and, second, it applies only to powers derived from statute".[78] Of wider application is the notion of natural justice.

The rules of natural justice "are minimum standards of fair decision-making imposed by the common law on persons or bodies who are under a duty to 'act judically'".[79] "All that is fundamentally demanded of the decision-maker is that his decision in its own context be made with due regard for the affected parties' and accordingly reached without bias and after giving the party or parties a chance to put his or their case".[80] Despite, the flexibility of natural justice, the judiciary have largely relied on the doctrine of ultra vires to deal with the administrative powers exercised under statutory authority. As Harden and Lewis observed "The courts' control of administration thus appeared as simply an aspect of statutory interpretation".[81] and "could be argued to make Parliament itself

responsible for the substance of decisions".[82] In general, the courts have concerned themselves not with "whether a particular matter has been correctly decided but whether the administrative authority in question had power to decide as it did".[83] This judical caution meant that Britain's public law system was inadequate for policing the expanded public sector and the relationship between public and private spheres. As Harden and Lewis remarked "there are vitally important gaps in the extent to which public activity is subject to judicially monitored norms".[84] They concluded by observing that "there is a sphere of public autonomy which the courts have regarded as none of their business".[85]

The second notion of legal accountability is concerned with the substance or quality of administrative decisions and not limited to a review of their legality. Advocates of this view usually support the introduction of a written constitution in order to enshrine fundamental rules of public action in the constitution and ensure that government actions are tested on criteria independent of the political process. Britain, however, has always eschewed the notion of a written constitution and there is little immediate prospect of one being introduced in this country.

Nevertheless, in spite of the inadequacies of the British system of administrative law, legal accountability does have a role to play in holding the executive to account. Legal accountability can complement and enhance other forms of accountability. For example, a legal requirement to consult (see the example of the Hearing Industry Board listed below) could help strengthen horizontal accountability to peer groups or downward accountability to clients depending on the nature and scope of consultations. Although, in practice, courts have been cautious about intervening in such procedural questions, the presence of statutory duty to consult, nevertheless, must strengthen accountability because it formalises the procedures the body should follow. While a court might be reluctant to say that a department or ENDPB had broken its obligation to consult, the body or department would be unlikely ignore such a statutory requirement. It is probable,

therefore, that the presence of such a requirement to consult would improve or stregthen accountability in these directions.

Accountability to individuals, clients and consumers is stregthened by several legal devices. In particular the doctrine of ultra vires provides a check on government and ENDPBs extending their jurisdiction at the expense of individuals or groups. Ultra vires also helps to enforce vertical accountability to Parliament in that it ensures that powers are not extended beyond the limits established by legislation. The Parliamentary Commissioner for Administration (see above) provides redress for victims of maladministration. Although his jurisdiction only covers part of the public sector. The Commissioner does, however, help to stregthen downward accountability for some bodies and departments. In a similar vein Tribunals (themselves Non-Departmental Public Bodies) also help to stregthen the downward lines of accountability. In certain types of cases they offer a more effective and cost less expensive way of redressing grievances against the public sector than provided by the courts (See Chapters Three and Four).

Government departments, ENDPBs and other governmental organisation are. of course, subject to ordinary criminial and civil law. For example, a fraud concerning an ENDPB would be subject to the same legal procedures as a fraud involving a private company. When considering governmental accountability it is, therefore, essential not to confine consideration to administrative law. Indeed, non-administrative laws can play a key role in the accountability process and can re-inforce other types of accountability, For example, it was discovery of financial malpractice at the Crown Agents that prompted a 1977 emergency Commons debate on the affair.[66] Legal accountability, therefore, stimulated vertical accountability and got Parliament interested in the activities of this ENDPB.

Legal accountability is also of crucial importance in holding ENDPBs and other government agencies to account because many of duties and responsibilities of these bodies are enshrined in statute. Statutes establishing ENDPBs and other government bodies may establish

rules about issues such as consultation procedures, pay and conditions and the publication of Annual Reports as well as establishing the scope of their activities. Governmental organisations are, therefore, not merely constrained by ordinary criminal and civil law, but also by administrative law and by the specific regulations governing their operation.

Legal accountability often provides the framework within which the accountability process can operate. Being accountable in law, however, is no gaurentee that government will be held to account, but it does outline a basic minimum level of accountability and provides sanctions against a breach of the rules. It is best seen as a part of the accountability process in which all forms of accountability are inter-linked.

In a similar manner other forms of accountability are related to one another. In particular, internal accountability is related to external accountability. A government body that was badly organised and in which staff were not properly supervised by their superiors would be unlikely to satisfy the requirements of stringent external accountability. In consequence scrutiny by external agents (whether from a vertical, horizontal or downward position) should help to improve internal accountability, organisation and efficiency. Improved internal accountability could also lead to improve external accountability. If this change took the form of greater devolution of decision making to the regions greater downward accountability might result. While if the improvements in accountability were due to improvements in management at the centre it is possible that vertical accountability might improve. For example, improvements in the administration structure of a governmental body might lead to the provision of more information about the body's activities. The provision of more and, perhaps, better information would probably strengthen all forms of accountability (See Chapter Seven). Nevertheless, vertical accountability due to its central role in the British accountability process, would be likely to be the main beneficiary.

Committees of Inquiry

Just as accountability for individual grievances did not originate in the 1960s neither did the concept of circumventing ministerial responsibility by the use of administrative inquiries. For example, Royal Commissions had long been used "for inquiries into matters which are considered to be of very great public interest and importance or which for some other reason appear to need the dignity of a royal commission".[87] In taking evidence for these commissions, civil servants were often questioned. In these circumstances it was impossible to adhere totally to a strict definition of ministerial responsibility. Sometimes officials even contradicted members of their own department. In 1969 Lord Crowther (for the Royal Commission on the Constitution) questioned two Home Office civil servants about the extent of their powers. Lord Crowther observed that from their written evidence it appeared that they had "no power to deal with seamen who strike at sea between Northern Ireland and Great Britain".[88] Using this assumption Crowther asked what would happen "to a girl being transferred to Borstal who knifed the captain on the way over".[89] Although Mr Greeves (the Permanent Secretary) said the matter would be outside his department's jurisdiction, he was immediately contradicted by Mr Parkes (the Assistant Secretary) who said that it "depends on which way the ship is pointing at the time".[90] The fact that two senior Civil Servants can contradict each other over such a simple issue illustrates the point that under processes of cross-examination the temptation to deviate from unanimity becomes overwhelming. Yet such deviation cannot go far before the department ceases to speak with one voice, civil servants lose their facelessness and the doctrine of ministerial responsibility breaks down (for a fuller discussion of this process see Chapter Four).

Accountability to Peer Groups and Clients

Ministerial responsibility was not just challenged from a vertical position, procedures also evolved to ensure a measure of horizontal and downward accountability. Some of these issues were

noted by Hague, Mackenzie and Barker in Public Policy and Private Interests: The Institutions of Compromise (1975).

Hague, Mackenzie and Barker focused on horizontal accountability to peer groups. Loyality to ones peer group could serve to counteract any prior obligation to account to ones vertical superiors.[91] For example, individuals often felt a loyalty to those in the same profession; the external examiner in a British University thus feels a responsibility to his profession to ensure that students are classified correctly. This professional pride or accountability in many instances is a much better guarantee that standards are met than any formal accountability to a higher body. This could be at a premium in the case of a profession of experts as it is difficult for non experts to assess their work.

Day and Klein in Accountabilities: Five Public Services (1987) discussed the operation of peer groups in the British Welfare State. They argued that the Welfare State was also a Professional State. It did not conform to the Athenian concept of democracy in which authority emanated from the people. In the Welfare State the experts derived their authority from "their own special knowledge and skills".[92] Central to the issue of accountability in delivery of public services was, according to Day and Klein, the notion of professionalism. The profession sets the rules and objectives that govern the performance of its members and established a "new element into the debate about accountability".[93] As Day and Klein commented it is "incompatible with the concept of accountability as a series of linkages leading from the people to those with delegated responsibilities via parliament and the managerial hierarchy since it brings onto the stage a set of actors who see themselves answerable to their peers, rather than to the demos".[94] Taking the medical profession as an example, Day and Klein argued that the creation of the profession was "a contract between public and profession, by which the public go to the profession for medical treatment because the profession has made sure that it will provide 'satisfactory treatment'. But of course it is the profession which defines what is

satisfactory treatment".[95]

The classic example of a self-regulating profession is the medical profession. Doctors in Britain are not accountable for their performance to their employers, the N.H.S., because they cannot be made to answer for how they use the resources put at their disposal. It is the Doctor's own General Medical Council that determines the qualifications required and what constitutes proper conduct. As Day and Klein observed the "case of the doctors provides a neat and clear-cut example of professionalism in the strict, traditional sense of a State-licensed monopoly of expertise and the privatisation of accountability".[96] In such circumstances, as Day and Klein observed, "professional accountability is not integrated into the system of political or managerial accountability. It effectively breaks down the circle of accountability".[97] Downward accountability to clients was, nevertheless, also significant because the Welfare State must provide an adequate service. Accountability to clients, therefore, re-inforces accountability to professional peer groups.

Social Workers provided another example of accountability to peers and clients in the Welfare State. As Sainsbury observed their responsibility, in common with other groups in the Welfare State, cannot be seen as only vertical accountability to an employer.[98] Their position was, however, different from that of medics because the nature of their professional status was itself a controversal issue. As Day and Klein argued, amongst social workers there has been a debate "about whether they should seek full professional status, on the medical model, with a general council responsible for maintaining professional standards of performance and disciplining individual members".[99] Many social workers took the view that professionalism was undesirable because it would "cut them off from clients and others working in the field.[100] They thought that greater horizontal accountability could only be achieved at the expense of downward accountability. Furthermore, a significant body of opinion thought that social workers could not aspire to professional status because of "the absence of core knowledge and the fact that the skills required

have not been identified".[101] This latter view was expressed by the National and Local Government Officers' Association. It was largely because of such fears that the Barclay Committee, which was created to examine the role and tasks of workers, decided to recommend that a general council for social workers should not be created.[102]

The doubts about the professional status of social workers does not mean that they are not held to account by their peers. As Day and Klein observed "there is a professional accountability, defined as 'a responsibility to see that colleagues remain professionals'".[103] It is, however, an undeveloped form of professional accountability and is "no more than an allegiance to each individual's own idea of what his profession requires of him'".[104] This weak form of downward accountability is reinforced by vertical and horizontal accountability. Vertical accountability is enforced by means of Social Services Inspectorates (SSIs). Downward accountability also has a role to play in holding social workers accountable. The nature of social responsibilities does not make a rigid system of vertical accountability appropriate. As Johnston commented with the provision of services the important issues are responsiveness and access, which are controlled by the workers who operate at the bottom of hierarchies.[105] In essence policy should be determined at the bottom in response to the needs of clients.

The personal contact with clients means that social workers are responsive, to a certain extent, to the needs of their own cases. But, there is little opportunity for clients to make social workers accountable for the overall operation of the service. These issues were addressed by the Seebohm Committee which sought to strengthen responsibility to clients by advocating citizen participation in the running of services. The Committee thought that such participation would "reduce the distinction between givers and takers of social services"[106] and "provide a means by which further consumer control can be exercised over professional and bureaucratic power".[107] In a similar vein the Barclay Committee recommended the creation of local welfare advisory committees in order to "provide a forum in which

representatives of clients, employers and social workers could discuss agency policies with respect to the rights of clients".[108] Downward accountability, however, remained informal. As Day and Klein commented "the social services committees do not, at present, have any institutional or other rivals challenging their monopoly of formal accountability".[109]

In 1979, Malcolm Payne wrote "that the client, community and professional constituencies are far too weak at present, compared with the powerful legal, organisational and governmental influences on social work".[110] Eight years later the position has not significantly altered, despite pressures for greater downward accountability and a type of professionalism. As Day and Klein commented "the reality would seem to be that the social worker is the agent of her or his employer and as such, answerable to the latter".[111]

A more definite example of a professional group (or perhaps two professional groups) is provided by lawyers. Both solicitors and barristers are accountable to their peers. Solicitors control entry to their membership and police professional practice through the Law Society which is governed by a council of qualified solicitors. Although membership is voluntary the Society has compulsory powers over all solicitors. The Law Society handles complaints about solicitors through its Solicitors' Complaints Bureau. The facts of the complaint are investigated by staff who report to the Bureau. They may then refer the complaint to the Investigation Committee who decide whether to take action or make further investigation. Finally complaints may then either, in cases of negligence, be sent to the Negligence Panel or be referred to the Adjudication Committee which has statutory powers of discipline. Defendents have a right of appeal to the High Court and those unsatisfied with the handling of their case may complain to a Lay Observer. Nevertheless, the peer group (The Law Society) controls most of the disciplinary process.

The Law Society regulates the education of solicitors with "the concurrence of the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls".[112] The Society runs the training institutions

and exercises "almost complete autonomy over the form and content of its training programme".[113] The Law Society also regulates the way in which solicitors handle clients' money and requires each practice to submit annual audited accounts.

Barristers are also accountable to their peers. For example, complaints are dealt with in a similar manner to complaints against solicitors. The ultimate sanction being an appearance before the Disciplinary Tribunal that has the power to "reprimand, suspend, disbar and order repayment of fees".[114] The Bar has a Council of Legal Education which regulates and provides training, while the Four Inns of Court own most of the property in which barristers rent accommodation for their chambers. In addition, entry to the profession is regulated by the requirement that barristers must be a member of one of the Inns of Court which are governed by professional barristers. Barristers, therefore, control entry into their profession, although those refused admission can appeal to the Lord Chancellor and the High Court.

Downward accountability is a much weaker constraint on lawyers than horizontal accountability. Both professions, however, do recognise a need to preserve professional standards and discipline those whose conduct does not conform to these requirements. Such a concern with professional standards indicates an awareness of an obligation to society and a sort of accountability to clients to ensure that all practicising lawyers conform to professional standards. In addition, barristers and solicitors have specific obligations to their clients. Barristers, for example, are not allowed to pick and choose their briefs. They must accept a brief delivered to them subject to the availability of the fee, their availability and the case being within their area of expertise. Solicitors, for example, have a duty of care towards their clients, an obligation to act in good faith and must preserve confidence in relations with clients.

ENDPBs and Accountability to Peers and Clients

It is often not possible for government to carry out its duties without tapping the specialist expertise available and drawing it into the consultative and administrative process. This tendency is even more pronounced in the case of the ENDPBs, many of whom have been created so that government is better placed to make use of lay experts. This latter tendency can be illustrated by reference to an ENDPB, the Scottish Countryside Commission. In its Twentieth Report the Commission summarised the position thus:- "in seeking to satisfy our responsibilities for the conservation of the countryside we must rely on the widest possible co-operation".[115] The Report further argued that "responsibility for land-scape has to be shared by everybody, national and local government, land managers and landowners and all those who influence land uses have a role".[116] Accordingly, the Commission expended much effort on seeking out the views of many different organisations; consultations took place with a whole range of bodies about virtually every major area of policy. The Scottish Countryside Commission effectivly seemed to acknowledge a form of accountability to peer groups, based on the notion that they could not successfully operate without their co-operation. Sometimes such a duty to consult can be incorporated in statute. For instance, the 1935 Herring Industry Act laid a statutory requirement on the Herring Industry Board to carry out its powers "in consultation with the Herring Industry".[117] The Herring Industry Board was obliged to meet regularly with the Herring Industry Advisory Council which contained representatives from all the main parts of the industry.[118]

The desire to account to peer groups is ultimately expressed in the appointment of outside members to the board of the ENDPBs. These experts are often, in terms of knowledge, best placed to help to conduct the board's affairs. For example, in the financial year 1983/84 the Arts Council made five new appointments to its board. One of these people (Mr Jeremy Hardie) was an accountant, another (Mr Gavin Laird) was a leading trade unionist, however the other three were all from Arts peer groups. One (Mr Phillip Jones) was the head of

a department of the Guildhall School of Music and another (Mr James Logan) was an ex-chairman of Aberdeen Arts Centre. The final recruit (Ms Elizabeth Thomas) was the chairman of West Midlands Arts and of the Council of Regional Arts Associations.[119] Such appointments could be said to 'internalise' the process of horizontal accountability. Because many board members come from such peer groups it seems reasonable to assume that they would continue to be aware of and responsible to them.

Hague, Mackenzie and Barker, in reporting the conclusions of the Williamsburg Anglo/American conference on accountability, showed peer groups operate in a variety of situations but are more effective in some than others. For example, a peer group cannot be expected to take a decision to close down an organisation because the members of the peer group are "likely to feel more accountable to those in the organisation they are investigating than to those who appointed them to the peer group".[120] Peer groups are "far better at giving advice than at taking decisions, especially unpleasant ones".[121] The participants at the Williamsburg Conference also agreed that peer groups were "better at offering limited technical and scientific advice in their own specialist fields than at answering broader questions".[122] Answering broader questions requires a broad experience that many experts, having been trained and employed in a specialist field, do not possess. In addition, decisions on broader issues require the decision taker to make trade-offs which are "more difficult than absolute judgements".[123]

Accountability to clients also has a role to play in holding ENDPBs accountable. The role of such downward accountability is particularly important when the body has a promotional role on behalf of a distinct group of clients. The Commission for Racial Equality, for example, is charged with working towards the "elimination of racial discrimination".[124] In fulfilling this statutory requirement the C.R.E. is serving the needs of all ethnic minorities, who could thus be classed as its clients. Certain ethnic minority organisations become the Commission's clients in a more

direct way. The Commission has the power to "provide financial or other assistance to organisations which appear to it to be promoting equality of opportunity and good relations between persons of different racial groups".[125]

The Commission, in campaigning against racial discrimination, identified all members of racial minorities as its clients. They were directly concerned with the success or failure of the Commission's policies. It followed that the Commission had to retain the support and confidence of the ethnic minorities if it was to retain its credibility; the position of the champion of a group that had no confidence in it would be very vulnerable. Furthermore, the Commission would not be able to function effectively unless it could tap the expertise of ethnic minority organisations. Credibility and efficiency demand that regular consultations should take place between the Commission and its clients. In 1981 the fifth Annual Report records consultations on issues such as the provisions of the Race Relations Act 1976, the possibility of lowering the age of consent and the Government proposals contained in the Green Paper on nationality and polygamous marriages. In 1981, the Commission for Racial Equality's fifteen person Board contained seven "from ethnic minority communities".[126] But this degree of client involvement posed the danger that such organisations would become little more than mouth pieces for well organised interest groups.

Corporatism

By the second half of the twentieth century it was debatable whether accountability to Parliament was any longer a potent device. The consequences of being held to account by Parliament could prove to be embarrassing, but they were often not as important as the consequences of not taking account of the opinions of the large interest groups in society. Middlemas argued that in the twentieth century the role of Parliament had declined and the role of the civil servants and the producer interests had increased. Middlemas spoke of this development as the evolution of a 'Corporate Bias'.[127] Middlemas

argued that this 'Corporate Bias' originated during the decade following the first World War. During these years the trade unions and the employers were brought into a close relationship with government for the first time. These groups became so closely incorporated into the State that they became 'Governing Institutions'. Both these groups commanded resources vital to economic activity and the loyalty of their members. They could use their influence to bargain with government on behalf of their members and in return command their members' loyalty to make them adhere to any agreement made on their behalf.[128]

This notion of 'Corporate Bias' came close to the classic definition of corporatism esposed by Schmitter. Schmitter defined corporatism as "A system of interest representation in which the constituent units are organised into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognised or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports".[129] This conclusion runs against the more traditional assumptions in which British government has operated. These traditional assumptions have been more in tune with the concept of pluralism, which is best viewed as the polar opposite of corporatism. The pluralist society is characterised by the wide distribution of power amongst many different groups. In Schmitter's words in a pluralist model the constituent units "are organised into an unspecified number of multiple, voluntary, competitive, non-hierarchically ordered, and self-determined (as to type or scope of interest) categories that are not specifically licensed, recognised, subsidised or otherwise that are not controlled in leadership selection or interest articulation by the state and that do not exercise a monopoly of representational activity within their respective categories".[130] No group is without power to influence decision-making and equally no group is dominant. Government can be

seen either as the neutral referee or as an actor and pressure group itself.[131] But it is not just a dominant pressure group, which only has to consider the opinions of a few other such pressure groups.

The conduct of British government does not, however, appear to reflect this concept of pluralism, but seems to follow a more corporatist pattern. This form of government owed much to the expansion of the role of the state. As Birkinshaw, Harden and Lewis showed in Government by Moonlight in an active state, in which government intervention is on a large scale, interest groups will not confine themselves to lobbying. "Rather, their demands will form part of a mutually dependent bargaining relationship in which favourable policy outcomes are traded for co-operation and expertise".[132] An example of this corporatist behaviour was provided by Craig and Harrison who claimed that housing policy had "begun to be taken out of formal public policy-making arenas, so that public authority has been brought into line with private purposes".[133] In effect government was sharing its constitutional duties with interest groups.

This theme was developed by Dunleavy who illustrated how corporatist relationships could develop. "In order to be able to negotiate agreements with someone within the field, Departments can offer favourable treatment to the leading representative organisations and help to promote it as the sole legitimate spokesman of the industry. In return the Department gains a simplified external environment and demands 'responsible conduct' from the interest group. The trade association is expected to preserve the secrecy of negotiation and to make agreements arrived at 'stick' with the firms and operators themselves....In practice this co-operation of external interest groups can rapidly convert them into semi-private extensions of government."[134] In the words of Birkinshaw, Harden and Lewis "the salient feature of corporatism was the attribution of public status to private groups".[135]

ENDPBs and Quangos often have corporatist relationships. Some of these bodies are corporatist because they are composed, in part, of interest group representives brought together by government (see

above). Other more distinctly private Quangos like the National Housebuilding Registration Council or the Advertising Standards Authority are corporatist in the sense that they bargain with government and are involved in the administration of and/or the formation of government policy; in the words of Birkinshaw, Harden and Lewis they are "tainted with government".[136] Similarily, these writers, in Government by Moonlight, identified several other types of corporatist arrangements. First, they distinguished one-company corporatism where the state "pursues specific policy aims by negotiating planning agreements with individual firms rather than with interest associations".[137] Second they quoted Streeck and Schmitter to illustrate the role played by business associations in corporatist arrangements.[138] Finally, they showed that advisory and consultative committees could be involved in corporatist relationships.[139]

The implications of these corporatist structures of government were developed by, amongst others, Brian Sedgemore. Sedgemore claimed that what Britain had was not really democracy at all. In the British system of government decisions were being imposed from 'on high'; they did not emerge from below. Furthermore, these decisions were imposed after consultation with a few large pressure groups. These big institutions had an effective veto over government policy. In these circumstances parliamentary democracy was being circumvented, decision-making was by-passing Parliament, ministers and the people. Sedgemore cited the instance in which Frank Chapple (the leader of the Electricians Union) told the Secretary of State for Energy (Tony Benn) that "he and the Electricity Council and the Electricity Generating Board could run the industry perfectly well without the interference of the Government".[140]

Writing from a left wing perspective, Sedgemore claimed that such relationships could lead to certain political values becoming entrenched in the political system. This corporatism had evolved because a political consensus had emerged about certain key issues. It now served, according to Sedgemore, to sustain this system of values

and stopped other values from effectively competing against them. Corporatism could thus block any transition to a 'Socialist Society'.[141] Corporatism also came under fire from the Right, precisely because it also stood in the way of the implementation of their political ideas. As Birkinshaw, Harden and Lewis observed, corporatism tended to depoliticise conflict.[142]

During the mid-1970s the Right was able to focus on the relationship that existed between the trade unions and the 1974-79 Wilson/Callaghan Government. It was during the 1975-1978 Social Contract that the high-water mark of corporatism in Britain occurred. In exchange for exercising restraint in their wage demands the trade unions got a voice in shaping key domestic policies. In 1976, Chancellor Healey declared that some of the income tax reliefs proposed in the Finance Bill were conditional on the T.U.C.'s agreement to adhere to stage one of his incomes policy.[143] The focus of power was seen to be at the T.U.C.; Parliament was taken for granted.

The incorporation of the trade unions into the goverment of the nation was, as we showed in Chapter Two, further illustrated by the number of trade unionists appointed to the Boards of Non-Departmental Public Bodies. Non-Departmental Public Bodies were themselves at the forefront of the debate about corporatism; indeed many Non-Departmental Public Bodies had been created to incorporate certain groups into the decision-making process. It was from this foundation that fears about their lack of accountability grew (see Chapter Two). They were the children of a governmental system that seemed to have great difficulty in holding them to account, or in the words of Phillip Holland, they were the "outriders of the corporate state".[144] The Government often had more to fear from not being accountable to certain interest groups, who were represented on Non-Departmental Public Bodies, than it had from not being accountable to certain Parliamentary watchdogs.

The executive was in danger of becoming more accountable to Non-Departmental Public Bodies and their peers and clients than the Non-

Departmental Public Bodies were to other bodies. The risk existed that the Non-Departmental Public Bodies might only be really accountable to the vested interests that controlled them. A perverted form of downward or horizontal accountability might be all that would evolve (see Chapter Two).

At the heart of both the left and right wing criticism of Corporatism lay the concern about the affect of the Corporate State on accountability. According to this view, governments, in effect, were more accountable to a number of large pressure groups, without whose support it would be difficult to rule. In contrast, accountability to the elected representatives of the people in Parliament was much less important. Because of the constraints of party loyalty ministers could normally rely on support of virtually all of their own backbenchers. Opposition attacks on government policy tend to be a ritual part of the adversarial party battle and, therefore, could usually be ignored. Indeed, ministers knew that few political issues are serious enough to lose them a large number of votes and that most political storms quickly fade because M.P.s and public opinion rapidly lose interest in most topics. Therefore, when faced with criticism in Parliament, according to this theory, governments are usually able to survive without making major policy concessions.

Government, however, could not be sanguine about the prospect of disagreements with powerful interest groups. These groups do not lose interest in the issues because they affect subjects that are crucial to the welfare of their members. Furthermore, such pressure groups often possess the ability to cause severe problems for the government unless agreement is reached and many of their demands met. Governments, hence, become accountable to certain vested interests and citizens who are unable to form a powerful interest group inevitably lose out to those who can form such groups.

The issue of governmental accountability in the corporate state was raised in Government by Moonlight. Birkinshaw, Harden and Lewis, writing in 1990, argued that legislative oversight of executive actions was weak and that "in Britain Parliament's record was

particularly poor".[145] Given the ineffectiveness of traditional accountability devices Birkinshaw, Harden and Lewis were less inclined to see corporatism was making a previously accountable government unresponsive to democratic forces. They saw some benefits for accountability in corporatism and argued corporatism could act as a "vehicle for re-enfranchising groups and individuals who otherwise might be dominated by an invisible bureaucracy".[146] However, their central point was that the real problem was not the development of corporatist structures but the failure of democratic institutions to adapt to twentieth century conditions. They concluded that in most European countries, no matter whether government was conducted along corporatist, pluralistic or market lines, state constitutional structures were too weak to enforce accountability.[147] By implication the way to enforce accountability was to reform democratic institutions, not try to alter the corporatist nature of public administration.

Nevertheless, it can be argued that the conduct of British government was less corporatist in 1990 than in had been in 1980. The election of the Conservatives in 1979 had, in some respects, reduced the impact of Corporatist patterns of the Government. As a conviction politician Mrs Thatcher was interested in implementing policies she believed to be right rather than in establishing a consensus with leading interest groups. In consequence previously powerful bodies like the T.U.C. and the C.B.I. lost influence during the 1980s and became less closely involved in government decision-making. However, the impact of Mrs Thatcher on Non-Departmental Public Bodies was much less dramatic. On coming to office the government instituted a review into their operation (see Chapter Three) and subsequently abolished some bodies. But this cull did not succeed in reducing the overall number significantly (see Chapter Nine). The Conservatives had much more success in altering the political consensus; it was out of this process that a new approach to governmental accountability emerged.

Privatisation

The incoming Conservative government was committed to reducing the size of the state. In order to do this it decided to privatise some of its activities. In the course of the next eight years the government privatised 28 companies ranging from Cable and Wireless to Britoil and Fairey Engineering to Yarrow Shipbuilders.[148] In Mrs Thatcher's third term Water and Electricity were privatised and ministers are now talking about selling-off some of the remaining nationalised industries like British Coal and British Rail.

The Conservatives argued that privatisation would make these industries more accountable; but to the public as consumers not as citizens. According to the Right nationalisation had failed to provide effective public accountability. Government intervention in these industries was not through published directives but "informal and usually secret processes".[149] This secrecy meant that it was often impossible to discover whether responsibility lay with the minister or the Board; in consequence effective accountability was "attenuated to vanishing-point".[150] Parliament was unable to hold these industries to account because their powers had been deliberatively limited while the consumer councils were "weak, unimaginative and hampered by an inability to gain information from the industries".[151]

In place of this ineffective system of political accountability the Conservative government largely substituted one of accountability to shareholders. They believed that "individual responsibility, independence and freedom will be increased through ownership of a stake in a major industry and that a more direct form of accountability can be exercised through the capital market and the company meeting".[152] The Conservatives thought that this would be more effective than "diffused and indirect political control".[153]

The adoption of privatisation policies did not, however, signify the withdrawal of government from intervention in industry. First, in the telecommunications and gas industries the government has retained key powers in relation to the privatised industries; for example in telecommunications British Telecom's monoploy was replaced by a

licensing system operated by the Secretary of State. These licences contain vital regulatory conditions which restrict the operation of market forces. For example, the telecommunication and gas licences include provisions limiting price rises. Second, the government has established OFTEL and OFGAS to oversee the operation of the telecommunication and gas industry. In effect, the government has taken the view that the way to greater competition had to be planned and that initial competition had to be restricted in order to prevent "'cream-skimming' of the most profitable services and to protect infant industries".[154]

Second, these privatised industries were, of course, still subject to fair trading and monopolies legislation. In this area the Office of Fair Trading is a key institution that has made a considerable impact on private industry and commerce. For example, OFT has been responsible for drawing up codes of practice for industries like tourism, mail order and footwear. Also self-policing schemes like the insurance and banking ombudsmen have been established. Since 1986 a banking ombudsman has investigated complaints against the banks. He is independent of the banks and reports to a council and produces an Annual Report. An insurance ombudsman was established in 1981 and has similar functions.[155] Third, in some of the industries where a licensing system was not thought to be necessary the government retained residual shareholdings. The retention of these shares meant the government still had the ability to intervene directly in company decision-making; indeed the Labour party announced the clear intention of doing so.[156] Fourth, the government appointed directors to the Boards of some privatised companies. However, neither the appointment of government directors nor the retention of shares had much impact in practice. For example, although the government appointed several directors to the Board of B.P. and retained a share in the company, British Petroleum possessed an "extreme independence from governmental influence".[157]

Fifth, the government has retained 'Golden Shares' in privatised companies. These arrangements give the government a veto over major

decisions - in particular the Government can use 'Golden Shares' to block takeovers. It was by using this power that the government stopped B.P.'s attempt to take over Britoil.[158] Sixth, the government can exert influence on privatised firms by use of contracts because many of the most important privatised concerns are necessarily dependent on government contracts. For example, the government is British Telecom's largest customer. Furthermore, the government's pivotal role in the defence field means that privatised companies such as British Shipbuilders, Rolls-Royce, British Aerospace and the Royal Ordnance are heavily dependent on government contracts.[159] This dependency on the government makes these companies vunerable to government pressures. For example, during the Westland crisis Leon Brittan (the Secretary of State for Trade and Industry) tried to persuade the privatised British Areospace to withdraw from the European Consortium (see Chapter Four). As Graham and Prosser claimed "It was assumed by, amongst others, the Chairman of the company, that behind this lay a threat to withdraw Government financial support necessary for the company to participate in the separate airbus project".[160]

Privatisation did not result in the end of state intervention in industrial matters but merely changed the form it took. This raised the question of whether privatisation improved the openness and accountability of government intervention in the economy. Graham and Prosser considered whether privatisation made the regulation of industry more open and the extent to which shareholders could hold the newly privatised companies to account. First, they analysed the regulatory arrangements under privatisation and concluded that "the arrangements adopted for regulation after privatisation have on the whole produced limited improvements as regards the openness and accountability of the regulated industries".[161] Although the provisions for disclosure of information to the regulator are often wider than under nationalisation Graham and Prosser concluded that "in practice licences have been drafted, and privatisation has taken place, in such a way as to limit the amount of information

actually available".[162] Graham and Prosser were similarly unimpressed by claims that privatisation would make companies accountable to their shareholders. In conclusion they argued that privatisation did not "offer a new constitutional departure, replacing inadequate mechanisms of political accountability with direct accountability to consumers through the play of market forces to shareholders".[163] Privatisation was just another example of "the deficiencies of current British constitutional arrangements".[164]

Government privatisation did not stop at the selling-off of a number of large concerns. Today, the prospect of privately owned coal mines, railways or even roads is no longer beyond political reality. Much use has also been made of tendering. Since 1979 local authorities have made extensive use of this form of privatisation for the delivery of services. During the early 1980s this system was developed by Conservative local authorities like the London borough of Wandsworth. Despite problems in designing the contract specification and enforcing service standards contracting out in Britain initially was judged a success. For example, the Audit Commission studied the comparative efficiency in privatised and non-privatised refuse collection and concluded that "even the worst performance achieved by privatised refuse collection systems are substantially better than those typically achieved in local authorities where privatisation has not occurred".[165]

Contracting out services formally performed by direct labour organisations to private companies has also been evident in central government. Initially, in the 1970s, the motivation was to reduce costs, but after 1979 the programme gained impetus due to doctrinal rather than pragmatic considerations.[166] "Between 1980 and 1984 over fourteen thousand posts disappeared from the civil service as a result of contracting out tasks that had formerly been done by direct labour employees. Since 1984 there have also been moves to contract out ancillary services formerly provided by direct labour in government (National Health Service) hospitals".[167]

Some ministers, such as Nicholas Ridley, wished to take this

process of contracting out to its logical conclusion. In Ridley's opinion the ultimate position would be one in which the government comes as close as possible to the principle on which Marks and Spencers was based; you do not make anything yourself but award contracts to other organisations to do this for you. Government would be largely the art of getting the available partner at the lowest possible price. In such circumstances, vertical accountability would just consist of ensuring the appropriate fulfilment of the contract.[168] Under the 1988 Local Government Act this process was taken a stage further; since August 1989 councils have been obliged to put six services out to tender: street cleaning, refuse collection, school meals and other catering, vehicle maintenance, grounds maintenance and building cleaning. Sport and leisure centres were added later.[169] However, initial experience with this scheme has not been encouraging, 78% of the 808 contracts decided before the end of February 1990 were awarded to in-house D.S.O. not to private companies.[170] Nevertheless, the government shows no sign of abandoning their commitment to competitive tendering; indeed Britain seems to be adopting the American concept of accountability through the monitoring of contracts. As we saw earlier there is no theoretical difference between contracts and grants and similar approaches should still be needed to ensure accountability. However, the process of public accountability would be altered more profoundly than such an assessment would imply. Contemporary British public administration is held to account by more than contractual or grant obligations. Even the ENDPBs have to do more than account through their grant. They often have wider responsibilities and can be subject to a much wider degree of scrutiny. They are more 'Public' and less 'Private' than the bodies that Alan Pifer used to develop his notions about the 'Contract State' (see Chapter Three).

Conclusion

In this chapter it has been shown that the notion of the accountability of British government has been extended beyond the

concept of ministerial responsibility. The 'hiving-off' of bodies and the implications of this trend for accountability was mentioned. The analysis then focused on the Anglo/American discussions about accountability. The differences and similarities in the British and American approaches were discussed and the idea of the Contract State was developed. From this study it was concluded that the traditional vertical concept of accountability was, from the 1950s onwards, being challenged by different accountability concepts. However, in the 1960s and 1970s, the main emphasis in British government was to strengthen accountability by improving vertical accountability. For example, it was during this period that Parliamentary Select Committees were given a greater role and the Ombudsman was created.

Having identified the importance of vertical accountability the significance of other types of accountability in British government was discussed. In particular the role of horizontal accountability to peer groups was analysed. The degree to which government in general, and ENDPBs in particular, was held to account by peer and interest groups was studied. From this analysis the discussion moved on to show the importance of the accountability of government to interest groups and how such corporatist arrangments represented a threat to the wider notion of accountability. Finally, privatisation was discussed and an assessment was made about its impact on accountability. It was shown that privatisation did not significantly improve accountability although contracting out did generally provide good value for money.

Having outlined what forms of public accountability are of relevance to Great Britain it is now necessary to analyse how they operate to hold ENDPBs to account; this will occupy the next three chapters. In Chapter Six we analyse this through the operation of Parliamentary Questions, which are totally tied to ministerial responsibility, and question their effectiveness in enforcing accountability. In chapter Seven we ask what information is provided to help enforce a wider notion of accountability. In chapter Eight we look at how this information is used to hold the ENDPBs to account. By

this stage we will be able to discover how accountable these bodies are, what type of accountability is enforced and how this is done.

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Chapter Six Parliamentary Questions

Introduction

Chapters Four and Five laid down what forms of public accountability are of relevance in Great Britain. It is now necessary to analyse how they operate. This Chapter focuses on Parliamentary Questions (PQs) and asks how much they contribute to holding Executive Non-Departmental Public Bodies (ENDPBs) to account. The evolution of PQs is examined along with the way in which their usefulness for enforcing accountability has changed. The relationship between PQs and ministerial responsibility is recorded and the manner in which this convention affects the usefulness of PQs in holding ENDPBs to account is assessed. Finally, the usefulness of PQs in holding seven specific bodies to account is analysed. All the PQs asked about these bodies over a four year period are recorded and appraised. Using this information, conclusions are drawn about the utility of PQs for accountability and explanations are offered for the results. In addition, a questionnaire was sent to nearly 198 M.P.s to collect information about how M.P.s viewed PQs and used the answers they obtained, In order to acquire more detailed information about these issues four M.P.s were interviewed by the author.

This Chapter is largely concerned with PQs asked in the House of Commons since their use in the House of Lords has been of only marginal significance. Although there are far fewer restrictions governing the asking of PQs in the Lords this permissive atmosphere has not encouraged the tabling of a large number of PQs, and there are far fewer than in the House of Commons. In the study's four session period, just 66 PQs were asked relating to the seven selected bodies. Furthermore, 31 of the PQs related to the Arts Council alone. Only 35 PQs were asked about all the other six bodies combined. This represented an average 5.83 PQs on the six other bodies and 1.46 PQs on each of the six bodies per session. This brief survey showed the limited contribution that House of Lords PQs made to accountability in this area and the remainder of the chapter will be devoted to the

situation in the House of Commons.

The Evolution of PQs

As Chapter Four revealed, the traditional British solution to the problem of how to hold government to account is based on the idea that ministers are responsible for all the actions carried out by their departments. Because the ultimate responsibility for the actions of departments lay with ministers, Parliament adopted the practice of asking them PQs about the actions of their departments in order to hold the government accountable. The first PQ was put in 1721, about the South Sea Bubble affair, by Lord Cowper.[1] However, it was not until 1783 that a Speaker's ruling made questions a "fully recognised form of Parliamentary procedure"[2] and so ended "a period of uncertainty lasting more than sixty years".[3] However, as Chester and Bowring showed, this ruling did not establish PQs in their modern form.[4] That development was a product of the nineteenth century. In the late eighteenth and early nineteenth century PQs were still "few in number and .... mainly concerned with parliamentary business".[5] The first nine editions of Erskine May did not treat PQs as a parliamentary procedure but as an exception to the rule that members may not address the House, except to debate a motion.[6] The use of PQs did not really develop until the second half of the nineteenth century. The first PQ did not appear on the Notice Paper until 1836, while it was not until 1869 that a special part of the Order Paper was reserved for PQs.[7]

Until the late nineteenth century the asking of PQs played a small role in holding the executive to account because few were asked. This scarcity of PQs was due to the fact that until the late nineteenth century M.P.s had so many procedural devices at their disposal that PQs were not required in anything like their modern form. For example, members had near limitless opportunities to speak in Parliament. If the issue they wanted to raise was not relevant to the motion before the House the member would not have to wait long before he could raise the matter by means of a formal

motion.[8] Alternatively, the member could put down a motion and have a good chance of it being debated. It was only when M.P.s began to lose these rights, as the strength of the party system increased, that PQs came to be used more frequently.[9] Members began to appreciate a key advantage that PQs had over the more traditional procedures.

These traditional methods were appropriate devices if 'pressing for action' and 'publicity' were the sole objectives but they were a much less effective means of obtaining information. There was no guarantee that the relevant ministers would be present when a member succeeded in moving a motion precipitating a debate.[10] Even if the minister was present the opportunities to press him were confined to one speech per member per motion.[11] Indeed, the minister could only make one speech on any one motion and thus could not be asked further PQs on what he had said.[12] Deficiencies in the existing procedures to hold the executive accountable, and the curtailing of many of these devices, encouraged the greater use of PQs.

These pressures contributed to a dramatic increase in the number of PQs asked in each session. The level rose from between 200-300 a year in 1850 to 4,000-5,000 per year in the 1890s[13]; by which time the use of Supplementary Questions had become recognised. This dramatic increase in the number of PQs created problems for the working of Parliament. Questions were taken before the rest of the day's business; other business could not begin until all the PQs had been answered. By the end of the century this rule meant that public business was often not reached until five or six o'clock in the evening.[14] By this period the potential use of PQs to disrupt the operation of government had been recognised. From the 1880s onwards the Irish Nationalists, as part of their campaign for Irish Home Rule, asked a large number of questions in order to delay the proceedings of the House.

To secure the pre-eminence of public business Arthur Balfour introduced a reform proposal. It was the passage of a modified version of these ideas that established PQs in their modern form, although future modifications did occur. Balfour's reforms established a

specific period of time for PQs. The original proposal was that this be between 7.15 pm and 8.15 pm. However, this was too unpopular with M.P.s and PQs were kept as the first business of the day. Nevertheless, the length of Question Time was fixed; originally it was set at just 50 minutes, but this was increased in 1906 and came to be between 45 and 55 minutes long.[15] Balfour's reforms did reduce the usefulness of PQs in holding the government to account because the rigid limit placed on the duration of Question Time lessened the scrutiny that the House could impose on ministers. Nevertheless, these reforms did ensure that Question Time remained as part of the parliamentary timetable, furthermore its position as the first substantive business of the day meant that PQs were taken at an hour when they were likely to be widely reported.

The second aspect of the reforms was the introduction of the distinction between Starred and Unstarred PQs. All Unstarred PQs and Starred PQs not reached in Question Time were to receive written answers. All PQs would still receive an answer, despite the restrictions imposed on the length of Question Time. However, members could now choose between a written or an oral answer, the time allotted to oral PQs could be given to members who wanted to cross-examine the minister and not just extract information from him.[16] This change ensured that all the PQs asked at Question Time were designed to hold the minister to account and not just to obtain information.

These reforms also altered the period of notice required for answer of a PQ. From 1902 onwards PQs were only answered if they had been on the notice paper the previous day.[17] These reforms were directed at providing enough space for public business and at ensuring that PQs were not abused to disrupt the proceedings of the House, while also making sure that PQs received an answer. Unstarred PQs had the added attraction that answers to them would be printed and circulated with the Vote; they would therefore be part of a permanent record.[18] In addition, Unstarred PQs were to be preferred if an answer was wanted on a specific date. A date for the answer could be specified in an Unstarred PQ but not in a Starred one.[19] In this way

it was hoped that, by introducing Unstarred PQs, and giving them special advantages over Starred PQs, they would become popular and that the number of those tabled for oral answer would decrease and enable a greater percentage of the tabled PQs to be debated at Question Time.

The Modern Use of Parliamentary Questions

The early years of the twentieth century saw the establishment of PQs in their modern form. As other opportunities for Parliament to hold the executive to account were either eliminated or curtailed, the asking of PQs began to be held in higher and higher esteem. For example, Sir Ivor Jennings, writing in the 1930s, referred to PQs as of the "utmost constitutional importance".[20] This high regard for the value of PQs was also shared by practising politicians. The prominent Labour politician J.R. Clynes argued that "the freedom of the House is never better illustrated than during the daily question hour. Important Ministers may be questioned by the humblest of members; and if the members master the rules and procedure, they can often render substantial service to their constituents".[21]

Clynes valued PQs in terms of their use as a backbench weapon against the executive and the governing party machine. Questions were the one procedural device that remained beyond the control of the party Whips or domination by the opposition frontbench. Even today, as Walkland observed, "most questions are put down by backbenchers, many of whom won't reach Ministerial office or aspire to it".[22] Questions came to be viewed as the ultimate in holding the executive to account and received much praise. Eric Taylor, for example, declared that "there is no test of a Minister's worth so searching as question-time".[23] He argued that the fear of being exposed to damaging 'supplementaries' forced ministers to have each PQ thoroughly researched and accurately answered.[24] In this way, Taylor said that PQs enabled control to be exercised over the executive. Question Time was "the indispensible forum of the Modern Commonwealth".[25]

The requirements of a modern political system, notably the

necessity for more time to be made available for public business, brought about a situation in which PQs became the main backbench weapon of executive accountability. The rise in the prestige of PQs led almost inevitably to more being asked. In its turn this increase put extra pressure on the procedures of Parliament. By 1914 the allocation of time was beginning to be insufficient to allow for the answer of all the Starred PQs. To deal with this problem limitations on the asking of Starred PQs had to be introduced.[26]

Gradually limits were put on the number of PQs that any one member could ask; in the nineteenth century no such limitations had existed. Following the introduction of a time limit on Question Time in 1902 an informal self denying ordinance, limiting each member to ask no more than eight Starred PQs in any one day, was established. In 1909 this informal agreement was transformed into a rigid parliamentary rule.[27] During the years that followed, as more and more Starred PQs began to be asked, this limit was steadily reduced. It went down to four in 1919, to three in 1920 and was finally set at two in 1960.[28] In 1973 the restriction was put on a new basis; members were now confined to tabling no more than eight Starred PQs in ten sitting days. Of these questions no more than two could be tabled for any one day and each member could only table one PQ to one minister on any one day.[29] Throughout the century the restrictions on the number of PQs that an M.P. could ask has gradually been increased.

Limitations were also introduced on the period of written notice that must be given of a PQ. Before the 1880s no written notice of PQs was needed.[30] In 1902 the period of notice was set at one day before the PQ was due to be asked; subsequently this period of time was increased to two days.[31] The converse problem of the PQ being put down too far in advance was also dealt with. In 1965 it was decided that no PQ could be put down more than three weeks before it was due to be answered. This length of time was reduced to ten sitting days in 1971.[32] These developments further highlight an interesting paradox in attitudes towards PQs. On the one hand they were regarded as, virtually, the contemporary expression of democratic accountability.

On the other hand they were viewed as a phenomenon that must be contained. It is essential to explain this paradox, because in doing so light can be shed on the way PQs are valued and on how much importance is attached to executive accountability.

The paradox is reinforced when it is observed that the praise and the restrictions have both been heaped on Oral PQs alone. To this day no restrictions exist on Written PQs. Conversely, virtually all the praise about PQs has been reserved for Question Time and Oral PQs. This point was illustrated by Chester and Bowring, when they commented that "nobody ever waxed lyrical about questions which receive a written answer".[33] The key factor is the desire of governments to get their legislative programme through Parliament. However worthy PQs are thought to be they must not be allowed to prevent the passage of government legislation. Because the time allocated for PQs is limited it follows that each member must be able to have a reasonable chance to participate. The use of PQs by more and more members thus made necessary restrictions on how many any one member could ask. Accountability thus gave way to the need of the executive to push through its programme of public business.

The public reverence for Question Time could best be seen more as an appreciation of one of the few ways the executive can be made accountable. At worst this public reverence could be perhaps interpreted as an exaggerated appreciation inspired by the hope that the reputation of Question Time would shield the executive from the emergence of a more stringent form of scrutiny.

A starting point for an appraisal of these arguments would be to ask what other factors are acted to reduce the number of potential PQs, whether such factors shed any fresh insight on the issue of how to explain the restrictions put on Question Time, given its acknowledged success, and what this tells us about accountability.

The asking of PQs was restricted further when a 'rota system' was introduced. In the nineteenth century PQs were dealt with in the order in which they reached the Clerks. In 1909 this was changed and PQs were 'grouped into departments'. Questions were taken in departmental

blocks. Only when all the PQs about the first department on the Order Paper had been answered were those on subsequent departments taken. This system was only viable when it could be guaranteed that all the PQs on the Order Paper would receive an answer. When this ceased to be the case, ministers low down on the Order Paper often did not have to answer PQs.[34] This created the risk that some departments would have to answer PQs on a very infrequent basis and would seldom have to answer for their policies.

What was needed was a reform to ensure that all departments were scrutinised on a regular basis. To achieve this, a rota was introduced. Departments took it in turns to be the first to answer PQs each day. The rota was eventually formalised and put on a regular basis, so that each department was subject to a similar level of scrutiny. Once every three sitting weeks each department took it in turns to be the first to answer PQs. However, it is debatable whether the development of the rota system sheds any more light on the central dilemma highlighted above. In common with the restrictions imposed on the number of PQs that could be asked and the notice demanded of these PQs, the introduction of the rota system was merely a further device to limit the number of PQs asked and ensure that this was done in an equitable manner.

The final limitation imposed on PQs was the restrictions on what kind of PQs can be asked. It is here that we can find some clues as to what type and level of accountability is thought to be desirable. The limitations on what kind of PQ could be asked were based on the requirement that PQs must either be directed at pressing for action or obtaining information and on the rule that ministers can only be asked about matters for which they are responsible. It is this latter point that is the key.

Ministerial Responsibility

Chapter Four showed how British government is based on the concept of the responsibility of ministers to Parliament; it is from this concept that the British notions of accountability and

responsibility flow. Because PQs were one of the mechanisms for holding ministers to account it followed that PQs can only be asked about areas for which the minister is responsible and not about other governmental responsibilities. In short, PQs did not take accountability beyond the confines of ministerial responsibility but operated within the constraints of the doctrine.

The rule that PQs must relate to matters for which a minister was responsible ran into some problems in the years immediately after the Second World War. The cause of these problems were the Nationalised Industries. Questions on these industries were, in practice, restricted to matters for which the minister had been made responsible. This restriction meant that ministers refused to answer questions about the day-to-day running of the industries; such matters were the responsibility of the relevant boards alone.[35] These refusals were, however, unpopular; such matters were often of great public concern.[36] This problem culminated with the political row that followed an extensive breakdown in the Electricity Supply Industry in May 1947. Questions about this crisis were refused because ministers had no grounds to act. The political storm that followed forced the Speaker to clarify the position.[37]

On 7th June 1948 Speaker Clifton Brown made a statement. He reaffirmed that the PQs addressed to ministers should relate to the public affairs with which they are officially connected, to proceedings pending in Parliament, or to matters of administration for which they are officially responsible. He further said that the rule requiring ministerial responsibility has had the effect of excluding a certain number of PQs about the Nationalised Industries. The Speaker considered this number to be small; this was because the responsibilities of the minister, he claimed, were wide ranging in respect of obtaining information. The Speaker did, however, make one new rule when he declared that he would henceforth be prepared to authorise acceptance of a PQ on a matter of 'Public Importance' asking for a statement where it had previously been refused.[38]

The Speaker denied the existence of a serious problem because of

the minister's theoretical ability to obtain information about these Industries. Parliamentary Questions could still be used to obtain most of the information that was required.[39] Although M.P.s were often unable to press for action directly, because the topic was not the minister's responsibility, indirect action could be sought by publicising the situation and, perhaps, by asking the minister if s/he was aware of what was going on. But the questioning would have to be directed to the minister's powers in regard to the Industry. It was only by doing this that permitted PQs could be phrased. This topic was analysed by Herbert Morrison, who, writing in 1954, drew attention to ministers' powers in relation to the Nationalised Industries. First, "the Ministers appoint the members of the Boards of public corporations, determine their salaries and conditions of service and had the power to terminate their appointments".[40] Questions could, therefore, be put about the suitability of appointments. Similarly PQs asking for the dismissal of a board member were in order. Also, PQs about the salaries the members of the board received were permissible. Morrison observed that ministers could be questioned on the basis of salaries being too high, too low or on the grounds of not being appropriate given the experience, or otherwise, of a specific individual.[41]

Ministerial approval was needed for borrowing and capital investment by the Boards. Therefore, PQs could be put to the minister urging either that capital expenditure or borrowing should be disapproved or suggesting that favourable consideration should be given to capital expenditure or borrowing that would enable the Board to embark on projects desired by the member asking the question.[42] Morrison also observed that the minister appointed the Board's auditors and must approve the annual report and accounts. This position, claimed Morrison, "opens up the possibility of a wide range of questions not only about the general form of the accounts and the arrangements for auditing, but also, for example, asking whether additional information should not be provided or questioning the character of the annual reports and suggesting that additional matters

should be dealt with in them".[43]

Questions could also be asked about matters connected with ministers' other powers relating to Nationalised Industries. These powers included the approval of staff pension schemes and compensation for staff displacement. In a similar vein, the minister had considerable powers in regard to the consumer councils; this, Morrison claimed, made possible certain questions about items in their reports.[44]

Given the scope of ministers' powers, Morrison was moved to argue that "the opportunities for Parliamentary Questions were very wide".[45] This implied that a 'problem' did not exist. Indeed, Morrison had been the architect of the Nationalised Industry. He had argued for and obtained the hands-off arrangement in which politicians did not interfere in the day-to-day management. His view was that such an attenuated form of ministerial responsibility was needed to ensure the commercial health of the industries. Although opportunities to hold them to account were provided by these arrangements such accountability was of secondary importance.

Nevertheless, Morrison did show that many opportunities existed to hold the Nationalised Industries partially to account by use of PQs. However, the questioning cannot usually go one stage further to ask about why a decision was made or if a decision will be made. Furthermore, most of the decisions that can be asked about are those of the minister. The answers to them tell us nothing about the decisions of the Nationalised Industries, save, perhaps, who makes the decisions, what resources they have at their disposal and how efficiently this is done. Parliamentary Questions are totally constrained by the traditional notion of ministerial responsibility.

The position of the Nationalised Industries in respect of parliamentary questioning is important because their position is analogous to that of ENDPBs. In the case of ENDPBs ministers also retain certain powers in accordance with the doctrine of the individual responsibility of ministers. These retained powers are often similar to those ministers retain in respect of the Nationalised

Industries. Here too ministers are responsible for the allocation of the grant-in-aid to the bodies and are charged with making appointments to their board and with the provision of board members' salaries. Ministers also receive copies of the Reports and Accounts of the ENDPBs and can be questioned about them. In addition, ministers have powers enabling them to obtain information about the operation of these bodies and can be questioned on this information. These similarities mean that the restrictions on the questioning of ENDPBs are similar to those which apply to the Nationalised Industries.

The contribution that PQs make to holding ENDPBs to account is also reduced by rules inhibiting what types of PQ may be asked. Of major importance is the bar, provided the PQ has been answered, on repeating a PQ in the current session. Until 1972 this ban referred to a PQ regardless of whether it had been answered or not. Today the position is marginally more liberal. The minister is still at liberty to give an evasive answer (provided s/he does not actually lie) and is under no obligation to answer the PQ in a way that is satisfactory to the questioner. Such a response is still sufficient to close discussion of this particular PQ for the rest of the session. Indeed, the minister is under no obligation to provide any answer at all; this was decided in a Speaker's ruling over 200 years ago.[46]

Questioning in Practice

The minister has to submit to no independent adjudicator concerning decisions not to answer PQs. Some of these decisions are understandable, in the context of, for example, national security. However, it is difficult to see how the refusal to answer questions about, say, the appointment of magistrates or the quantities of particular drugs prescribed on the National Health Service can be rationalised on any grounds other than a desire to avoid public scrutiny in these particular fields. Even when a question is permitted the minister is, of course, able to avoid answering it. If it is an Oral Question, the PQ could be turned into a bland policy statement. If the questioner is an opposition member, attacking government

policy, the minister can go on the offensive and attack the opposition rather than answer the question.

Written Questions seeking information the executive does not wish to reveal can also remain unanswered. For instance, if the cost of providing the answer exceeds £200 the government has decided that an answer can be refused on grounds of 'disproportionate cost'. Yet the government is at liberty to ignore its own rule when it suits its purpose. In short, the government is not at all accountable for the answers unless a lie is told; this is a key restriction on the capacity of Parliamentary Questions to help to secure executive accountability.

Oral Questions, as we have already noted, have been traditionally held in high regard, in respect of their ability to facilitate public accountability. Question Time was said to "provide a profound test of Ministerial quality".[47] It was an occasion when the government had "to defend their policies against searching inquiry".[48] The image was of an adversarial arena in which ministers tried to defend their policies and give away as little information as possible. However, the House was considered to be successful enough in obtaining information and publicising decisions to ensure that Question Time was a success. Question Time was a game between the House and the executive which the House won frequently enough to hold the executive to account. Nevertheless, the ability of the House to pose as a credible opponent for ministers has been increasingly called into doubt.

While answers to both Oral and Written Questions must not lie there is no obligation for them to convey the whole truth. This point was developed by Chester and Bowring. They commented that the "perfect reply to an embarrassing question in the House is one that is brief, appears to answer the question completely, if challenged can be proved to be accurate in every word, gives no opening for awkward 'supplementaries' and discloses really nothing".[49] Furthermore, ministers are throughly briefed by their civil servants before each session of PQs. Civil servants prepare answers to every conceivable supplementary that could follow each original PQ.[50]

The backbench M.P, by contrast, is lucky to have a researcher at his or her disposal. The backbencher is at a massive resource disadvantage in relation to the minister. Furthermore, the constraints imposed due to lack of parliamentary time help the minister to avoid scrutiny. Most of the PQs tabled for oral answer are not reached during Question Time and receive written replies. As well as providing no opportunities for asking 'supplementaries' the answer given could be totally useless. This would be because the PQ on the Order Paper gave no real indication of the real PQ; this would have been put by the following supplementary PQ.

A written answer to the standard Starred PQ asking what the Prime Minister's engagements were for the day would consist of just listing these engagements. In doing so it does not answer the real PQ, which would have been put in the unused supplementary PQ.

Even if the member does get to ask his or her PQ, the opportunities for putting the minister under scrutiny are reduced by the fact that members are rarely allowed more than one supplementary PQ each.[51] The entire exchange often only lasts for five or less 'supplementaries'. The minister is then secure from scrutiny for a further three weeks and does not have to answer this question again for the rest of the session.

Given the uneven nature of the contest, some commentators have argued that the traditional praise bestowed on Question Time has been misplaced. Ronald Butt claimed that Question Time had become "the ritual exchange of non-information".[52] John Mackintosh observed that the value of Question Time had declined in the post-war era. "Question Time began to lose its force after the Second World War as so many members wanted to ask PQs in the same limited period of time that the Speaker decided to limit each member to one Supplementary Question and the whole process was so speeded up that any reasonably competent Minister has no difficulty in parrying criticism".[53] Furthermore, the attempts to restrict the number of Starred Questions have not actually been that successful; as the evidence from the 1964/65 Select Committee on Procedure showed, the numbers have increased. However,

the number of PQs dealt with at Question Time has gone down; by 1976 Sir Norman Chester was able to record that the number of questions answered, on average, had declined to between 22 and 20. Correspondingly, the number of unanswered questions per day had risen dramatically from an average of 24 in 1937 to an average of 90 by 1959.[54] The utility of Question Time in enforcing accountability has been weakened by its own previous success and popularity.

By the 1960s and 1970s Question Time came to be viewed as a much less impressive device through which to hold the executive accountable. This mood led to demands to move the main thrust of parliamentary scrutiny of the government beyond the floor of the House into its committee rooms. This process was eventually to lead to the establishment of new institutions; they included the Departmental Select Committees and the Ombudsman. Nevertheless, Question Time still had the virtue of not being controlled by the Whips and of being the 'backbencher's weapon'; recently however this image has been destroyed. A Report from the Select Committee on Procedure revealed that PQs were being planted or syndicated. Parliamentary Private Secretaries and Whips were regularly giving backbench M.P.s pre-arranged groups of identical or near identical questions to a large number of members to increase "the probability of desirable subjects dominating question time"[55] In his evidence to the Committee one Commons clerk estimated that a large majority of the questions tabled to the Prime Minister and up to half of those tabled to other ministers were now organised in this way. The only exceptions were questions to the Welsh and Northern Ireland ministers.[56]

The Committee condemned the practice of syndication and declared "that syndication has now very nearly taken over question time, turning it into yet another area of the House's activities which is organised - some would say manipulated - by the business managers".[57] Because this practice depended on the passive willingness of M.P.s to sign questions in their name, the committee argued that M.P.s should be compelled to hand in their questions personally and be restricted to tabling two questions per minister. It was thought that these

procedural changes would make syndication harder to organise and limit its use.[58]

If the Procedure Committee's reforms are implemented, and syndication is reduced, the usefulness of Question Time for holding the executive to account should be increased. However, no procedural changes can remove Question Time from the context of the adversarial party system. Syndication is not unconnected to wider behaviour but rather is a manifestation of how the confrontational party battle has become embedded in the practice of Question Time. Most M.P.s ask questions to help their front bench, government backbenchers seek to maintain their party in office, while opposition backbenchers try to help ensure their party wins the next general election.

It would be a very naive government backbencher who would launch an attack on government policy not realising that the opposition spokesperson would be likely to intervene with a Supplementary Question. Although backbenchers still ask most of the original PQs, the influence of the opposition frontbench is often felt on the Supplementary Question. Just as ambitious backbench M.P.s rarely vote against their government so they do not make a habit of asking too many hostile PQs. Conversely, government backbenchers do sometimes intervene with favourable PQs directed at giving the minister an easy point to answer. In particular, government backbenchers often intervene with favourable Supplementary Questions in order to rescue the minister from a hostile attack. In short, Question Time is not immune from the normal adversarial party battle that characterises British political life. Not all PQs are designed to cause the maximum difficulty for the minister and they are not all dedicated to holding him or her accountable.

Severe limitations exist on the capacity of questions to hold the executive accountable. In the case of the ENDPBs these restrictions are magnified by the fact that most of the activities of these bodies occur outside the scope of ministerial responsibility. However, it has merely been proved that many restrictions and obstacles operate to impair the ability of PQs to hold ENDPBs to account. We have not asked

to what extent these bodies are held to account in practice through the use of PQs; it is to this that we must now turn.

The Analysis of the Seven Selected Bodies

To measure the use of PQs in holding ENDPBs to account the questions asked about the seven bodies examined in this thesis were monitored over a four year period, from the start of the 1981/82 parliamentary session to the end of the 1984/85 session. The early to mid 1980s was chosen for two key reasons. First, it was thought to be inappropriate to choose sessions in the late 1970s or the first two sessions in the early 1980s. During this period the debate about, and interest in, ENDPBs was at its height. It would be thus expected that many more PQs would be asked in this period than before or since. Studying this period would have given a false picture of how PQs are used in pursuit of accountability. Second, the period immediately following the debate was thought suitable for study because it would show what interest remained in holding these bodies to account once the debate had subsided. By contrast, in the preceding period there had been less concern about their accountability and as a result the level of questioning would have been expected to be less than it is now.

Seven bodies were chosen for study. They were all Executive Bodies because (see Chapter Three) the notion of accountability can only be fully applied to Executive Bodies. Second, all the bodies were ones with a reasonably high public profile and would thus be subject to a certain amount of questioning. It was thought not to be useful to select a list of highly technical and specialist bodies because few PQs are asked about these organisations. This is itself, of course, a matter for concern but detailed evaluation is outside the scope of this thesis.

The seven bodies chosen were sponsored by five different departments. Two bodies, the Commission for Racial Equality and the Equal Opportunities Commission were sponsored by the Home Office. They were analysed to show the use of PQs in relation to two controversial

bodies whose remit was thought by some M.P.s to be an inappropriate area for governmental involvement.

One body was chosen specifically as an example of Foreign Office responsibility. Traditionally foreign affairs has been a field over which Parliament has had little influence. The British Council was selected to observe how much, and what type of, accountability PQs could attach to it. The fourth body chosen was the Countryside Commission (sponsored by the Department of the Environment). It was selected in order to observe how much accountability was exercised over a body concerned with one of the most controversial political issues of the 1980s. The fifth body was the Sports Council, also sponsored by the Department of the Environment (Since 1990 it has been sponsored by the Department of Education). The Sports Council was picked to illustrate the degree of accountability PQs imposed on a body operating in what is, apart from the long running controversy over sporting contact with South Africa, an essentially non-political area.

The British Tourist Authority (sponsored by the Department of Trade and Industry) was selected to show how PQs effectted the accountability of a body concerned with what was essentially commercial promotion. Since 1986 it has been sponsored by the Department of Employment. The last body chosen was the Arts Council. It was included to show the accountablility of a body sponsored by a non-ministerial department: it was sponsored by the Office of Arts and Libraries (itself in turn answerable to the Department of Education and Science). Subsequently the Office of Arts and Libraries was removed from the Department of Education and Science. Arts is now looked after by a minister resident in the Cabinet Office. Finally, the bodies were chosen with a view to selecting a range of sizes. The range varied from the British Council, which employed 4,230 staff and spent £250 million per year (1986 figures) to the Equal Opportunities Commission that (1986 figures) employed a mere 162 people and spent only £3½ million per year. The objective was to see if any link existed between the size of the body and the scrutiny it received.

In total 841 PQs were asked about these seven bodies in the study period. This amounted to an average of almost 210.25 PQs per session and 30.04 PQs per session per body. At first glance this level of questioning would appear to be high enough to subject most of the activities of these ENDPBs to scrutiny; but this level is deceptive. First, only 322 of these PQs received an oral answer; this represented just 38.29% of the total. The opportunities for pressing the minister about particular aspects of a body's operations was more limited than initially appeared to be the case.

Secondly, the total of Oral PQs included Supplementary Questions. In fact only 83 of these Oral PQs were original Starred Questions; all the others were Supplementaries. This meant that an average of just 20.75 Starred Questions received an Oral Answer each session. Over the whole of the study period, of the 83 a total of 54 were addressed to the Arts Council; merely 29 being addressed to the other six bodies combined. This represented an average of only 7.25 per session and under 1.21 per body per session.

The dominance of the Arts Council is even more pronounced when the Supplementary Questions are taken into account. The oral exchanges involving the Arts Council lasted for a greater number of Supplementaries than do those involving the other bodies. Out of the 239 Supplementary Questions 161 were addressed to the Arts Council. In total, the Arts Council received 215 of the total Oral Questions compared to 107 for the other bodies combined. The other six bodies received an average of 1.21 Starred Oral Questions and 3.25 Supplementary Questions per session. By contrast, the Arts Council received around 13.5 Starred Oral Questions and about 40.25 Supplementary Questions per session. It was only the Arts Council that was subjected to a significant degree of scrutiny from Oral Questions during these years.

The number of Written Questions put to the seven bodies during these four sessions amounted to 519. This represented an average of 129.75 per session and about 18.54 per body per session. Although this latter total was not very large it was still high enough to allow

many aspects of each body's work to be scrutinised; however, these totals are, once again, misleadingly high. The total of Written Questions was inflated by a series of 105 PQs asked by Mr Greville Janner M.P. about the Commission for Racial Equality in the 1983/84 session.[59] They qualified for inclusion because they mentioned the relevant body's name: however they bore no relationship to its accountability. Janner asked about whether various government departments had implemented the Commission for Racial Equality's draft code of practice on employment.[60] These PQs related to departmental accountability and had nothing to do with the accountability of the Commission for Racial Equality.

A further 120 Written Questions were asked about the Arts Council. If this total is combined with the 196 that were put about the Commission for Racial Equality this leaves just 203 PQs to be divided amongst the remaining five bodies. The other five bodies therefore received an average of 10.15 Written Questions per year.

The totals of both Oral and Written Questions include any PQ which contained a reference to one of the relevant bodies. These totals include some PQs that make only a passing reference to the relevant body. For example, 19 of the Written Questions made only a passing reference to one of the bodies and did not really add anything to their accountability. In a further 80 Written Questions one of the bodies was not specified in the question but was named in the reply. Most of these questions were only partly concerned with these bodies. In all 99 Written Questions and 58 Oral Questions were concerned only in part or not at all.

The dominance of Written over Oral Questions is not surprising given the restrictions on the latter compared with the former. More striking is the near total absence of orally answered Starred Questions once the Arts Council figures are dispensed with. The conclusion must be that PQs offer few opportunities to press for action or publicise the activities of these bodies. Because Written Questions are asked more frequently, there are more opportunities to obtain information about the activities of these bodies. However, the

number of Written Questions is still not large enough to ensure accountability on as comprehensive a basis as the rules allow.

Further light can be shed on the relationship between PQs and the holding of these bodies to account by looking at which Members of Parliament ask these PQs. The notable feature that emerges is the large number of M.P.s who asked at least one PQ about one of these bodies during our specified period. A total of 182 M.P.s asked at least one PQ on one of these bodies during the specified period. This total of 182 contradicts strongly the traditional textbook assertion that PQs are generally the pastime of a small minority of M.P.s.

The vast majority of these members, however, ask no more than three or four PQs per session about these bodies. For example, in the 1983/84 and the 1984/85 sessions only ten members asked more than five PQs. In the other sessions the total was even lower, amounting to four in the 1981/82 session and five in the 1982/83 session. The vast majority of members asking PQs about these bodies asked no more than one PQ per session. For example, in the 1984/85 session 53 out of the 94 members asking such PQs asked just one PQ. Most members just asked the odd PQ that interested them. During this period no M.P. tried to use PQs to elicit accountability on anything like a systematic and continuing basis.

Most M.P.s asked all their PQs in one session. Out of the 182 members only 62 asked PQs in two or more sessions, merely 23 asked PQs in three or more sessions and just 13 asked PQs in all four sessions. The questioning was not even regular to the point of the same members asking about the same activity each year; it was much more sporadic in character. Such accountability as did emerge could only do so by accident as the result of the accumulated knowledge and pressure resulting from a series of one-off PQs, asked by a vast number of different members in a totally unco-ordinated fashion. No-one seemed to be trying to hold these bodies to account in a systematic way. However, during this period 23 M.P.s did ask PQs in three years out of four. Before finally drawing a conclusion it is necessary to see if their activities are at variance with the findings on the apparently

ad hoc nature of the questioning.

Apart from the 109 questions asked by Greville Janner, in 1983/84 no one asked more than 27 questions in any one session and most asked five or less. In the four sessions only nine members asked about the same body in each session. Of these members seven addressed the Arts Council each time. Mr John Carlisle asked about the Sports Council in all the sessions. These PQs were, however, directed less at the Sports Council's accountability and more at criticising the Gleneagles Agreement, concerning sporting links with South Africa.[61] Mr Harvey Proctor probed the Arts Council and the Commission for Racial Equality in each session.[62] However, his PQs about the Commission for Racial Equality appeared to be motivated more by a desire to see the Commission abolished than held to account.

For any sustained campaign 15 PQs per session about any one body would be the minimum level; even this benchmark was only reached seven times. Moreover, all but one of these series of PQs could be explained by factors other than a desire to hold the body to account. Apart from the series of PQs asked by Janner in 1983/84 and 1984/85 (see above)[63], such a series of PQs was asked by three other M.P.s Harvey Proctor and Nicholas Winterton asked respectively 18 and 15 PQs about the Commission for Racial Equality in the 1981/82 session.[64] These PQs were really concerned with furthering the case for abolishing the Commission. Similarly, Mr Tony Banks' enquiries about the Arts Council in the 1983/84 and 1984/85 sessions were less related to Arts Council accountability and more to the campaign against the abolition of the Greater London Council. It was only the series of PQs Mr Mark Fisher asked about the Arts Council, in 1983/84, that really related to the accountability of the relevant body.[65]

In essence Members of Parliament were not engaged in the prime matter of accountability through the use of PQs. Their interest was marginal; mostly restricted to asking a PQ about one particular aspect of one of the bodies on a very infrequent basis. Nevertheless, although Members of Parliament did not try individually to hold these bodies to account it is still possible that the combination of their

efforts might make a contribution towards this objective. Given the small number of PQs asked, this contribution is unlikely to be comprehensive. To assess this contribution it is necessary to look at what type of PQs were asked and at what they reveal about accountability.

Eight Categories of Questions

Eight types of PQ were identified by this survey. The first category concerned PQs about budgetary and financial matters and accounted for 318 of the total. This amounted to 37.81% and was by far the largest category. Questions about finance and the budget accounted for 42.55% of the Oral Questions and 34.87% of the Written Questions. Questions about these issues figured significantly in the total asked about each of our bodies. For example, 56% of the British Council's PQs were concerned with these matters as were 48.84% of those asked about the British Tourist Authority, 54.63% of the PQs asked about the Arts Council and 24.07% of those on the Commission for Racial Equality.

The large number of PQs asked about financial and budgetary matters could be taken as a manifestation of the view that accountability is essentially a financial concept in which knowledge about, and control over, the budget is the key. It is this approach to problems of accountability and control that was originally adopted by Parliament to shift power away from the Monarchy. This idea is embedded in British constitutional history and practice; a modern example being the scrutiny provided by the Public Accounts Committee. But before we can claim that this large number of PQs shows that they are used to secure financial accountability we must ask how many of them are really directed at such an end.

Financial PQs included several different sub-categories, all with differing contributions to accountability. Questions about the ENDPBs' budget accounted for 148 PQs. This represented 46.54% of the PQs in this category and 17.60% of the overall total. A further 27 PQs (3.21% of the overall number) referred to a concern that the body did not

have sufficient resources to fulfil its role adequately. These two sub-categories combined amounted to 55.03% of the total number of financial and budgetary PQs and represented 20.81% of the overall total of PQs put. However they were not directed at holding ENDPBs to account since these bodies have no responsibility for determining the level of resources allocated to them. These PQs were solely concerned with the accountability of the sponsoring government department who allocated the funds. Therefore, over half of the financial and budgetary PQs were irrelevant to the accountability of ENDPBs.

Several PQs were asked about the efficiency of the bodies. This could be seen as part of a growing concern in the 1980s with the problems of waste, duplication and inefficiency in the public sector. These PQs were phrased so that they related to the bodies' accountability. However, the contribution of this sub-category to accountability was minimal, due to the small number of PQs asked. Just 23 PQs were asked about these issues; 2.73% of the overall total .

A further 48 PQs were related to the government's monitoring and oversight role. Most of these PQs were those Greville Janner asked about the introduction of the Commission for Racial Equality's draft code of practice on employment.[66] As has been shown above, these PQs contributed nothing to accountability and only qualified for inclusion because they mentioned the Commission for Racial Equality. Once these 34 PQs are dispensed with only 14 PQs remain. Given this small total they cannot contribute greatly to the accountability of these bodies.

The final sub-category consists of 72 PQs about grants the bodies made to other organisations; these do shed some light on the bodies' activities and so help to hold them to account. But they merely represent 22.64% of the PQs asked in this category and 8.56% of the total. Furthermore, 68 were directed at the Arts Council. The other six bodies were asked a mere 4 PQs between them about their grant-awarding activities. Once again, only the Arts Council seemed to be subjected to anything but a token level of scrutiny.

A further 37 PQs were asked about ministerial appointments to these bodies. As this responsibility is the sole prerogative of the

Table Four: Analysis of Parliamentary Questions

House of Commons

ENDPB	EOC	CRE	AC	BC	SC	BTA	CC	Total	Total	PQ Type
W	22	51	69	13	9	12	5	181	318	Budget/ Finance
O	2	1	114	1	7	9	3	137		
W	7	2		2	2		3	16	16	Employees
O										
W	4	11	5		5	1	1	27	37	Appoint-ments
O		2	5		1	1	1	10		
W	5	6	17		3	2	1	34	71	Meetings
O		4	23		6	3	1	37		
W	23	61	20	6	15	7	15	147	201	General Info
O	3	5	27		13	4	2	54		
W	16	56	7	3	2	2	9	95	117	General Views
O	2	6	9		3		2	22		
W	2	4	2		1			9	43	ENDPB Info
O	3	1	24		3	2	1	34		
W	4	5					1	10	38	ENDPB Views
O	2	1	13		8		4	28		
W	83	196	120	24	37	24	35	519	841	Total
O	12	20	215	1	41	19	14	322		

Key

ENDPB = Executive Non-Departmental Public Body
PQ = Parliamentary Question
W = Written Question
O = Oral Question
EOC = Equal Opportunities Commission
CRE = Commission for Racial Equality
AC = Arts Council
SC = Sports Council
BTA = British Tourist Authority
CC = Countryside Commission
BC = British Council

Table Five: Answers to PQs about the Accountability of ENDPBs

House of Commons

ENDPB	PQ	Answer	Part Answer	No Answer	Total
EOC	W	4	0	0	4
	O	17	0	0	17
CRE	W	5	0	1	6
	O	20	0	1	21
AC	W	32	3	6	41
	O	67	1	14	82
BC	W	6	1	0	7
	O	0	0	0	0
SC	W	6	2	1	9
	O	15	0	3	18
BTA	W	3	0	0	3
	O	3	0	0	3
CC	W	3	0	2	5
	O	13	1	0	14
		194	8	28	230

Key

ENDPB = Executive Non-Departmental Public Body
PQ = Parliamentary Question
W = Written Question
O = Oral Question
EOC = Equal Opportunities Commission
CRE = Commission for Racial Equality
AC = Arts Council
SC = Sports Council
BTA = British Tourist Authority
CC = Countryside Commission
BC = British Council

minister it bore little relation to accountability. The third category was composed of PQs related to staff issues. This revealed some information about staff management that was relevant to accountability. However, only 16 such PQs were put (just 1.9% of the total). Given this small number their contribution was insignificant.

The final specific category of PQs were those about the minister's meetings with the body or its chair. In total 71 PQs were included under this heading. None of them asked more than what topics the meeting would discuss or when it would occur. However 18 of these PQs were Starred Oral Questions and were used as a route through which to ask the minister another PQ which was often more useful for accountability. So although these PQs by themselves contributed little to accountability they enabled more searching PQs to be put as supplementaries. Nevertheless, the total number of PQs asked about meetings amounted to just 17.75 PQs per session and 2.54 PQs per body per session and was too low to make a significant contribution to accountability. Furthermore 11 of these PQs contributed nothing to accountability. These PQs were unanswered Starred Questions and received an uninformative written answer that addressed the PQ on the Order Paper but not the potential supplementaries.

The fifth and sixth categories of PQs were composed of Questions which related to one of the ENDPBs but which were not directly about their activities. These two categories accounted for 318 PQs and represented 38% of the total. These PQs were divided into those which asked the minister for information (201 PQs) and those requiring the minister to give his/her views (117 PQs). Although these replies revealed many interesting details this information was not relevant to accountability.

The final two categories concerned PQs about the policies of the ENDPBs and accounted for 81 PQs. Questions asking the minister for his/her views about the policies of these ENDPBs accounted for 38 of the PQs, while the other 43 PQs were inquiries for information about the activities of these bodies. Because they related to the activities of the ENDPBs many of these PQs were relevant to accountability.

However, the small number of these PQs meant that their contribution to accountability was modest. On average only 20.25 PQs per session and 2.89 PQs per session per body were asked about the policies of these bodies.

To obtain a more precise idea of the contribution of the PQs to accountability each PQ was analysed and appraised. In total 578 PQs contributed virtually nothing to the accountability process because they were not asked about an issue for which ENDPBs could be held accountable. A further 22 elicited answers which could have been obtained from another source, such as the body's Annual Report. Although they ventilated the issues in a public arena they contributed nothing original to accountability. Furthermore, another 11 questions asked for information that would soon be disclosed and only contributed to accountability if early disclosure of information was important in achieving this objective.

In total just 230 PQs were concerned with accountability in the sense of dealing with information that could not be easily obtained elsewhere. Some accountability was achieved through the use of the these PQs, however they accounted for just 27.35% of the total. Indeed, asking a PQ relevant to accountability did not guarantee a useful answer. Out of the total of 230, 8 PQs received no more than a part answer while 28 received no answer at all. Therefore only 202 PQs contributed anything to accountability and just 194 of them resulted in full answers.

Finally, Private Notice Questions must be mentioned. Under this procedure M.P.s can ask PQs, at short notice, about matters which they believe are of such importance that they require immediate consideration. Applications to the Speaker for the right to ask a P.N.Q. have to be made before noon on the day they are tabled. The Speaker then decides whether to allow the P.N.Q. to be put and those he accepts are put to ministers during that day's proceedings. However, P.N.Q.s are marginal to accountability. In some sessions virtually no P.N.Q.s are allowed; for example in the 1982/83 session Speaker Thomas (now Lord Tonypandy) permitted just seven Private

Notice Questions.[87] In the Lord's Private Notice Questions are even rarer than in the Commons; for example in 1986 a P.N.Q. was allowed for the first time since 1983/84.[88] Given the small number of P.N.Q.s it is not surprising that they are so marginal. In fact, during the four session period none (either in Lords or Commons) related to any of the seven ENDPBs.

PQs and Accountability

Questions in the House of Commons contributed very little to holding the seven ENDPBs to account. This, however, was not just a result of the factors noted above but also related to the use M.P.s made of PQs and their motivation for asking them. While, as has already been observed, the asking of PQs is motivated and constrained by competition between the parties, ministerial responsibility and time their use is also dependent on and motivated by other factors which influence their usefulness for enforcing accountability.

First, PQs are often asked in order to publicise a known fact rather than to obtain fresh information. These PQs can help hold the executive to account in that they put the minister on the spot and force him/her to justify executive actions. These PQs, however, do not result in the disclosure of previously undisclosed details. As was observed above, only 230 PQs appraised in the survey of PQs related to the accountability of ENDPBs and disclosed information that could not be easily obtained elsewhere. In general Oral PQs are used more for publicising known facts while Written PQs are tabled if information is sought.

Second, there is some evidence that members ask questions because they are hostile to a particular organisation and wish to either obtain information which could be used in a campaign against the body or to publicise information that would cause the body embarrassment. Evidence of such motivation clearly exists in the PQs concerning the Commission for Racial Equality. Three of the four members who asked more than five PQs about the Commission during this period were on record as being hostile to the Commission. Harvey Proctor, who asked

34 PQs, and Nicholas Winterton, who asked 14 PQs, were opposed to the legislative attempts to eradicate race relations. Phillip Holland, who asked six PQs, was opposed to the Commission for Racial Equality because of his opposition to legislative attempts to deal with racial discrimination and his distrust of Quangos. Indeed, Mr Proctor and Mr Holland, in 1981, voted to allow Ivor Stanbrook to be allowed to introduce a Private Members' Bill to abolish the Commission. In such cases the questioner is often not trying to hold the body to account but is seeking to further his/her campaign against the ENDPB.

Third, members often ask questions about these bodies as part of a campaign to encourage the government to increase its expenditure in these areas. For example, Sir David Price, in an interview with the author on 30th April 1991, said that he was part of a lobby of members who thought that the government should devote more resources to funding the arts. As was shown above 148 PQs listed in the Survey were concerned with government funding of the bodies. They are concerned with governmental and ministerial accountability and do not relate to the accountability of the ENDPBs.

Fourth, members often ask PQs that relate to issues arising in their constituency. Some members took the view that they should only be concerned with issues arising in this manner. A Conservative member representing a South Western constituency, in an interview with the author, saw no distinction between personal interests and constituency interests. In his view personal interests are constituency interests: in other words he only asked PQs about issues relating to his constituency. When he had represented a seat in the urban North West his interests and PQs had been different because issues arising from his constituency had been different. Such PQs may help keep ENDPBs, but it is a narrow concept of accountability. A member interested solely in constituency matters would only seek to hold them to account for acts that affected his or her constituency.

Fifth, some members do have general personal interests in topics that do not derive from their constituencies and are not related solely to any of the other factors discussed in this section. For

example, Chris Smith M.P., in an interview with the author on 10th April 1991, said that he put PQs about the Countryside Commission and countryside matters not because it was relevant to his inner London constituency but because he had a long standing interest in countryside issues. PQs asked for such reasons are often useful, providing adequate answers for accountability purposes.

Finally, members ask questions because of their job. For example, Denis Howell, the Labour's Party spokesman on sport asked nine PQs about the Sports Council. Similarly, Tony Banks, who was Chairman of the G.L.C. and a former Chairman of its Arts Committee as well as being M.P. for Newham North West from 1983, asked 48 PQs about the Arts Council.

In certain circumstances PQs might be asked for a combination of these reasons. A member with a personal interest in a topic might ask a question about a constituency related matter in the same field. An M.P. asking a constituency related PQ might take the opportunity to call on the government to provide more funds. Similarly, an M.P. hostile to an ENDPB might use a constituency issue as part of his or her campaign. Most PQs derive from several sources and motivations vary. However, it can be concluded that many PQs are not asked with the sole or primary objective of holding the minister, never mind an ENDPB, accountable.

Questionnaire and Interviews

The above analysis disclosed a considerable amount of information about the content of PQs and their utility for accountability without saying anything about their use. In order to rectify this shortcoming, and to gain an insight into M.P.s views on the usefulness of PQs, ministerial correspondence and Select Committee inquiries for holdings ENDPBs to account, a questionnaire was sent to all M.P.s with an interest in any of the seven ENDPBs. One hundred and ninety eight questionnaires were dispatched and 43 useful replies were received. Twenty seven of these members answered the section on PQs. In addition interviews were held with four M.P.s in order to explore

these issues in greater depth.

First, these members were asked which bodies had been the subject of their PQs. Once again the Arts Council appeared to attract most scrutiny: 15 out of these 27 M.P.s asked about the Council. None of the other bodies were the subject of PQs from more than five members. Five members asked PQs about the British Council, four asked about the Commission for Racial Equality and the British Tourist Authority, three M.P.s put PQs concerning the Equal Opportunities Commission and two tabled questions about the Sports Council and the Countryside Commission.

Next, these M.P.s were asked if they had ever asked a PQ on behalf of one of the seven ENDPBs. Twenty six out of the 27 members said that they had never asked a PQ for this reason. The only exception being the Labour Party's Arts spokesman who had asked PQs on behalf of the Arts Council. In an interview with the author on 20th April 1991 a South West Conservative M.P., who had not answered the questionnaire, also admitted to having asked a PQ at the behest of a body, the Arts Council. This PQ, concerning innovation in the arts, was tabled because he was approached by the Council's Director General and Lord Goodman (a former Chairman of the Arts Council) whom he knew on a personal basis. In general this M.P. assured the author that he did not ask PQs on behalf of ENDPBs.

Although members were reticent to ask PQs on behalf of ENDPBs they were less reluctant to discuss replies with these bodies. Eight of the 27 members who answered this section of the questionnaire said that they had referred answers to PQs back to one of the seven ENDPBs. For example, a South Western Conservative member asked a PQ about British Council resources and sent the answer to the Council. Similarly, a North Eastern Labour member asked a PQ about the government's plans to amalgamate the Arts Council regions and sent the reply to the Council. Such questions are often not concerned with the accountability of ENDPBs but with ministerial accountability. M.P.s rarely refer PQs back to bodies if the question was about the body's actions/views/policies rather than an issue over which

ministers have control.

Often PQs referred back to the ENDPBs concerned the level of the government's grant to the ENDPB: in such cases the member and the ENDPB are allies and want the body's resources increased. The questionnaire produced three cases of M.P.s only referring PQs about government grants back to the ENDPBs. In total four M.P.s only referred back answers to PQs concerned with ministerial accountability, and not ENDPB accountability, to the bodies. Most of the PQs referred back to the bodies by another two members also concerned ministerial accountability. Only Labour's Arts spokesman and Chris Smith referred a significant number of PQs about the accountability of ENDPBs back to the bodies. Mr Smith, however, did not consider discussion with ENDPBs a particularly effective way of effecting change. As is shown in Chapter Eight he thought that contacting the body directly was not as effective as dealing with a minister.

Fourteen of the 27 members used PQs to obtain information, although only three members solely used questions for this reason. These three members asked PQs about government funding of the Arts Council and the Sports Council and the Sports Council's membership. They sought information about government decisions that had not been previously disclosed. Three of the other eleven members, who used PQs about these bodies to obtain information, tabled PQs exclusively concerned with ministerial accountability. Two of them only put PQs about Government funding, while a Welsh Labour member asked PQs about government grants to the Countryside Commission and government plans to reform the Commission's structure. The other seven M.P.s did ask PQs relevant to the accountability of the ENDPBs. For example, an East Anglian Conservative member asked about the Arts Council's funding of Angles Theatre in Wisbech in his constituency, while a South Western Tory asked about the British Tourist Authority's policy towards the dispersal of tourists.

Nineteen of these 27 members used the answers to their PQs in order to publicise the issues. A woman Labour member representing a

North Western seat asked a series of PQs about the Equal Opportunities Commission and the Comission for Racial Equality and used the answers to publicise general concerns about racial and sexual equality and discrimnination. In an interview with the author, on 17th April 1991, a Labour member representing a North Western constituency on showed how he used PQs to publicise his case. This member represented a medium sized North Western town and was concerned about the low level of arts funding outside London and the South East and about the concentration of North West arts funding in Manchester and Liverpool. He used a series of PQs to prove that the distribution of arts funding was biased against his constituency and other medium sized towns in the North West and that if the distribution of arts funding was more equitable his Labour controlled council would be able to set a lower Community Charge. In a similar vein, Chris Smith M.P. recalled how he had tabled PQs about the Arts Council's decision to cut its funding of the King's Head Theatre in his Islington constituency. His subsequent use of the answers to publicise the decision and pressurise the Council, and the government, to reconsider eventually helped to restore the Theatre's grant (Also see Chapter Eight).

Mr Smith and his colleagues asked PQs about issues for which an ENDPB (the Arts Council) had some degree of responsiblity. In contrast six of those replying to the questionnaire asked about ministerial responsibiliity and used the answers they received to publicise government decisions. For example, a Conservative member representing an East Midlands seat asked about the funding of the Countryside Commission, while a Labour member from a marginal North Western seat asked about the funding of the Sports Council. Nevertheless, 13 of the M.P.s who used their answers to publicise information asked PQs relevant to the bodies accountability.

In total 11 members did not ask PQs about the accountability of the ENDPBs but concentrated solely on ministerial accountability. Sixteen members did ask about the accountability of ENDPBs. But nine of them asked only one PQ or concentrated on one issue. Although the other seven members asked a diverse range of PQs about one or two

bodies, most of these PQs were about ministerial accountability and not the accountability of ENDPBs. Unfortunately, it is not possible to be more precise because these members did not list all the questions they tabled but merely gave an indication of the areas which interested them. Nevertheless, these results do not seem to contradict the conclusions reached in the survey of PQs. Most of the questions were asked about issues for which ministers were accountable, although a significant number were relevant to the accountability of ENDPBs.

Finally, the questionnaire asked about whether they were satisfied with the answers they received. Twelve members expressed satisfaction with their replies, seven said they were not satisfied with the replies and eight expressed no opinion. Given the quality of answers to most PQs this might be thought a surprising result. It, might, however, reflect the low expectations of members. For example, two of the four M.P.s interviewed by the author were sceptical about the value of PQs. A Conservative member for a South West constituency said that he was rarely satisfied with the answers he received to PQs. He argued that these answers merely reflected the civil service response to the issue. As is shown in Chapter Eight he considered that, for Conservatives at least, there were more effective ways for members to challenge executive actions and lobby for change. Questions, he declared, put ministers on the spot and direct attention to the issue under consideration; but they do not bring about change. He, nevertheless, continued to ask PQs about the Arts Council, the British Council, the Sports Council, the Countryside Commission and the British Tourist Authority. In particular, he asked frequent PQs about the Countryside Commision because countryside issues were relevant to his constituency. For example, he recently asked questions about making a local harbour a site of Special Scientific Interest.

Sir David Price M.P. was much more critical of PQs. Indeed, he said that he had become so sceptical of the value of Oral PQs that he had stopped asking them. He disliked the gap between tabling the PQs and the opportunity to question the minister and criticised the short duration of arts Question Time. Like his Conservative colleague, Sir

David thought that other ways of pressurising ministers were more effective (See Chapter Eight).

Conclusion

As the Survey of PQs showed, PQs in the House of Commons contributed very little to holding the seven ENDPBs to account. Only the Arts Council received more than a token level of scrutiny. The size of a body was not reflected in the number of PQs asked about its activities. For example, the British Council was the largest body, in terms of both expenditure and employees, yet it received less scrutiny than any of the other bodies. In contrast the Arts Council was relatively small and employed fewer staff than the Sports Council, the British Council and the British Tourist Authority, yet attracted far more PQs. Similarly, although the expenditure of the Commission for Racial Equality was less than a third of that of the British Tourist Authority this was not reflected in the number of PQs asked. Between the 1981/82 and 1984/85 sessions 216 PQs were asked about the Commission for Racial Equality while only 43 were asked about the British Tourist Authority.

Neither did the number of PQs correspond to the level of controversy surrounding the body. For example, the activities of the Equal Opportunities Commission were much more controversial than those of the Sports Council yet they attracted a similar number of PQs: 95 questions were asked about the Commission and 78 were asked about the Council.

It is very difficult to explain why the rates vary in this way. The Arts Council in particular presents problems. Because it was sponsored by a non-ministerial department (the Office of Arts and Libraries) it was, in theory, further away from ministerial oversight than any of the other bodies. Therefore, fewer ministerial PQs should be asked about its activities. However, as has been observed, the Arts Council attracted more PQs than any of the other bodies. The explanation remains at the level of observing that the large number of PQs reflected M.P.s' interests. This interest in the affairs of the

Arts Council, as opposed to the other bodies, was not directed at particular activities but was a general interest exhibited by a significant number of M.P.s.

Restrictions on what PQs can be asked and a minister's freedom to refuse to answer them have combined to limit dramatically the capacity of PQs to contribute to the accountability process. In a similar vein, the reasons M.P.s ask their PQs also affects the use of the answers for accountability. In particular many PQs were directed at ministerial accountability and did not refer to the accountability of ENDPBs. However, the main conclusion must be that the key factor operating to limit accountability is the low level of interest displayed by M.P.s and Peers. No evidence was found of even a single M.P. or Peer making a serious attempt to use PQs to hold a body to account over more than one isolated session.

Finally, the issue of how members used the answers to their PQs was explored in the questionnaire. M.P.s seldom asked PQs on behalf of the bodies and only occasionally referred the answer back to the relevant body. Most PQs were used to provide information or for publicity purposes. Often PQs were used both to provide information and to publicise the details. According to the questionnaire, M.P.s used PQs for publicity more than to obtain information; although there was not much difference between both totals.

Chapter Six Footnotes

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Chapter Seven Information

Introduction

Information about the activities of the Executive Non-Departmental Bodies (ENDPBs) is essential if they are to be held to account. Some information will emerge through the operation of the accountability process; for example, Parliamentary Questions (PQs) reveal interesting details as do Select Committee inquiries. However, these institutions cannot operate without initial information on which to base their inquiries. If no 'primary information' initially existed the resources available to hold these bodies to account might be exhausted by attempts to discover elementary details about their operations. In particular, almost all the parliamentary devices designed to aid accountability are greatly restricted by the time allocated to them, both by those who organise parliamentary business and by individual M.P.s. who have many demands on their time. For example, there is a limit to how much information could possibly be obtained by asking PQs. Furthermore, if no information was available without pressure from external forces many ENDPBs would operate in virtual secrecy. Some mechanism that regularly releases information is, thus, required.

The above postulate is, however, a theoretical abstraction. Such a situation does not exist in the real world, but it does serve to illustrate the importance of the provision of primary information; it is hard to see how the process of accountability could get started without it. In the United Kingdom primary information about ENDPBs is mainly provided by the bodies themselves. These bodies produce a vast array of pamphlets and leaflets in which they outline their responsibilities, views and strategies: by far the most important of these publications are the Annual Reports. In this Chapter primary information is analysed and conclusions are drawn about the utility of these Reports in providing data on operations and finance which will enable them to be used as the basis for accountability. First, the Annual Reports of the Arts Council, British Council, Countryside Commission, Commission for Racial Equality, Sports Council, British

Tourist Authority and the Equal Opportunites Commission between 1981 and 1985 are studied and appraised.

After these Annual Reports have been assessed consideration is given to other primary information sources. The contribution of reference books such as Public Bodies and Councils, Committees and Boards and ENDPB pamphlets like the Arts Council's Glory and the Garden Report is appraised. Next the information contained in other parliamentary publications is assessed along with the utility of non-parliamentary publications and the Chadwyck Healey list. Finally, this chapter considers the primary information provided by The Times, The Economist and various specialist publications.

Published Reports

The provision of Annual Reports is normally a statutory requirement; however not all bodies are required to publish reports. For example, the 1988 edition of Public Bodies recorded that some executive bodies like the Fleet Air Arm Museum[1] and the Public Training Services Council[2] did not publish reports about their activities. Nevertheless, the vast majority of ENDPBs do publish Annual Reports which are central to the entire process of holding the bodies to account. But before appraising individual reports it is vital to establish what a model Annual Report should be like; what features would be best to further the objective of holding the body to account?

The first requirement must be that the Report covers the full range of the body's activities. The exclusion of any aspect of the body's responsibilities would lead many scrutineers to suspect that failures were being ignored and that only the ENDPB's successes were being reported.

In a similar way the report should also give details about staff and internal administration, as well as information about the specific tasks the body conducts on behalf of government. In particular, the provision of information about the duties of specific individuals is desirable so that personal responsibility can be identified.

A model Report should also provide some indication about costs and efficiency. Indeed, whether in the Report or in a separate document, it is vital that a set of accounts be provided.

The Report should also be presented in such a way as to make it easy to use. Ideally its layout should appeal to the eye, but should not be designed to encourage the reader to misinterpret the results in a favourable manner. In particular, statistics should be used in a neutral fashion; they should not be deployed to put the most favourable interpretation possible onto the body's activities. The layout should encourage the reader to focus on all the key points and to continue reading. For example, the print should not be too small and the subject divisions should be logical and be relevant to any statutory and administrative divisions in the body's work.

Another essential requirement is for information about the body's statutory duties. This information enables the reader to compare what the body should be doing with what it is doing and how it is doing it. The Annual Reports must also give indications of the body's views about a range of issues relevant to its brief. Our model Report should also detail any liaisons with peer groups or clients. Reports which outline such meetings help to show the responsiveness and accountability of the body in horizontal and downward directions.

For the reasons outlined in Chapter Six we returned to the seven bodies that were scrutinised therein. The period of study was the same as that used in Chapter Six except where the Reports referred to a calendar, and not a parliamentary or financial year, when five Reports were examined and not four. For example, because the Commission for Racial Equality produced Annual Reports that referred to 1981 or 1984 not to 1981/82 or 1984/85, we looked at all the Annual Reports from 1981 to 1985 (for an explanation of why this period and these bodies were chosen see Chapter Six).

The first ENDPB scrutinied in this way was the Arts Council. The thirty-seventh, thirty-eighth, thirty-ninth and fortieth Annual Reports were analysed; they covered the years 1981/82, 1982/83, 1983/84 and 1984/85, and in all cases they referred to a financial

year. The thirty-seventh Annual Report was assessed in terms of the information it revealed about the Council's activities, and was then used as a benchmark by which to judge the others.

The thirty-seventh Annual Report of the Arts Council contained just 14 pages of text that could be described as a non-financial report of its activities. Accordingly, few details were revealed. Six pages of the Report consisted of introductions by leading officials of the Council.[4] The Chairman, William Rees Mogg, wrote a page of introduction. It was little more than an attempt to prove his suitability; this entire page was devoted to proving how his experience in 'Communications' would help him in his new job.[5] Three pages were devoted to the Secretary General, Roy Shaw. Mr Shaw's piece was essentially a rather apologetic defence of the arts and the Arts Council. Mr Shaw noted that "the number of young people who wish to study the arts may be embarrassingly high".[6] He attempted to show, however, that the arts were valuable and that public money should be provided to subsidize them.[7] In pursuing this argument Shaw referred to the values that guided the Arts Council's operation. For instance, he observed that the "Arts Council warmly supports moves to encourage business sponsoring of the arts".[8] Furthermore he gave some information on the Arts Council's activities. For example, he recorded the fact that the Arts Council gave £9 million per year to the Royal Opera.[9]

Shaw also attempted to answer criticism of the Arts Council and the way it operated. He acknowleged, for example, that the Arts Council was too secretive and promised to publish more information.[10] In addition, Shaw provided evidence to show that the Arts Council was responsive to its clients by citing its deliberations on how much freedom it should allow its clients to encourage further commercial sponsorship.[11] Shaw's article was followed by a page from the Director of the Scottish Arts Council and the Director of the Welsh Arts Council, both of whom reviewed the activities of their organisations.

These two reviews provided some details about what the Scottish

and Welsh Arts Councils had been doing. Yet the 900 and 600 words devoted to these bodies was totally inadequate to explain the operation of organisations that consumed, respectivly, £9 million and £5 million per annum (1983 figures).''

Even such brief summaries of the work carried out by the Scottish and Welsh Arts Council were more extensive than the report on the work of the Arts Council in the rest of Great Britain. Roy Shaw's article was the only non-financial reference to the rest of the Council's work. Although it provided some information about the Council's operations during the previous year: this information was selective and sparse. Shaw's article was an attempt to argue a case, not conduct a comprehensive review of the year.

The Report did provide considerable information about the Arts Council's organisation. These details included a list of its Advisory Committees and their membership (thus showing how it was 'horizontally' accountable)''[12] and details of who sat on its Board.''[13] Furthermore, the Report not only listed the new appointments to the Board but also gave biographical information about the appointees. It was not only revealed that Donald Sinden and Colin Nears (amongst others) were appointed to the Board during the year, but emphasised that the Donald Sinden mentioned was the famous actor and that Mr Nears was a B.B.C. television arts producer. Some senior staff were also identified.''[14]

The Report also provided details of the annual accounts for the Arts Council of Great Britain, the Scottish Arts Council and the Welsh Arts Council. These accounts occupied 80 pages and were very detailed. Information was given about each body's income, expenditure and annual balance; much detail was provided in each of these areas by the use of extensive footnotes. The accounts listed every grant given by all three Arts Councils.''[15] Even very small grants, such as the £250 given to the Remould Theatre Company by the Arts Council of Great Britain, were recorded.''[16] Such details were comprehensive and even listed individual bursaries.''[17] However, virtually no justification for these decisions was offered, little reference was made about accountability

to peers and clients, the statutory duties of the body were not mentioned, the opinions of the body were rarely quoted and only one reference was made to external criticism of the Council.

The thirty-eighth Annual Report disclosed more information than its immediate predecessor. In particular, the Secretary General's preface provided more information than in the preceding Annual Report. Roy Shaw wrote about the role the Arts Council had in relation to education. This article referred to the duties of the Arts Council as defined in its charter "not only to maintain the quality of the arts but to make them more generally accessible and to foster understanding of them".[18] He showed how this brief had been interpreted by the Arts Council and answered those, such as Kingsley Amis, who opposed any public subsidy for the Arts.[19]

William Rees Mogg's Introduction was, unlike the 1981/82 Introduction, a real review of the Arts Council's year.[20] This Report, unlike its immediate predecessor, included 'Departmental Reports'; these three pages gave some information on the Council's activities in various fields. For example, this section informed the reader that a two-year study into the provision of Opera and Dance had been completed.[21]

In the 1983/84 Annual Report the improvements continued. The new Secretary General, Luke Rittner, produced a more informative Preface than Roy Shaw had ever done; it was a genuine review of the year, identified some of the key issues and disclosed the opinions the Arts Council had about them. We thus learnt that the Council considered that the Priestley Report confirmed its "belief that the Royal Shakespeare Company and the Royal Opera House were underfunded".[22] In addition, the 'Departmental Reviews' were expanded to five pages.

Despite these changes the Arts Council Annual Reports gave adequate details only in regard to the accounts and financial accountability. Its duties, as defined by its Charter, were never given in full, while there was little information provided about the Council's views, assumptions, actions and priorities. Even controversial issues were not discussed; for example, the 1983/84

Report contained just six lines on the Council's Glory and Garden proposals (see Chapters Six and below).[23] In a political climate where the government appeared to express limited support of public, as opposed to private, funding of the arts, such reticence might be seen as anxiety not to expand too much on the Council's views in case this increased, rather than diminished, adverse criticism of its role and activities.

Apart from disclosing the names of those who sat on the Council's advisory committees virtually no information was provided to show its responsiveness to peers and clients. No information was provided about the organisational structure of the Council in any of these reports. Apart from providing little information the reports were also initially poor in terms of layout. However, this had improved slightly by 1983/84; in particular, the headings were bolder and more eye-catching. When it is realised that these documents were reporting about an organisation with a budget of nearly £400 million per year the level of their inadequacy becomes apparent.

The Annual Reports of the British Council between 1981/82 and 1984/85 were the next to be surveyed; the same method and criteria were used. The British Council Annual Reports were superior to those of the Arts Council in several key respects. First, the British Council Annual Reports were much longer. The 1981/82 Annual Report contained 29 pages of non-financial details as well as an adequate 28 pages of financial details and appendices. The 1981/82 Annual Report not only gave details of the accounts but appendices were used to convey many more interesting pieces of information.[24] In particular, much information was given about its organisation; these details included a comprehensive list of all the British Council's representatives and offices, both in Britain and overseas.[25] Furthermore, the introductory page listed the aim of the Council as to "promote an enduring understanding and appreciation of Britain in other countries through cultural, educational and technical education".[26] This provided the reader with a yardstick with which to evaluate the Council's performance over the previous year.

Not all of the 29 pages of text, however, revealed much about the Council's operations during the previous year. Nine pages were feature articles rather like one finds in the quality press. One such article, in the 1981/82 Report, was about the relationship between the British Council and Henry Moore.[27] It was merely a history of the relationship and referred to virtually nothing that had occurred in the previous year. The other two feature articles, however, provided some details on the Council's operations in the last year. For example the article on Information Technology illustrated the interest in this area displayed by the Council.[28]

Four of the remaining 20 pages were devoted to the introductory section of the Report. One page listed a miscellaneous selection of facts, some of which had no relevance to the Council's operations. However, some of these facts were relevant to the Council's operations; for example, the number of staff and budget level was recorded.[29] Another page contained a report from the chairman, Sir Charles Troughton; this, however, consisted mostly of bland pleasantries.[30] Two pages were devoted to a report by the Director General, Sir John Burgh. Sir John, in this article, did attempt to review the year and pick out highlights. He cited, for instance, the Seebohm Report on the Council's efficiency and described how the Council had responded to it.[31]

The remaining 16 pages were devoted to a review of the Council's activities during the previous year. Information was provided on 'Public Relations', 'New Representations', 'Books and Libraries' and many other areas of interest.[32] But there seemed to be little logic attached to the order and there was nothing to indicate why the review had been so structured. In particular, no analysis was offered to show the activities of the Council in individual countries. It was, therefore, impossible to assess the impact of the Council's work on different countries.

The Annual Report for 1982/83 was almost identical to the 1981/82 Report. The only discernable differences being the loss of four appendices including all the details about the accounts (which were

now provided separately) and its more glossy appearance. The 1983/84 Report was similar to its two immediate predecessors. However, this year the statement of aims was omitted.[33]

In 1984/85 the Annual Report was expanded to 57 pages. The cause of this enlargement was the addition of a 25 page section on the activities of the Council in all the relevant countries.[34] Also some of the other features in the Report revealed more about the Council's activities than in previous years. The feature 'Paying Our Way', for instance, was about the way in which the Council's revenues had increased as a percentage of its budget and gave the Council's views on this trend.[35]

Over this four year period the British Council's Annual Report had improved since it had become more detailed. However, it still gave no information about any accountability to clients or peers and the statement of aims had been lost. But the key problem was that it was still not detailed enough for a body that spent around about £150 million per week.

The next set of Annual Reports studied were those of the British Tourist Authority. Its Annual Reports for 1981/82, 1982/83, 1983/84 and 1984/85 were surveyed. As before, the method used was to scrutinise the first Report, make some evaluations about the information obtained, compare it with the subsequent Reports and comment on how the Annual Report had altered over this period. This ultimately produced conclusions about the nature and scope of these Annual Reports and thus their utility in providing the basis for scrutiny.

The 1981/82 Annual Report commenced with a summary of the year. Although only two pages in length this contained a great deal of information about tourism; for example it revealed that the number of visitors to the United Kingdom (1981) at 11½ million was down 8% on 1980.[36] It also indicated some of the Authority's key attitudes and opinions. We were thus told that "marketing is the key factor at the present time".[37]

The summary served to highlight what the Authority felt to be the

most important facts and issues; it also acted as a succinct introduction to the Report thus enabling the readers to focus immediately on the key themes. Unlike most introductory pieces from Chairmen of ENDPBs it consisted of much more than bland pleasantries.

The summary was followed by a more detailed 14 page review of the tourist industry in 1981 and the British Tourist Authority's role in the industry's development.[39] The Report commented that the industry "despite a minor setback, maintained its position as one of Britain's great industries".[39] In addition statistical details and information about the Authority's views on many important issues were provided. For instance, the review offered a summary of the disadvantages that British tourism had endured in the previous few years.[40] The review summarized the Authority's views on the future of the industry and offered advice to the government about this issue.[41] The section concluded with four pages of graphs; these graphs were bold, clear and generally well laid-out.[42]

The next 22 pages of the Report was an appraisal of the British Tourist Authority's operations during 1981. In order to reveal more information the print size was reduced but this did not make it difficult to read. Details were given about the Authority's operations under two main headings; the first of these was 'Marketing'. 'Marketing' gave a fairly thorough appraisal of what was done and why. Major developments, such as the establishment of departments dealing with the Middle East and the Far East, were recorded.[43] This section also gave details of more routine activities such as the Joint-Marketing schemes that had been established in the year.[44] In providing this information an indication of the responsiveness of the Authority to its peers was disclosed. Finally, to show the impact of the Authority in a vast range of different states, a country by country analysis was provided.[45]

The other heading in this section was concerned with 'Technical and Consultative Activities'.[46] This section described the Authority's committee structure and gave details of the organisations they had consulted during 1981; this information revealed more details about

the responsiveness of the Authority to its peers. In addition, information and opinions were given about a range of other topics including strategic planning.

The appendix included a set of accounts.[47] Also recorded was a list of the members of all the Authority's committees; this list, unlike those in many other Reports, gave biographical information about the committee members.[48] The Report also included a complete list of addresses of the Authority's offices and disclosed the names of the Board members and, in the case of new members, some brief details about them.[49] The names of the six most senior managers were were listed and details of the body's statutory responsibilites were provided.[50] The Board's terms of reference were laid out as:- the responsibility to promote tourism to Britain from overseas; a duty to advise the government on tourism matters affecting Britain and the obligation to encourage "the provision and improvement of tourist amenities and facilities in Britain".[51] The Authority then gave a list of reasons why it promoted tourism from overseas.[52] This section enabled the reader to see how the Authority interpreted its statutory brief and showed the Authority's priorities.

This Report revealed much about the Authority's activities, opinions and organisation. It combined a capacity to provide much information with an ability to convey the opinions of the Authority and details about its organisation. The statutory responsibilities were given in full and some information relevant to other forms of accountability also appeared. Despite a relatively modest length, 55 pages, the Report's succinct style allowed it to relate a lot of information in a concise manner.

The three subsequent Annual Reports did not deviate from this successful formula. The 1981/82 Annual Report can thus be taken as being typical of the other three Reports; it can be concluded that the Annual Reports of the British Tourist Authority disclosed a considerable amount of information about the activities and opinions of the Authority.

The fourth set of Annual Reports analysied were those of the

Sports Council; the Annual Reports for 1981/82, 1982/83, 1983/84 and 1984/85 were studied. At just 37 pages the 1981/82 Annual Report was quite short. The first information the Report provided was a list of the Council's members, along with the names of its assessors and senior managers. However, no personal details about these people were given. For example, it is not revealed that, a council member, Laddie Lucas was a former Conservative M.P.[53] Some vital pieces of data were provided in this first page of the report, but the information given was too brief to be really useful.

The following two pages of the Report were wasted. They were mainly filled with glossy photographs. Just three lines of text appeared; this was to acknowledge that the Report was being presented to the Secretary of State for the Environment.[54] The next two pages consisted of an introduction from the Council's chairman, Dickie Jeeps.[55] Mr Jeeps started by stating the objectives of the Council, as defined in its Royal Charter. The Sports Council was charged "to develop and improve the knowledge and practice of sport and physical recreation in the interests of social welfare and the enjoyment of leisure among the public at large in Great Britain and to encourage the attainment of high standards in conjunction with the governing bodies of sport and physical recreation".[56] Jeeps then identified the dilemma that this posed for the Council. He declared that "the council was left with the difficult task of delicately steering a course which would serve both the elite and the wider community".[57] He showed that the Council's priorities had been "weighted in favour of elitism" [58] but that due to "changes in social circumstances"[59] this strategy had been re-appraised. The Council had now developed a new strategy "for mass participation and the pursuit of excellence".[60] This new policy was outlined in the document 'Sport in the Community - the next ten years'.[61]

The Introduction then focused on justifying this strategy and the extra resources it would consume. Jeeps argued that sport and physical recreation "can make a contribution to alleviating the social problems of the inner cities and ... of severe deprivation in some rural

areas".[62] He cited some of the successful projects the Council organised, such as the 'Action Sport Scheme', and the Council's successful liaison with bodies like the Central Council for Physical Recreation.[63] Finally, the transfer of the Council's head office to Woburn Place and the resultant saving of £100,000 per annum was mentioned.[64] The Introduction revealed much about the way in which it was fulfilling its duties and the Council's priorities. It highlighted the key points and gave an indication of the Council's philosophy. However, it was also obvious that this piece was really directed at securing government funding for its new strategy; hence the emphasis placed on the problems of the inner cities and its attempt to save money by moving its headquarters.

The next 20 pages outlined the Council's activities in more detail.[65] Of particular interest was the section 'The Next Ten Years' in which the Report disclosed the details of the strategy. The reasons for presenting a new plan were defended, as were the necessary changes. For example, the Council thought that more participation in outdoor sports was necessary. The Report then outlined how these objectives were to be met.[66] This section was succinct and packed with information about how the Council saw the future.

The Report also included sections on the Sports Council's activities in specific fields. For example, the Council's work on its campaign 'sport for the disabled' was recorded. The objectives of the campaign were identified and the ways in they were implemented was disclosed.[67] For example in was mentioned that liaison with voluntary bodies, such as the British Sports Association for the Disabled, was essential to the successful implementation of the Council's policies in this area.[68] Other interesting details, such as the cost of the campaign, were recorded. Subsequent sections also provided useful information. The section entitled 'Concentration of Resources' related how 'Sport - the next ten years' was already being implemented.[69] Details of the Council's research and its attitude to drug abuse were always contained in the Reports.[70]

The final pages of the Report provided more facts about the

Council's operations. For example, figures for the Council's expenditure were given together with details on the cost of operating the National Centres.[71] Information was given about senior members of staff but no biographical details were provided. We were told that D.G. Emlyn Jones was the Director General but the Report disclosed nothing else about him.[72]

The Report revealed much information about the Council's views, activities and priorities. In addition, information about its statutory duties was also provided. However, the Report, at 37 pages was rather short, although its succinct style made up for this deficiency. Although it was well presented the number of large photographs was excessive. The 'features' approach was useful in that it illustrated where the Council's priorities lay but it obscured areas that the Council had overlooked. It did not provide a systematic analysis of all the Council's activities.

Furthermore, the whole Report seemed to be directed at justifying the Council's activities to the government rather than to a cross-section of observers. Aspects of the Council's operations such as its involvement in Mr Heseltine's schemes in Merseyside were emphasised.[73] The Report did not lose any opportunity to say how the Council supported the involvement of private money in sport. For example, it showed how the Council had helped to establish a Sports Sponsorship Advisory Service.[74] In addition, the savings provided by the movement of the Council's headquarters were stressed. Overall the Report conveyed the impression that its key objective was to justify the Council's actions to Mrs Thatcher's government rather than to provide a straight account of the Council's year.

The 1982/83 Annual Report was not imbued with such an obvious desire to justify the Council to the government; it was also better in several other ways. First, at 57 pages, it was much longer and the print used was smaller; the amount of information it contained was significantly increased, because the style was as concise and succinct as before. Dickie Jeeps' Introduction maintained its high standard. In the first few lines of his article he focused on the Council's new

strategy and summarised its objectives as "participation in the 13-24 year, and 45-49 year age groups, and particularly among women".[75]

The main body of the Report gave substantial information about the Council's operations and was 10 pages longer than in the previous Report. Some of the sections were altered to reflect how the Council's priorities differed from those adopted in the previous year. For example, a section was included on the National Centres and the Council's policy towards them was explained. This section was genuinely critical and was a welcome contrast to the approach adopted in the previous Report and in most ENDPB Annual Reports. Details were disclosed about the internal structure of the Council; for example, the Chairmen of all the various Committees and Groups of the Sports Council were listed. It was, for example, recorded that Sir Arthur Gold was the Chairman of the Drugs Abuse Advisory Group.[76] However, because Dickie Jeeps did not refer to it in his article, the Report contained no reference to the Council's objectives, as defined by its Charter.[77]

The 1983/84 Report was almost identical to the 1982/83 Report. Apart from some alterations in the sections describing the Council's activities the only major change was the inclusion of a section on Voluntary Organisations.[78] But this page told us virtually nothing about responsiveness of the Council to them. The 1984/85 Report was very similar to its immediate predecessor. The only changes of note being the restructuring of the subject sections to reflect changes in the Council's priorities, and a shortening of the Chairman's Introduction. Nevertheless, the Introduction from the new Chairman, Mr John Smith, revealed almost as much information as those written by Dickie Jeeps.

The 1984/85 Annual Report revealed a considerable amount of information about the activities and opinions of the Sports Council. However, it was deficient in certain key respects. It no longer contained a statement of the Council's objectives and little information was given about the responsiveness of the Council to clients and peer groups, although some information about the Council's

partnership with private bodies was provided. But the key problem was that the Report focused on different priority areas each year. This meant that not enough continuity existed between the coverage given year by year. The coverage was not comprehensive and focused solely on the most successful areas.

The fifth set of Annual Reports surveyed were those of the Countryside Commission; the 1981/82, 1982/83, 1983/84 and 1984/85 Annual Reports were all scrutinised. The 1981/82 Report was not typical of the others because it dealt with a period of six months - the result of the Commission's change of status from a Crown body to a grant-aided one which required it to report at the end of each financial year, and not in October as it had done before.[79] Because of the unique character of this Report it was difficult to draw any general conclusions from it about the utility of the Countryside Commission's Annual Report.

Nevertheless, the Annual Report still offered some insights. The 1981/82 Annual Report was short; 27 pages in length. The introductory two pages were concerned with the change in status.[80] The Report cited certain advantages that this would bring: for instance these changes gave it more independence from the Department of the Environment.[81] This section also showed how the Commission had prepared for the change. For example, the Commission had decided to alter its structure and to conduct its operations in a "more open style".[82] Given the succinct style of the Report much information about the Commission's activities and opinions was revealed.

The following eight pages dealt with the activities undertaken by the Commission during the previous six months. In particular, activities conducted with the help of other organisations were highlighted; for example, a study of the future of the uplands inside and outside National Parks was sponsored in conjunction with the English Tourist Board, the Department of the Environment and the Ministry of Agriculture.[83] This section appeared to be quite systematic as many activities were noted. However the information given was minimal. In writing about their involvement in a Woodland

project the Commission said "we helped the Woodland Trust to acquire Pettar Wood near Birmingham for a project involving the local community in long-term woodland management".[84] We were not told anything else about the project; the extent, or type, of the Commission's involvement or why they became involved was not revealed.

The final three pages, however, revealed interesting details about the reorganisation's affects, particularly in administration and finance. Decisions such as that of ministers that the Commission's staff should continue to be employed "on terms and conditions similar to those in the civil service"[85] were recorded.

The Annual Report concluded by listing details of the Commission's new organisational structure, the addresses of its offices and its expenditure and grants for the previous six months.[86] The names of the Commission members were given, but no further details were provided. We were told that Derek Barber was the Chairman, but no further information about him was provided.[87] Finally, information about specific interests of the Commission, such as the National Parks, the Heritage Coasts and the Areas of Outstanding Natural Beauty, were recorded.[88]

Despite providing some information about the body's activities, opinions and organisation the Report had many flaws. It gave no details about the Commission's duties and the information given was very sparse. Few details were provided about the Commission's opinions and assumptions. Nevertheless, some information was provided on a vast range of different activities and much evidence of dealings with peer groups was recorded. Similarly, the Report gave details about the Commission's change from Crown to grant-in-aid status. It was revealed that the government finally accepted the Commission's long-standing request for a change of status, to permit the Countryside Commission to operate independently.

The major problem with the 1981/82 Report was its brevity and the corresponding lack of detail. The 1982/83 Annual Report at 44 pages was much longer. The Report opened with an Introduction by the Chairman, Derek Barber.[89] Barber indicated the role the Commission had

adopted: "we have adopted the role of honest brokers in fulfilling our landscape and recreation objectives".[90] This not only showed how the Commission saw its role but also the importance it attached to the opinions of its peer groups. Mr Barber also provided useful information about new appointees to the Commission. We were told that Robin Dewar, a new commissioner, was an architect and a former member of the Northumberland National Park committee.[91]

A report from Adrian Phillips, the Director General, followed Mr Barber's Introduction.[92] Mr Phillips identified key points about the Commission's work in a four page summary. In particular he showed how the Commission coped with its change of status. He also identified significant aspects of its work, such as conservation and its activities in these fields, and disclosed the principles on which these actions were based.[93]

The structure of the rest of the Report was easily the best displayed in any of our sample reports. Sections were provided on the the Commission's activities in the Uplands, the Lowlands, the Urban Fringe and the Coast. These four sections provided a comprehensive run-down on the Commission's activities in all the key types of countryside area. They included details of what was done, why it was done and with whom it was done. Because of the succinct style much information was conveyed, although photographs took up valuable space.[94]

Following these four sections the Report included information on topics for which the Commission either had a special duty or a special interest. For example, because the Commission had responsibility over designating areas of outstanding natural beauty, a specific section about this was included.[95] The Report also gave information about liaison with peer organisations and indications of the Commission's underlying views. However, the Report was still too short, provided no list of the Commission's duties and did not give much information about structure and organisation (unlike the 1981/82 report).

The 1983/84 Annual Report was very similar to that of 1982/83, but it was better in two respects. First, at 47 pages, it was slightly

longer. Second, the inside cover contained some very useful pieces of information such as the 1983/84 budget. Of most importance was the listing of the Commission's responsibilities.[96] It was stated that the Commission is responsible for "Conservation of natural beauty in England and Wales".[97] This section also gave precise summaries of eight types of its work. The reader was informed that the Commission conducts research "to establish the facts about landscape change or leisure patterns in the countryside".[98] The 1984/85 Report only differed from the previous 1983/84 Annual Report in being longer - 57 pages. This increased length allowed the introduction of a new feature: a review of the Commission's activities in Wales.[99]

As has already been noted, the Countryside Commission's Annual Report provided much information about the activities, views and organisation of the Commission. In particular its logical structure, clarity and precision were very valuable. Since 1983/84 the Report has also included a list of its responsibilities.

The penultimate set of Annual Reports considered were those of the Commission for Racial Equality; the Commission's Annual Reports for 1981, 1982, 1983, 1984 and 1985 were evaluated. The 1981 Annual Report was, at 101 pages, one of the longest included in the survey. It was much more detailed than many of the other Annual Reports analysed. It is reasonable to assume this reflected the political high profile of the Commission.

The 1981 Annual Report commenced with an Introduction of about 1000 words.[100] This section consisted of a review of the previous year. Key themes were identified and interpreted. For example, the Report noted the 1981 riots and observed that "strains in race relations, inevitable during a period of deep recession and high unemployment, were aggravated by the disturbances in various towns and cities and the consequent publicity".[101]

The Scarman Report into these disturbances was cited. The Commission illustrated how it had responded to this Report and how it thought the government's response had been "disappointing" and lacking in the "sense of urgency that ran through Lord Scarman's report".[102]

The Commission suggested that the government could respond to the Scarman Report by supporting the Commission's draft code of practice on employment, which had been one of its major preoccupations during the year.[103]

The Introduction concluded with comments about the increasing number of racial attacks and how they should be combatted. This section provided a concise review of the major issues in race relations. It also referred to some of the most important things that the Commission was doing and revealed much about the Commission's opinions.[104]

The next 35 pages were devoted to a systematic review of the Commission's operations. The first page gave details of the new appointments including the fact that Mr Ken Gill, a leading trade unionist and the Chair of the T.U.C.'s Equal Rights Committee, was now a member of the Commission.[105] Next, brief details about resources and administrative changes were provided; for example the creation of a separate section to deal with promotional work was discused.[106]

The following 14 pages were devoted to a survey of the Commission's legal work. First, details about the Commission's opinions about certain legal changes, proposed and made during the year were recorded, along with information about the representations the Commission made to the government concerning some of these alterations. For example, after consulting with various ethnic groups, the Commission made representations to the Home Office about its plans to speed up its immigration appeals procedure.[107]

The Report then gave information about the formal investigations conducted and the individual complaints received.[108] Several of the most important cases were reviewed and the duties the Commission had in this area were defined. It was revealed that the Commission had "the power to conduct formal investigations for any purpose connected with our (the Commission's) statutory duties".[109] This section was concluded with a brief account of the Commission's work in relation to discriminatory advertisements. Information was given on its statutory role and the number of advertisements found to be unlawful.[110]

The next 20 pages dealt with the Commission's non-legal enforcement work. This analysis was split into several sections such as employment, education, young people and local government. For example, the section on employment gave details of how the Commission responded to the Manpower Service Commission's consultative document A New Training Initiative,[111] while the section on 'Young People' revealed the way in which the Commission had made this a priority area and had "focused on the needs of youth".[112] Evidence was also provided about the liaison between the Commission and other organisations. For example, the section on employment told us about the Commission's consultations with the building industry and the Sikh community, concerning the impact of a new rule about safety helmets on turbanned Sikhs.[113] While, from the section on education, we learnt about the Commission's discussions with the Berkshire L.E.A. and the Reading Council for Racial Equality on the findings of its investigation into secondary school arrangements and related matters in Reading.[114] In addition, sections were included about the Commission's work with local Community Relations Councils and its liaison with ethnic minority organisations.[115] We were told the value of such liaison: "working and consulting with them (ethnic minority organisations) is one of the Commission's best means of keeping in close touch with the ethnic minorities on issues of concern".[116] Examples of successful work with such bodies were also cited.

This section concluded by giving details about the grants the Commission made and the research it undertook. Finally, one page was devoted to noting the criticisms of its operation made by a House of Commons Select Committee and at stating the Commission's opinions about those concerns. For example, we were told that the Commission does not think its work should be "mainly restricted to law enforcement".[117]

The next section was entitled 'The Way Ahead'. Under this heading the Commission said what it thought should be done to improve race relations.[118] It called for the implementation of Lord Scarman's recommendations and gave five priorities of its own for 1982. First,

the Commission advocated the elimination of discrimination in all the major fields of employment and the improvement of the employment prospects of young blacks. Second, the school curriculum had to be changed to reflect Britain's multi-cultural society and the educational attainments of ethnic minority pupils had to be raised. Third, the Commission highlighted the need to bring policing into line with the multi-cultural society. Fourth, the Commission stressed the need to implement its policy on the funding of Community Relations Councils. Finally, the promotion of policies and practices designed to assist the rapid development of black businesses was identified as a priority area.[119]

The rest of the Report was devoted to providing information about the organisation of the Commission. Lists of the Commission's expenditure and grants were given.[120] The membership of the Commission and its Committees was also recorded and, in the case of the new Commission appointees, some personal details were provided.[121] For example we were told that Bill Morris was the National Secretary of the Transport and General Workers Union.[122] The Report also provided details of its publications.[123]

The Report was detailed and wide-ranging and gave a good insight into the Commission's activities, opinions, organisation and liaison with other groups. It was only lacking in three respects. First, it did not have a comprehensive statement of the Commission's duties or powers, although some information was provided about its statutory role. Second, without such a definition of its role, the way the topics were approached was confusing. For example it was unclear if the section on 'Young People' had been included because of special duties in this field or just because the Commission had itself made it a priority. Finally, the layout was too basic and did not draw attention to the key points.

The drawbacks were largely rectified in the 1982 Annual Report, which was now a very glossy publication. Nevertheless, gloss had not been substituted for information. The Report maintained the standard set by its predecessor and eliminated the weaknesses. The

layout was much better; an intelligent use of different colours and bold headings served to illustrate the vital points without obscuring any of the message. The layout was also more logical; the headings under which the year's work was discussed were fewer in number and combined several similar areas that had been separated previously. For example, a section on 'Working with others' combined the sections on working with the Community Relations Councils and the ethnic minority organisations.[124] In addition, graphs were used to convey some information more effectively than words ever could, thus the Commission's expenditure was illustrated by using a pie chart.[125]

The 1982 Annual Report also included a list of the Commission's statutory duties. They included the requirement that the Commission was bound to work towards the elimination of racial discrimination, promote equality of opportunity, and good relations, between people of different races and to keey the Race Relations Act under review and recommend amendments when necessary.[126] The Report was also slightly more critical of the Commission's performance than before; for example, the Introduction, in commenting on the Select Committee's Report, noted that "it (the Commission) must sharpen its performance".[127] Finally, the amount of information provided was greater than that given in the 1981 Report; new features were introduced. For example, all the formal investigations in progress were listed and a brief description of their main characteristics was provided.[128]

Given the high quality of the 1982 Report the capacity for improvement was limited. The 1983 Report, however, did make some minor improvements. First, it was slightly longer; thus some of the sections were expanded and a new section, on immigration, was added.[129] Last, an overall conclusion was included for the first time. However, at just four and a half lines long it was of little use. The next two Reports were almost identical in layout. They differed from the 1983 Report in being shorter, although they were still of a very high standard and provided evidence of the Commission looking at itself in a critical manner.

The final set of Annual Reports scrutinised were those of the Equal Opportunities Commission; the Commission's reports for 1981, 1982, 1983, 1984 and 1985 were reviewed. The 1981 Annual Report ran to 81 pages; the Report proper accounted for just 23 of these pages. The Introduction focused on the conditions in which the Commission operated including the difficult economic climate and the key developments in equal opportunities such as the "establishment of an advisory committee on equal opportunities at the European level by the European Community".[130] At the end of this Introduction the Report said "in the sections that follow, we set out in fuller detail the Commission's activities during 1981".[131] However, this was not done adequately.

Throughout most of the Report there was a heavy emphasis on reporting general occurrences in the equal opportunities field and too little space was reserved for reporting on the activities of the Commission. For example, the section on legal matters reported equal opportunities cases but did not provide anything but a passing reference to the Commission's activities or views until near the end of the article.[132] Although the above section provided the worst example of this tendency many of the other sections exhibited such leanings.

However some sections did give detailed information about some of the Commission's actions; for example, there were comprehensive details on its research activities, and the criteria on which this research was based was outlined.[133] Furthermore, its opinions about many events were often disclosed. For example the Commission stated its view that it remained convinced that the effect of the Equal Pay Act 1970 had been exhausted.[134] In addition, the Report included a useful section on "Links with Voluntary Organisations"[135]; for example the Report observed that "the Commission's annual conference for the national representatives of voluntary organisations focused this year on disabled married women in respect of the two non-contributory benefits, HNCIP and ICA".[136] The Report commented that "the voluntary groups represented at the conference expressed full support for the

Commission's position".[137] The reader was told something about how the Commission ensured that it was responsive to other organisations operating in the field and about the attitude of such organisations towards the Commission's policies.[138]

In one of the appendices, the Report listed details of the Commission's expenditure, its balance and its receipts; information about the membership of the Commission was also provided.[139] The other appendices were, however, solely devoted to giving general statistical information about equal opportunities; in total 36 pages were used in this way.[140] Although this information was interesting it did not directly relate to the Commission's activities, views or organisation.

While it provided some useful insights into the Commission's work the Report suffered from a number of key weaknesses. First, the Report was directed too much at surveying the field of equal opportunities and did not focus enough on the Commission's actions; this significantly reduced its usefulness for analytical purposes. Second, the layout was appalling: the headings were small and each section seemed to blend into the next. The arrangement of the sections was also poor. For example, the Report contained a statement of the Commission's statutory duties, but instead of being positioned at the front of the Report, the list of statutory duties was tucked away in the appendix dealing with finance, where a casual reader might fail to notice it. Finally, the Report gave no information about the Commission's staff and failed to provided any personal details about the Commissioners.

The 1982 Annual Report was identical in format to its immediate predecessor except that it provided some details about the Commission's staff. There were two paragraphs on this topic which revealed, for example, that the Commission employed 174 officers on 31st December 1982.[141] But apart from this small improvement and the fact that it was longer and more detailed, it shared all the flaws of the 1981 Report. However, in 1983, the Report was significantly re-structured.

Although the appendices to the 1983 Annual Report took the same

form as they had in 1981 and 1982, the main text was much altered. First, its size had again been increased; it now stood at 37 pages, an increase of eight pages on the previous year. It was now 16 pages longer than in 1981 and provided much more information. In particular, more space was devoted to the Commission's activities. For instance, one section concerned training. This dealt not just with a statement about equal opportunities in general but with the training schemes in which the Commission had become involved. For example, this section listed all the courses designated by the Commission "for the purposes of single sex training".[142]

The 1983 Annual Report, in addition, gave details on the Commission's priorities. The Introduction revealed that in 1983 the Commission had focused on the issue of 'Women and Dependency'; this topic was now given a whole section of its own.[143] In a similar vein, 'Pensions' were also given a separate section[144] even though the subject had hardly been raised in the previous two reports. The Report also focused on issues of current concern. For example, one and a half pages were set aside for an article on 'Equal Pay for work of equal value' following the government's issue of new draft regulations.[145] This development was faithfully recorded and the Commission's views were listed. In addition, the section on staff was greatly expanded.

The focus on topicality and priorities meant nevertheless that coverage was selective. The 1983 Report contained no references to sexual harassment while the section on education was transformed into a section about education in schools;[146] information about the Commission's activities concerning education outside schools being deleted. A foreword by the chairman, Baroness Platt of Writtle, was another addition. This section, however, provided virtually no information about the Commission but was confined to praising Lady Lockwood (The Commission's former chairman).[147]

Overall, the 1983 Annual Report was an improvement on what had gone before; it was, however, too selective in approach. A casual comparison with previous Annual Reports immediately raised the question of what had the Commission done in the subject areas that had

been dropped from the Report. The inclusion of new areas, not covered in previous Annual Reports showed the selective nature of the earlier Annual Reports. The layout was still inadequate and was inferior to that of most other Annual Reports. The 1984 Annual Report was very similar to the 1983 model except for the dropping of the foreword and the inclusion of a section on 'Women into Science and Technology'.[148]

Significant changes were made in the 1985 Annual Report. The layout and style was better, the headings were highlighted and the sections were much better spaced. Greater use was made ofgraphs; the number of staff employed by the Commission was now shown in graphic form. The statistical digest at the end of the Report was dropped and the document focused on the Commission's activities, rather than on the general situation regarding equal opportunities. However, the omission of certain key sections further emphasised the selectivity of the Report's coverage. For example, the 1985 report not only neglected to include a section about pensions but omitted to make any reference to the subject.

Nevertheless, the 1985 Annual Report was a marked improvement on its 1981 counterpart. The layout and style of presentation had dramatically improved. Much more information was provided, while the percentage of the Report that dealt directly with the Commission had increased. But the Report was still too selective in scope. Furthermore, because the coverage of subjects altered so frequently, it was difficult to analyse how the Commission's work progressed over several years.

Having studied a sample selection of Annual Reports from our seven Executive Non-Departmental Public Bodies it was necessary to come to some general conclusions about the information they disclose. These Annual Reports had faults; in particular, they did not provide enough information about their body's Commissioners and were often too selective in their coverage. Attention was rarely paid to the efficiency of the bodies and they seldom criticised their own work.

They exhibited many of the characteristics of a promotional

document. They did, however, have strengths. These Annual Reports normally revealed information about their body's activities, opinions and organisation. Of the seven bodies only the Annual Reports of the Arts Council could be said to have failed to do these things. Indeed, by 1985, even the Annual Report of the Arts Council was beginning to improve.[149]

In conclusion it can be said that these Reports, with certain limitations, revealed a significant amount of information about the activities, opinions and organisation of these ENDPBs. But they were not the only source of information and, to fully understand the extent of the available information, it was necessary to consult the other sources.

Other Sources of Information

As was seen in Chapter Two, the issue of information, or rather the lack of it, had been at the heart of the 1970s debate on Quangos. At that time there was no comprehensive list of such bodies. Without a list it had been impossible to know what and how many bodies should be held to account. Following the Pliatzky Report's recommendation that such a publication should be produced, the Government devised an annual reference book called Public Bodies. Because it deals with "public bodies for which Ministers have a degree of accountability"[150] this publication lists all the existing ENDPBs. It does more than just acknowledge the existence of these bodies; it also provides information about them that is of immense value for the accountability process. In the case of the ENDPBs Public Bodies provides extensive details about their financial arrangements. It discloses the level of their gross expenditure, the size of their grant from the government and the net cost of these bodies to the sponsor department. The audit arrangements are listed along with details of how the Annual Reports can be obtained. Much information is provided about staffing and appointments to the boards. The number of employees on 1st April of the relevant year is noted. Finally, details about the number of board members, how many are male or

female and what remuneration, if any, they received are provided.[151]

This publication is of vital importance because it makes certain that basic details are readily available. The provision of this information in Public Bodies is essential because many organisation do not even publish Annual Reports; in 1990, 50 out of 374 ENDPBs did not do so.[152] Indeed, not all of the financial information given in Public Bodies is normally found in the published Annual Reports. Details of staffing are often inadequately treated in Annual Reports, while the remuneration received by members of the Board is usually ignored.

Public Bodies is by no means the only publication giving details about these organisations. For example, all the seven ENDPBs covered by our survey are included in Councils, Committees and Boards which is a private sector publication from C.B.D. Research Ltd. Although not an annual publication like Public Bodies it does contain information that the former publication lacks. For example, it supplies details on the date the body was established and the names of the Chairman and leading staff, none of which are recorded by Public Bodies. It also gives details of the duties of the body.[153] The 1984 edition recorded that the Countryside Commission had a duty to: "keep under review all matters relating to the provision and improvement of facilities for the enjoyment of the countryside, the conservation and enhancement of the natural beauty and amenity of the countryside, and the need to secure public access to the countryside; to designate (by order subject to confirmation by the Ministers) national parks and areas of natural beauty; to submit proposals for long-distance footpaths and bridleways; to make grants for the establishments of country parks and other opportunities for recreation, for access to the countryside and for action to conserve the countryside; to provide or assist in the provision of publicity and information services on countryside matters and the public's rights to responsibilities in the countryside; and to advise Ministers and public bodies on matters relating to the countryside, and to carry out or commission relevant work".[154] This statement of responsibilities vastly exceeded anything that had appeared in a contemporary Countryside Commission Annual

Report.

Councils,Committees and Boards is not the only privately published reference book that provides information about ENDPBs. For example the 1991 edition of Whitaker's Almanack provided some information about all of our study bodies.[155] Although such private sources do not cover every ENDPB comprehensively they provide useful information about some of them, and indeed might be said to highlight the relative inadequacy of the official information.

So far the rest of the publications emanating from the ENDPBs have been virtually ignored. Although these publications may, at best, receive a passing mention in the Annual Report it is always possible to read the original. For example, although the Arts Council report 'The Glory and the Garden' received a very brief mention in the Council's 1983/84 Annual Report it was still possible to read the original Report. In a similar vein while the Equal Opportunities Commission gave few details of its draft Code on Employment in its Annual Report, it published a pamphlet solely devoted to the code. This pamphlet outlined the code's objectives, gave information about the statutory framework it was being imposed upon and reproduced the code in full.[156]

It could be argued that in order to hold a body to account it is better to read the original document, not only because it would be more detailed than any summary in the next Annual Report, but also because accountability is much more effective if it is immediate. It is fine and proper to hold these bodies to account on a retrospective basis, but this is not the way to bring about the maximum change. It is only by responding quickly and by publicising the decision of which you do not approve that the body might be forced to alter its decision, reverse its strategy or reject the advice offered. Effective accountability does not, and cannot, rely on the Annual Reports alone.

At this juncture it is necessary to digress to focus on the concept of Vertical Accountability. So far it has been shown that information is available, but nothing has been said about the ease with which such data can be obtained. If few copies are produced or

the price of them is prohibitive then information will not become widely available. In a similar vein, if it is difficult to discover what is produced, little information will be disseminated. This issue is crucial to discovering what these bodies are doing. However, because vertical accountability is the most important type of accountability it is much more important that Members of Parliament have access to this information. If anyone can hold these bodies to account it should be Members of Parliament, through the imposition of some form of Vertical Accountability. Members of Parliament receive much of their information through their access to Parliamentary Papers. Any information about ENDPBs is normally to be found in the Sessional Papers. It is crucial therefore to analyse the content of these Sessional Papers in order to see how much information about ENDPBS they reveal.

House of Commons Documentation

The Sessional Papers of the House of Commons consist of Bills, House of Commons Papers and Command Papers. Reports from Executive Non-Departmental Public Bodies are usually laid before the House (if they are laid before the House at all) as House of Commons Papers. These are papers that have been laid before the Commons on its instruction; for example, the legislation establishing the body might contain a clause demanding that an Annual Report of its activities be presented to Parliament. A small number of the Reports from such bodies are laid before the House as Command Papers. They appear as Command Papers if they are "laid before the House of Commons by Command of the Queen".[157] Although no statutory obligation exists forcing these documents to be laid before the House the government chooses to release the information in this way.

The implications for vertical accountability of the release of information in the Sessional Papers are significant. Members of Parliament are entitled to free copies of all Sessional Papers and these papers are distributed to M.Ps through the Vote Office. All new Parliamentary Papers appear in the daily Vote, which is the list of

working papers; M.Ps are entitled to have any of these papers on request.[158] Furthermore, if an M.P. lives within three miles of Westminister s/he is entitled to have them delivered to his or her home.[159] M.P.s, therefore, have ready access to all the information contained in the Sessional Papers and can use it to hold Executive Non-Departmental Public Bodies to account if they choose. However, it is important to stress that they have no such entitlement to information not released in this way, hence inclusion of the relevant information in the Sessional Papers makes it much easier for M.Ps to scrutinise the ENDPBs.

In due course the Sessional Papers are indexed and filed into bound sets. As well as ensuring that Members of Parliament have immediate access to these documents, inclusion in the Sessional Papers of the House of Commons means it is easy to locate previous Report.

In recent years, however, it has become increasingly common for bodies required to lay their Reports and accounts before Parliament to do this via a 'dummy' copy. As Engelfield observed "they then publish the paper themselves, rather than through the Stationery Office, and the result is that it receives no House of Commons number, fails to get into the bound set of House of Commons Papers, into the Sessional index and its culminations, and also into the Vote Office for Members".[160] Of our seven ENDPBs the Annual Reports of the British Tourist Authority and the Equal Opportunities Commission no longer appear in the bound copy. Furthermore, many Annual Reports from the ENDPBs are not required to be laid before Parliament at all. Of our bodies only the Annual Report of the Countryside Commission is included in the Sessional Papers, and although the accounts of some of the other bodies were included their Annual Reports were omitted. It is very unlikely that any document apart from the Annual Report or the Annual set of Accounts will appear in the Sessional Papers. The amount of information about the activities of these bodies contained in the Sessional Papers is thus in practice very limited.

The position, nevertheless, is not as bleak as the above would seem to imply. First, Non-Parliamentary Publications are available via

the Vote Office. Some are deposited at the Vote Office by ministers and can be readily obtained by M.P.s.[161] Second, M.Ps can obtain copies of Non-Parliamentary Publications not deposited at the Vote Office by filling in a green demand form.[162]

Finally, it is fairly easy to obtain information about what Non-Parliamentary Publications have been produced by governmental organisations. If the document is published through Her Majesty's Stationery Office it will be listed in the HMSO catalogue. This catalogue is produced on an annual, monthly and daily basis.[163] Because it appears each day the information about HMSO published Non-Parliamentary Papers is as up-to-date as the details published about the latest Parliamentary Publications. It is also relatively easy to discover what Non-Parliamentary Papers have been published by government organisations by means other than through HMSO.[164] Although no such list is provided by the government this task is performed by a private firm. Chadwyck Healey Ltd have produced a list, since 1980, of all British Official Publications not published through HMSO. Although not as frequently issued as the Vote or the HMSO list it is still issued every two months and as an annual volume.[165]

Since the establishment of the Chadwyck Healey list the entire range of British Official publications has been well documented. Members of Parliament have another great aid in obtaining information about the activities of government: the House of Commons library. The library contains about 1,500 volumes. In particular, it provides "a set of the Sessional Papers of both Houses together with the papers actually laid before the House of Commons".[166] Furthermore, the library allows members access to a professional staff who "provide a confidential service so that Members need not reveal their hand to civil servants or to their parties".[167] Members can prepare in private with specialised and experienced help before "breaking into the political world on a specific subject".[168] Given such a useful service, it is not surprising, as Michael Rush showed in the mid-1960s, "that non-ministerial members claimed to be very frequent visitors to the library".[169]

Members of Parliament receive information from various bodies and pressure groups. Although partisan, this information adds to the amount of information available and may give fresh insights into issues in which they are interested. Peers are entitled to the same information as M.P.s and have their own library to assist them. Similarly, M.P.s are entitled to information listed in the Lords Sessional Papers, but these seldom contain any information relevant to accountability and can be overlooked.

The Times

The media serves to publicise certain pieces of information about the activities of these bodies. In particular the quality press often summarise the main findings and conclusions of some publications from the larger and more controversial ENDPBs, report reactions to these publications and show how they fit into the context of the bodies' overall objectives and priorities. In order to assess the extent to which the quality press reports activities of ENDPBs the contents of The Times were surveyed for 1984 and articles about the seven ENDPBs were noted. As can be seen from the table overleaf these bodies were mentioned in 63 articles. Twenty Six of these articles concerned the Arts Council and represented 41% of the total, while a further 14 dealt with the British Council. In total, therefore, 63% of these articles mentioned just two of the seven ENDPBs. The other five bodies received a average of only 4.6 articles each or merely 0.92 articles a quarter. One body, the Sports Council, was mentioned in only one article while the Equal Opportunities Commission appeared in three. Coverage of these five bodies was, therefore, negligible. Only the Arts Council and, perhaps, the British Council were reported on a regular basis. The coverage of these bodies, however, was shown to be less impressive when the content of the articles was analysed. As can be seen from the table a significant number of these articles did not relate to the activities of these bodies. For instance, five of the articles about the Arts Council and one of those concerning the British Council concerned appointments made to these bodies and

Table Six: Articles from 'The Times'

ENDPBs	CRE	SC	BTA	AC	BC	EOC	CC	Total	Times articles
	0	0	1	3	1	0	0	5	Diary
	1	0	1	5	1	0	0	8	Appointments
	1	0	0	0	1	0	0	2	Parliamentary proceedings
	1	0	1	0	0	0	0	2	Annual Report
	2	1	0	5	0	0	7	15	Other ENDPB Reports
	0	0	0	9	0	0	0	9	ENDPB Grants
	0	0	1	2	0	0	0	3	ENDPB Organisation
	3	0	0	2	11	3	0	19	Others
	8	1	4	26	14	3	7	63	TOTAL

related to ministerial decisions and not to decisions taken by the bodies themselves. In consequence they were relevant to ministerial accountability but not the accountability of the ENDPBs. Another five of these articles took the form of entries in the diary section and can be discounted because of their basically frivolous nature.

Of the remaining 12 British Council articles a further seven could be disgarded because they bore little relation to the body's activities and opinions. Five of these articles were concerned with government grants to the Council and not about the Council's activities. For example, on 18th May 1984, The Times reported that Mrs Thatcher had intervened in an inter-departmental dispute over the British Council's grant allocation and had decreed that this sum should be increased by an extra £4 million to compensate for overseas inflation.[170] A further two articles about the British Council were also discounted because they did not directly relate to the Council's activities. One of these pieces was a short report on Henry Moore's decision to donate 280 of his best graphic works to the Council as a 50th birthday present.[171] The other article took the form of an interview with Frances Donaldson about her book on the Council's first 50 years.[172] The article, by Clare Colvin, included much detail about Ms Donaldson's life and some information about the Council's history but revealed nothing about the contemporary activities of the Council.[173] It was little more than an exercise in promoting the book. Only the remaining five British Council articles reported anything of substance about the activities of the Council: an average of less than one every two months.

In total 22 of the 63 articles could be dismissed on the basis that they disclosed nothing about the activities of these bodies. Of the remaining 41 articles two referred to the publication of the body's Annual Report. Unfortunately they were reports of the news conferences given to publicise the publication of the Annual Report and not reports or appraisals of the Annual Reports themselves. For example, the article about the publication of the Commission for Racial Equality's Annual Report focused on Mr Newsam's (the

Commission's Chairman) comments urging the government to ensure that the companies from which it buys goods and services were following the Commission's code of practice on employment and not on the substance of the Annual Report.[174] Similarly, the article about the publication of the British Tourist Authority's Annual Report concentrated on Duncan Black's (the Chair of the authority) remarks about the success of the tourism industry and neglected to analyse the contents of the Annual Report.[175]

One of the other articles bore no relation to the activities of an ENDPB. This was the report on 13th March 1984 about the successful outcome Lady Howe's libel action against two authors who claimed that she was guilty of hypocrisy in serving on the Equal Opportunites Commission because she did not, they alleged, believe in equal opportunties.[176] The remaining, 38 articles, however, revealed information about the activities of these ENDPBs. Often they dealt with reports and recommendations made by the ENDPBs. For example, on 14th September 1984, David Cross wrote about the Sports Council's call for a national health and fitness survey. Cross quoted Professor Jerry Morris (the Chairman of the Sports Council's Fitness and Health Advisory Group) who argued that such a study "would provide valuable scientific information about health across the population and could be used as a baseline for measuring improved fitness in the future".[177] He then saw that proposals for such a survey were outlined in a Sports Council report entitled Exercise, Health and Medicine. David Cross emphasised the vital importance the Council placed on exercise and the crucial role it played in "protecting people against heart disease and in the treatment of many ailments".[178] Finally, the article drew attention to the Report's recommendation that the medical and non-medical organisers of fun runs and marathons needed more expert guidance about fitness and health issues.[179]

Further examples of articles reporting the activities of these ENDPBs were provided by three reports concerning the Countryside Commission. On 9th March 1984 The Times reported the publication of

the Countryside Commission's plan for the protection of the Norfolk Broads and the Commission's support for the creation of a statutory authority for the Broads.[180] On 14th June 1984, the paper reported on the Commission's fears that the Ministry of Defence was planning to expand its defence training in the countryside and on its call for a government white paper to set out a strategy for the future management of the countryside.[181] A Report from the Countryside Commission concerning the uplands was the subject of an article by John Young on 23rd March 1984. Young first outlined the aims of the Report as being the improvement of the economy of the uplands. He showed that the Commission considered the threat to these areas from large-scale commercial forestry greater than that posed by modern farming methods and observed that the Commission was concerned about "policies apparently directed at maximising output from the uplands at the expense of social and environmental objectives".[182]

In the second half of the article the Report's recommendations were listed. In particular, Young recorded the Commission's call for the Nature Conservancy Council to be given extra funds in order to fulfil its obligations under the Wildlife and Countryside Act and its recommendation that the Government should increase aid for the management of the national parks.[183] Another example of an article about the activities of an ENDPB was provided by a report on 30th November 1984 about the Equal Opportunities Commission's attitude to the government's pension plans. This article recorded the Commission's concern that the proposals might conflict with European Community law because, under the plan, employers would make lower contributions for women.[184]

These examples show that The Times contained articles that helped to publicise the activities of these bodies. The number of these articles was, however, very low. As shown above only 38 of these articles revealed anything of importance about the activities of these bodies. The coverage given to these bodies was, therefore, sporadic not comprehensive.

Only in respect of the publication of the Arts Council's The

Glory and the Garden Report did the press coverage differ from the conclusions listed above. The Glory and the Garden Report was mentioned in a series of articles written in The Times throughout 1984. In total nine articles appeared about this Report. For example on 31st March 1984 David Hewson wrote a 600 word piece on the Arts Council's new strategy as outlined in The Glory and the Garden. Hewson showed how the new strategy involved a shift of funds away from London and the South East to 12 strategic areas. He recorded criticism from London arts associations and the controversy surrounding the decision to move one of London's orchestras to Nottingham. Alongside this piece Hewson wrote a four hundred word article on the key elements of this new strategy. He recorded, for example, that the Council aimed to "help existing public galleries in strategic areas to develop their facilities from a £500,000 central fund".[185]

On 15th December 1984 The Times published an article about the progress made with The Glory and the Garden strategy. In this feature Brian Appleyard explained the Council's traditional system of funding its clients and the changes brought about by the adoption of the new strategy which would involve greater devolution to the regions, partnership with local authorities and the correction of the bias in favour of London financing. Having provided this background information he then showed how the strategy was collapsing and how many of its objectives might not be achieved. For example, Appleyard declared that the moving of an orchestra from London to Nottingham would not happen given the Council's limited powers and concluded that "nothing like the £6 million shift from London to the regions can happen".[186]

Although The Times covered the The Glory and the Garden on a continuing basis this was not typical of its attitude to the acitvities of the ENDPBs. Most of the seven bodies, as shown above, received little attention from the paper. As can be seen in the table only the Arts Council was the subject of an average of more than one article a month about its activities.

The Economist

The activities of these ENDPBs also received little coverage in The Economist, which was analysed in order to discover how their activities were reported by a popular, as opposed to academic, but quality political/current affairs magazine. During 1984 The Economist referred to these bodies in just five articles. The Arts Council was the subject of two articles. The first of these was merely three paragraphs in length and concerned the future of the arts after the abolition of the GLC and the other metropolitian districts; not the Council's activities.[187] The Arts Council was mentioned because it had published a reply to the abolition plans in which it argued that the borough and district councils would be able to adequately fund the arts. The reference to the Council occupied less than four lines. The second article concerned The Glory and the Garden proposals and occupied one page of text. The article summarised the key points of the plan, outlined the Council's priorities and stressed the importance the Council attached to "regional development of arts in the 13 areas".[188] Finally, the article appraised the scheme's prospects and welcomed the proposals.

A further two articles in 1984 referred to the Equal Opportunities Commission. Both these articles revealed interesting details about the Commission's activities. One was a report of the Commission's inquiries into discrimination by Sogat '82.[189] The other related to the failure of the Commission to use its power to conduct formal investigations into sexual discrimination and recorded that only nine investigations had been initiated since the Commission was founded in 1975.[190] The British Council was the subject of one article in 1984. This report was concerned with the functions of the Council and listed the Council's major activities. For example, the British Council's role in bringing foreigners to study in Britain was noted. In addition, the article commented on its continued survival under the Thatcher Government and the Council's contribution to business and commerce.[191]

Despite some useful articles, The Economist paid little attention

to the activities of these bodies. Its wide remit, covering national and international political, economic and social issues, coupled with its weekly publication meant that The Economist was forced to concentrate on the major issues and was unable to devote much space to covering the ENDPBs.

General political/economic publications did not seem to be interested in ENDPBs and only took an occasional interest in their activities. This analysis does not, however, prove that there is large scale press indifference to the activities of these bodies. Although such wide ranging publications have little interest in the activities of these bodies there are many specialist publications which, because of their narrower areas of interest, might be expected to take a closer interest in the activities of ENDPBs in their particular field. In order to test this hypothesis specialist publications relevant to the seven ENDPBs were analysed. As in the case of The Times and The Economist 1984 publications were scrutinised. In the few cases where the publication had started after 1984 the 1990 editions were appraised.

Specialist Publications

First, arts magazines and journals were scrutinised. They, however, showed little interest in the Arts Council or the funding of the arts. They contained articles about individual artists, writers, paintings, books, poems and sculpters etc rather than ones about the activities of the Arts Council. For example, The Saturday Review of Literature contained literary reviews, while London Review of Books was devoted to reviews of a wide range of books. In 1984 neither of these publications mentioned the Council. In a similar vein, The Burlington Magazine, which dealt with the history and criticism of the arts, did not mention the Arts Council in 1984. Even The Contemporary Review, which combined considerable arts coverage with political and social articles, did not refer to the Arts Council in 1984.

Only The Spectator and Arts Monthly carried articles about the

Council in 1984. Unfortunately, these publications did not devote much space to reporting the Council's actvities and views. The Spectator, a weekly political and literary magazine, contained four articles about the Arts Council in 1984. For example, on 28th July 1984 Richard West reported on some grants the Arts Council had awarded and attacked the Council's policies towards the financing of literature and its decision "to cut out support to the literature department, except for poetry and some small magazines".[192] Although The Spectator did not ignore the Council, it did not provide much coverage. In 1984 its contribution did not match that of The Times. Arts Monthly's contribution was only slightly more extensive than that of The Spectator. In 1990 (this publication was established in 1988) the Arts Council was mentioned on eight occasions. Three of these references were adverts for Arts Council grants. For example, in the January/December issue, the Arts Council advertised the availability of grants for the production of experimental/avent garde videos or films.[193] The five articles about the Council ranged from a few lines to over a page in length. Three of the articles were brief notes about specific Arts Council activities. For example, the February edition included a brief note about the publication of the Council's 1990 mailing list.[194] In contrast the April edition included a page long article by Roland Miller about a three day conference on arts funding.[195] The November edition also included a page long article on an arts conference. This article, by Clive Ashwin, concerned the role of the arts and education in Europe.[196] These last two articles were, however, the only ones to exceed half a page in length.

The Times Literary Supplement also referred to the Arts Council in 1984. In The Times Literary Supplement on 24th February 1984 Robert Hewison commented on the Arts Council's consultative document on the requirements of arts organisations that serve a national audience.[197] Similarly, Hewison, on 30th November 1984, noted that the Arts Council was about to adopt a new corporate identity and abandon its system of deficit financing.[198] These pieces by Hewison, who was the only the author to write about the Arts Council in this paper during 1984,

revealed some interesting information about the Council's activities and opinions. Nevertheless, just four of these pieces were written in 1984: all of which were under 300 words in length. From the analysis of these publications it is apparent, therefore, that arts periodicals revealed little about the activities and opinions of the Arts Council.

In general Sports publications showed less interest in the Sports Council than arts publications did in the Arts Council. Most of the magazines in this field were concerned with specific sports. Their coverage was, however, directed at covering sporting performances and the development of their sports and not the activities and views of the Sports Council. In order to discover if such publications carried any significant number of references to the Sports Council the 1984 editions of three magazines, covering three quite different sports, were scrutinised. These publications (Horse and Hound, Golf Monthly and Snooker Scene) did not produce one reference between them to the Sports Council during 1984. The Sports Council was also ignored by two of the three general sports magazines included in the survey. The 1984 editions Health and Fitness and Olympic Review also contained no references to the Sports Council. The third general sports magazine was Sport and Leisure. Unlike the other sports publications it contained a large number of references to the Sports Council. In 1984, Sport and Leisure had 19 articles and 13 diary notes about the views and activities of the Council.

The Sport and Leisure articles revealed a considerable amount of information about the Council's activities and views. For example, in the March/April edition Chris Harper wrote an article about ice skating and the Sports Council's contribution to the sport. He noted the Council's research into the costs of running ice rinks and the existence of a Council publication on this subject. In addition, he wrote about the Council's grant to Lee Valley Park Authority towards the cost of building an ice rink.[99] The diary section also monitored the Council's activities and opinions throughout the year. For example, the January/February diary recorded how the Council had

estimated that "more than 580000 people give 45 million hours of voluntary help a year to run sports clubs".[200] In a similar vein, the November/December issue noted that the Sports Council had helped to sponsor a permanent health fair at Liverpool's International Garden Festival[201] and recorded that Stan Dibley, the Director of Holme Pierrepont National Water Sports Centre, was to retire.[202]

Sport and Leisure's interest in the Sports Council was far greater than any other sports publication scrutinised. This, however, was unsurprising because this publication was produced by the Sports Council. Indeed, perhaps the most remarkable aspect of Sport and Leisure's coverage was that the six 1984 editions only contained 32 articles/diary notes about the Council. Most of the magazine was concerned with general sports issues and not with the Council's activities or opinions. Furthermore, its publication by the Sports Council meant that it had the character of a promotional document rather than that of a typical magazine. It did provide useful information about the Council but genuinely criticial articles and comments were absent.

Three out of the four tourism publications analysed showed some interest in the British Tourist Authority although only one of them concerned itself with the Authority's activities on more than an occasional basis. The first tourism publication surveyed was Park World (established 1986) which was devoted to leisure parks and the development of the industry. It was not interested in broader tourism issues or governmental activities but largely restricted its coverage to adverts and promotional articles about leisure parks. During 1990 no references to the British Tourist Authority appeared in Park World.

International Tourism Quarterly, which was published by the Economist Intelligence Unit, did take an interest in the British Tourist Authority. This interest was, however, not very extensive. During 1984, its four editions produced three references to the Authority. One of these references was brief. In volume four, an article about prospects for the U.K. tourist industry referred to comments about the remarks made in the Authority's Annual Report.[203]

The only substantive references to the Authority were in an article in volume two about UK travel agents, in which British Tourist Authority statistics were analysied,[204] and in a volume one article which discussed the Government's plan to change the Authority's responsibilities.[205] Indeed most of the articles in this publication were not concerned with British tourism but with the tourist industry in foreign countries. For example, volume four carried articles about tourism in Malawi and Bermuda. British tourism received an average of two articles an edition. The scope for covering the activities and views of the Authority was, therefore, constrained by the international focus of this publication.

Tourism Management was also concerned with international tourism issues, although this publication looked at the issues from an academic rather than a journalistic perspective. Its coverage of the British Tourist Authority was, however, worse than that provided by International Tourism Quarterly. All of the three references to the Authority in its four 1984 editions were no more than a few lines in length. For example, in its March edition Howard L.Hughes referred to the Authority in an article on Government support for tourism in the U.K. Unfortunately, he merely commented that "the funding of government of a body such as the British Tourist Authority may be justified".[206] In a similar vein an article in the June edition noted and disputed the Authority's claim that "tourism in Britain contributed to international goodwill".[207]

In contrast the other tourism publication, British Travel News reported the activities of the Authority in substantial detail. In 1984 its four editions mentioned the Authority in 22 articles and contained 100 reports about the activities and opinions of the British Tourist Authority in its BTA News section. Some references to the Authority in the articles occupied just a few lines. For example, in the Autumn edition, in an article on French resorts, it was noted that the Authority arranged visits to Pas de Calais and the Normandy coasts.[208] Similarly, the same edition which carried a report on the revival British spas, noted that the British Tourist Authority had

conducted missions to continental spas to discover "why they were flourishing whilst British spas were failing".[209]

Ten of these articles, however, contained much more than a few brief comments about the Authority. They contained substantial information about the Authority's views and activities. For example, the Winter 1984/85 edition contained a 200 word article on the structural changes in the British Tourist Authority and the English Tourist Board and showed how the two ENDPBs were integrating their structures and services.[210]

The BTA News section was exclusively devoted to reporting the activities and opinions of the British Tourist Authority and the national tourist boards. The reports in this section covered a vast range of different subjects. Some of these reports noted changes in the Authority's personnel. For example, the Winter 1984/85 edition included a report on the appointment of Frank Kelly, the Authority's General Manager in North America, as the new Director of International Affairs.[211] Information was also provided, in this section, on British Tourist Authority publications. In the Spring edition a report on the launch of the Authority's guide to camping and caravan parks was included.[212] In the Winter 1984/85 edition BTA News gave coverage to the launch of the Authority's guide to country hotels, guest houses and restaurants.[213] BTA News also included details about the Authority's strategy; for example the Summer edition carried a piece by Alan Jefferson, the Authority's Marketing Director, on the Authority's strategy and the industry's prospects.[214]

The coverage given by British Travel News and its BTA News section to the affairs of the British Tourist Authority was extensive and exceeded the coverage given to any other ENDPB by a specialist publication in this survey. Nevertheless, its ownership and publication by the British Tourist Authority meant that the articles and reports had a promotional character and were not directed at subjecting the Authority to critical scrutiny.

The British Council, which provides "access to British ideas, talents and experience in education and training, books and

periodicals, the English language, the arts, the sciences and technology"[215] is relevant to a large number of periodicals. In order to discover the extent to which their activities are reported periodicals in two areas were scrutinised. Education periodicals were chosen because of the Council's key role in this field, while library and information science journals were appraised because of the Council's committment to the provision of libraries and information units.

In order to study the extent to which the Council's activities and views were reported by education periodicals the contents of 1984 editions of The Times Higher Education Supplement and The Times Educationn Supplement were scrutinised. The Times Education Supplement gave little coverage to the opinions and activities of the Council. During 1984 this publication made only one reference to the British Council. On 25th May 1984 the paper carried a 250 word report on the Council's granting of travel awards to mark its 50th anniversary.[216] This article was a factual report and contained no analysis, furthermore it only gave details of five out of a total of 18 awards.

The Times Higher Education Supplement contained 10 articles about the British Council during 1984. Two of them concentrated on the British Council's Government grant. For example, on 18th May 1984, the paper carried a report that Mrs Thatcher had intervened to prevent the Council's budget being reduced.[217] The report showed that the original grant allocation had paid no account of overseas inflation, which was running ahead of British inflation, and that this oversight could have led to the closing of overseas offices and threatened some higher education projects.

The other articles concerned the Council's activities. For example, an article on 13th April 1984, by Ngaio Crequer, noted that the British Council was proposing to establish a promotion and placement scheme to recruit overseas students for Universities and Polytechnics.[218] Another example of this type of article was provided on 25th May 1984. This article, written by John O'Leary, concerned the Council's higher education responsibilities. Mr O'Leary described

the work of the Council's Inter-University Council for Higher Education Overseas and identified its roles as "marketing British higher education in the developed world assisting 'academic take-off' in the developing countries and encouraging exchanges and a sense of mutability in the developed nations".[219] In addition, he noted that a review of its activities was being undertaken and speculated about the impact of the proposed student recruitment scheme on its activities.

The Times Higher Education Supplement, during 1984, did include some informative articles about the activities and views of the British Council. The number of these reports was, nevertheless, small. Indeed, The Times carried more reports about the British Council than The Times Higher Education Supplement, although the specialised weekly publication carried more articles relevant to the Council's activities and views.

The academic education journals surveyed made virtually no reference to the British Council during 1984. Higher Education Journal, Higher Education Quarterly and Music Teacher all contained no references to the British Council in 1984. The 1984 editions of Education contained two references to the Council. On 12th October 1984 Education noted that the British Council had signed a contract with the Chinese government to "supply assistance in a development programme to increase the number of graduates in China from 1m. to 9m. by 1990".[220] Ths article said that the Council was to establish an international panel to advise on the external resources needed for a major expansion of Chinese higher education. This article was, however, only 150 words long and thus provided little information. The other article about the Council was much more substantial. Ian Johnson's article about 'The British Council: Fifty Years On' was over 1500 words in length.[221] It chronciled the Council's progress over the last fifty years and provided examples of its work. For example, he commented on the British Council's role in rebuilding Ugandan education after the departure of President Amin. Ian Johnson also drew attention to the British Council's problems and speculated on possible changes in the Council's priorities and concluded that the British

Council's traditional role as middleman might decline "as electronic international communications systems develop".[222] This article was informative as regards Council activities and views. It was, nevertheless, the view of a Council official: Mr Johnson was head of the British Council's Science and Technology Division.

With one exception, the Library and Information Science journals did not cover the British Council in 1984. School Librarian, Journal of Information Science, Aslib Proceedings and Information Processing and Management all ignored the British Council despite the Council's extensive involvement in library and information work. Only The Library Association Record mentioned the British Council in its 1984 editions. Record contained three articles about the Council and an extensive ten page report on a Library Association conference about the Council's partnership with the library profession.[223]

One of the articles in Record was merely one paragraph in length and referred to the fact that cuts in the Council's budget would result in the withdrawal of overseas representatives and cuts in the number of educational exchange visits.[224] A report on Dr Hans-Peter Geh's paper on European Librarianship and Britain's influence mentioned the role of the Council. For example, it was recorded that the British Council recognised the importance of local and regional needs.[225] The role of the Council was, however, not the main thrust of the article and its activities were mentioned in an illustrative capacity. The other article disclosed a considerable amount of information about the Council's activities and views. This report, written by Marcia Macleod, was a review of the Council's library work in the wake of its 50th anniversary. In her two page article Ms Macleod, for example, noted the recent establishment of British Council libraries in the Philippines and Ecuador and the Council's mission to Indonesia to set up links between the University of Indonesia and the College of Librarianship in Wales.

The report on the Library Association conference on the Council's partnership with the library profession revealed much about the Council's opinions and activities. For example, it was noted that £1½

million was spent on the Council's book presentations to 870 institutions in 99 countries.[227] In a similar vein the report mentioned the high standard of the British Council's libraries in Malaysia.[228] This report, which was over 10,000 words in length, and Ms Macleod's article was the only substantial report about the Council in any of the library and information science publications and did not compensate for the lack of information elsewhere.

Most of the countryside publications surveyed paid little or no attention to the Countryside Commission. There was no coverage of the Commission by three magazines devoted to countryside issues in general: Country Life, The Field and Country did not mention the Commission during 1984. One of the three specialist publications also paid little attention to the Commission. The Ranger (established in 1985), the magazine of the association of countryside rangers, only carried one article which referred to the Commision during 1990. The article by Ian Mercer concerned the merger of the Welsh Countryside Commission and the Nature Conservancy Council in Wales.[229] The main thrust of the article was, therefore, not about the activities of the Countyside Commission but of its Welsh sister organisation.

Open Space, the magazine of the Open Space Society, carried eight articles about the Commission during 1984. Four of these references were, however, very brief. For example, the Autumn edition noted the Commission's role in helping the Brecon Beacons National Park in its purchase of 23000 acres of land, but disclosed no more information about the Commission in this short (150 word) article.[230] In a similar vein, an article in the Spring edition about the National Trust's purchase of land in Abergwesyn merely acknowledged the Commission's help.[231] The other articles did, however, disclose more information about the Commission's activities and views. For instance, the Autumn edition contained a report about the Commission's five year plan. The report disclosed that the Commission had decided to recommend changes in agriculture in order to "forge crucial links between farm support and protection of landscape and wildlife habitats"[232] and recorded that the Open Space Society considered these proposals inadequate.

Although, Open Space did cover the activities and views of the Commission the volume of the articles was not substantial. Open Space was produced just three times a year and consisted of an average of 24 pages of A3 sized paper; this publication did not have enough space to cover the Commission on a more comprehensive basis.

Countryside Commission News, which was produced by the Countryside Commission, was the only publication in our survey to give substantial coverage to the Commission's activities and views. During 1984, the six editions of this publication carried 93 articles which mentioned the Commission. An article in the November issue, for example, reported the Commission's role in financing Dartington Amenity Trust's tree planting project and recorded the manner in which the results had affected the Commission's views about this subject.[233] In a similar vein, the March edition, carried an article about the Commission's policy towards the uplands,[234] while the July issue reported that the Commission was sponsoring an exhibition at the Victoria and Albert Museum on the Lake District.[235] The May edition of this publication devoted a four page supplement to the Commission's countryside programme for 1984-89.[236] This section recorded, for example, the Commission's faith in a voluntary approach to reforming the agricultural support system and its commitment to the Groundwork Trusts.

Countryside Commission News provided much information about the Commission's staff and structure. For example, the November edition included reports on the appointment of Gwyneth Davies to the Welsh Committee[237] and the new address of the Commission's South East office, which was now located at Covent Garden.[238] However, despite the large volume of information about the Commission contained in this publication, Countryside Commission News, like Sport and Leisure and British Travel News was essentially a promotional publication. It did not subject the Commission to critical scrutiny and in places became congratulatory. Throughout this magazine there was a tendency to stress the popularity of the Commission and the manner in which all its proposals were supported by countryside interests. For example, an

article in the January edition concerning the Norfolk Broads, recorded that "there has been widespread welcome for the Countryside Commission's decision to seek the formation of a special statutory authority to oversee the conservation and management of the Norfolk Broads".[239] No criticism of the plan was mentioned in the article.

Issues of racial and sexual discrimination were tackled by certain specialist legal publications. Either the Commission for Racial Equality or the Equal Opportunites were mentioned by all but one of the legal journals surveyed. During 1984, only The New Law Journal did not mention either of these two ENDPBs. Modern Law Review, during 1984, contained one article about the Commission for Racial Equality. The May edition of Modern Law Review carried a seven page report by Vera Sacks and Judith Maxwell on the Commission's powers to conduct formal investigations into racial discrimination and the way in which the outcome of two recent cases threatened the Commission's capacity to undertake such inquiries. The authors observed that "through a literal interpretation of the statute and in the name of natural justice, the courts have imposed on the Commission for Racial Equality a complicated and lengthy procedure, which has already inhibited them from pursuing further formal investigations".[240] Sacks and Maxwell described the two relevant cases and the implications of their judgements. In conclusion they argued that Parliament should respond to these judgements with legislation and that the judiciary should support attempts to combat discrimination.

During 1984 Public Law contained three articles about the Commission for Racial Equality and one article about the role of the Commission for Racial Equality and Equal Opportunities Commission as law enforcement agencies. This latter article, by George Appelbey and Evelyn Ellis was 40 pages in length and gave comprehensive details about the use, by these bodies, "of formal investigations and non-discriminatory notices to deal with discriminatory practises".[241] Applebey and Ellis studied and appraised the use of this procedure, by looking at "the law, its interpretation and also at the practices of the Commissions in relation to this novel process".[242] In conducting

this analysis they revealed a considerable amount of information about the activities and opinions of both ENDPBs. For example, the authors showed how the Equal Opportunites Commission had been reluctant to use their enforcement powers and highlighted the Commission for Racial Equality's decision to "embark on a large number of investigations".[243] In conclusion, Applebey and Ellis recommended a series of legal reforms and criticised the performance of both Commissions. In particular, they argued that it might be necessary to conduct an investigation into the Equal Opportunities Commission's role in this field.

The other three articles in Public Law also disclosed much information about the activities of the Commission for Racial Equality. An article in the Summer edition discussed the Commission's consultative document about the range of problems thrown up by the working of the Race Relations Act 1976.[244] The article, by Nicola Lacey, reported and appraised the Commission's Time for a Change document and concluded that the Commission had been "insensitive to four particular aspects of the problem of reforming the Race Relations Act".[245] Ms Lacey argued that the Commission had ignored the impact of their suggestions on the Sex Discrimination Act, paid little attention to broader legal issues or the current political situation and failed to discuss the "fundamental issues of principle which underlie the legislation".[246] The Summer edition of Public Law also contained an article about the Commission for Racial Equality's report into discrimination in the public provision of housing in Hackney.[247] Michael Bryan, the author, chronciled the Commission's indictment of Hackney's policies and noted "that blacks were disadvantaged not so much by a denial of council housing as by a denial of housing of an adequate standard".[248] The final Public Law article about the Commisson for Racial Equality appeared in the Winter edition and was a reply to the article by Applebey and Ellis. In this article John Whitmore challenged their conclusions about the Commission for Racial Equality and argued that formal investigations could not be assessed "primarily in terms of the numbers of investigations begun and

completed and the time they have taken".[249]

The articles in Modern Law Review and Public Law showed that these publications were interested in the work of the Commission for Racial Equality and the Equal Opportunites Commission. But although these articles were informative and detailed (only Whitmore's article was less than five pages in length) the coverage given to these bodies was not comprehensive. Indeed, the Equal Opportunites was the subject of just one article in these two journals during 1984. Both journals covered a wide range of legal issues and a large range of legal topics had to included in each edition.

The final legal publication included in the survey was Equal Opportunities Review. Unlike Modern Law Review and Public Law this publication dealt with the relatively narrow area of equal opportunities law: in consequnce it contained more articles about both ENDPBs.

In 1990 the six editions of Equal Opportunites Review (this journal was established in 1985) contained 14 articles about the Equal Opportunities Commission and 13 articles concerning the Commission for Racial Equality. Seven of the articles about both of these bodies were, however, under 500 words in length. These reports did, nevertheless, provided a significant amount of information about their activities and views. For example, the July/August edition included a report about the publication of the Commission for Racial Equality's Annual Report. The article noted the Commission's view that racial legislation could be modelled on fair employment laws in Northern Ireland and quoted Michael Day (the Commission's Chairman) as warning that ethnic minorites would not be adequately protected after the Single European Market was created in 1992.[250] In a similar vein, a report in the September/October edition highlighted the Equal Opportunities Commission's report on racial inequality in the nursing profession and noted the Commission's conclusion that "racial inequality in the nursing profession is wide-ranging and deep-seated".[251]

Two of the other articles were reports on legal cases involving

the Commission for Racial Equality. For example, the July/August edition included a report on the Commission's case against Lambeth concerning discriminatory advertisements.[252] The remaining 11 articles were more substantial. For example, the November/December issue included an eight page section on women in engineering and noted the Equal Opportunities Commission's role in a campaign aimed "at changing attitudes of young people, parents, teachers and the general public about the suitability of engineering as a career for girls".[253] However, this article was not about the Commission and merely made a few references to this ENDPB. In fact none of these articles made more than a few references to the Commissions. Nevertheless, the Equal Opportunities Review did provide a regular flow of information about the activities of these two ENDPBs.

Although the media did show some degree of interest in the activities and views of these ENDPBs the coverage they gave to these bodies was not particularly extensive. The only publications that gave extensive coverage to such bodies were those such as Sport and Leisure, British Travel News and Countryside Commission News which were produced by the bodies themselves. Such publications, although they disclosed much information about these ENDPBs, were promotional in character and tended to refrain from criticising their parent body. The role of the rest of the media in providing information about the activities of ENDPBs was very limited, although they did publicise some of the most important details.

Conclusion

A substantial amount of information was provided about the activities of ENDPBs. The most important source being the ENDPBs themselves, many of whom give information about their work in an Annual Report. In addition, ENDPBs regularly produce and publish books and pamphlets which give details about their performance and/or proposals in specific areas. Government publications like Public Bodies and private reference books such as Councils, Committees and Boards add to the supply of information about the activities of

ENDPBs, while the media publicises the most important details and helps to ensure that this information is widely disseminated.

Nevertheless, although a substantial amount of information is available, certain key problems concerning the supply of information about ENDPBs remain. First, Annual Reports vary in their quality, while some bodies produce comprehensive Annual Reports others issue short Reports which reveal few details about the body's activites. Second, many Reports and pamphlets are not included in the Parliamentary Papers and, therefore, are less accessible than is desirable. Third, although the media does show some interest in these bodies their coverage is limited. Only publications produced by the ENDPBs themselves contain a substantial number of articles. These magazines are, unfortunately, promotional in nature and generally refrain from criticising their parent ENDPB.

Given these deficiencies it would be complacent to claim that the supply of information about the activities of ENDPBs is adequate. Nevertheless, the amount of information provided about the bodies certainly seems to be reasonable. It provides a good base from which to launch enquiries, although it cannot in itself be a substitute for such inquiries.

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Chapter Eight How Accountability is Enforced

Introduction

How United Kingdom Executive Non-Departmental Public Bodies (ENDPBs) are held to account can be considered in two contexts. First, the problem can be approached by analysing how they are held to account 'vertically'. In order to conduct this analysis we must look at the effectiveness of parliamentary institutions. Secondly, it is necessary to provide a brief analysis of how horizontal and downward accountability are ensured. In assessing horizontal and downward accountability the question of how desirable such accountability is to clients and peers is posed. Both these methods of holding ENDPBs to account, unlike Parliamentary Questions (PQs), allow for the doctrine of ministerial reponsibility to be overcome or circumvented. Chapter Six analysed the contribution and limitations of PQs to accountability. This chapter seeks to augment the analysis by considering the wider remit of parliamentary channels.

Parliament's contribution to accountability operates through three different channels - scrutiny can be exercised in the chamber of both Houses, in their committees and through correspondence and other direct dealings with ministers. In order to show how Parliament holds these bodies to account it is, therefore, necessary to look at events on the floor of both Houses, in their Select Committees and at the importance of correspondence and personal contacts with ministers. It was also decided to consider the Lords and Commons separately in order to discover if significant differences existed in their contribution to accountability.

The Floor of the House of Commons

First, procedures on the floor of the House of Commons were appraised. There are a number of procedural devices through which accountability can be ensured. Leaving aside PQs (which were covered in Chapter Six) these procedures fall into two distinct groups; legislative and non-legislative debates. In order to discover the

contribution made by the floor of the Commons, therefore, it is necessary to look at the contribution of both categories. To conduct this analysis, the same seven bodies that were scrutinised in Chapters Six and Seven were again surveyed. The survey was conducted over the four Parliamentary Sessions 1981/82, 1982/83, 1983/84 and 1984/85. Hansard was scrutinised for references, in both legislative and non-legislative debates, during these four sessions. Finally, these references were appraised in order to assess their contribution to accountability.

This survey technique was first applied to debates on legislation. This category can be divided into three sub-categories; debates on government legislation, debates on private members' legislation and debates on private legislation. Of most importance are debates on Government Bills, as Borthwick shows in his survey of events on the floor of the House of Commons,"around one third of the time of the House is spent on government legislation each session".[1]

House of Commons' Debates on Government Bills

In the study period, however, our ENDPBs were only referred to in one such debate on Government Bills. This remark was made by Paul Channon, the Minister for the Arts, in a debate about the National Heritage Bill on 24th February 1983. It was a passing comment about the Arts Council and revealed nothing useful for holding the Council to account. He merely used the Arts Council as an example of a body that had been established at arm's length from the government[2]; this was hardly a state secret! On the basis of this result a third of the time allocated on the floor of the Commons can be said to contribute nothing to accountability. However, one might expect this result to have been very different if the legislation had affected one of the bodies. The debates on government legislation are concerned with discussion about the merits of legislation, thus, unless a specific measure is directly concerned with the activities of these bodies, these debates cannot really be used to hold them to account. But if the proposed legislation does affect an ENDPB, the Commons debates

about the bill prove useful for accountability. Debates on government legislation are, therefore, of almost no value for such accountability unless the bodies are themselves the subject of the legislative changes.

Debates on Government Bills are not the only way in which government proposals are scrutinised on the floor of the Commons. Much legislation is not enacted directly through Acts of Parliament, but through delegated legislation. Delegated legislation is used because it is often not possible to include in Bills all the necessary details to ensure that the principles they contain can be implemented. Delegated legislation can be used by ministers to ensure that the principles contained in the parent Act can be put into practice.

House of Commons' debates on Delegated Legislation

The use of delegated legislation raises key problems about how Parliament can scrutinise such measures. The procedure uses affirmative and negative resolutions. The use of the particular resolution is determined by what the parent Act lays down. If the Statutory Instrument is subject to an Affirmative Resolution it can only be implemented if it is approved by the Commons or the Commons and the Lords. If a negative resolution is required the Statutory Instrument comes into operation automatically unless a motion to annul it is passed by Parliament within 40 days. According to Borthwick, debates on Statutory Instruments take up a small but significant percentage of time on the floor of the House of Commons. In the two sessions he studied they accounted for 7% and 9% of the time.[3]

During our study period just three debates about Statutory Instruments attracted references to the seven ENDPBs; all but one of these being debates on Affirmative Resolutions. However, they contributed little to the accountability process. The debates did however provide some information. For example, in the debate on 20th July 1983 about the Statutory Instrument bringing into force an amendment to the Equal Pay Act needed to bring Britain into line with a recent European Community Directive, the Under Secretary of State

for Employment, Alan Clark, referred to the fact that the Equal Opportunities Commission had given advice about how to comply with the ruling.[4] However this one line comment discloses little information. In reality few of the Statutory Instruments of relevance to ENDPBs are debated in Parliament. Even when Statutory Instruments do come before the House, the ensuing debates usually reveal little about the body that could be used to further its accountability. Debates on government primary or secondary legislation, which take up about 40% of the time on the floor of the Commons, contribute little to accountability.

House of Commons' Debates on Private Members Bills

Debates on Private Members' Bills, according to Borthwick's survey, take up between 3% and 4% of the time used on the floor of the House of Commons.[5] Members of Parliament can introduce their own bills by using one of three different procedures. First, 12 Fridays per session are set aside for the consideration of private members' legislation. The order in which bills are discussed is determined by a ballot which M.Ps can enter. However, in order for a bill to have a reasonable chance of becoming law it is essential for its sponsor to be drawn very high in the ballot, preferably in the top six, otherwise the measure will almost certainly be doomed to fail due to lack of parliamentary time.[6]

Second, Members of Parliament can try to introduce Unballotted Bills by moving Standing Order 37. Unless the government gives the bill time or time becomes available on one of the Fridays reserved for private members' legislation, the measure will almost certainly be lost; this is what happens to the vast majority of such bills. However occasionally a bill does make progress because it is given an unopposed second reading, but for this to happen the bill must be fairly uncontroversial.[7]

Finally, Members of Parliament can introduce bills by using the Ten Minute Rule procedure. Under Standing Order 13 a bill may be introduced after Question Time on Tuesday and Wednesday with a short

speech of not more than ten minutes duration. A single opposing speech, of no more than ten minutes, is allowed in reply. If the bill is unopposed or succeeds in a subsequent division it is made available for future consideration by the House.[8] In practice such Ten Minute Rule Bills are occasions for debates, not legislation.

During the four sessions studied the seven ENDPBs were mentioned in seven debates on private members' legislation. Although this was a modest number of references it was still a greater number than were made in debates about public legislation, although they took up about ten times more space on the agenda. However, most of these references told us nothing about these bodies that was useful to holding them to account. Many of the comments were merely directed at showing how the proposed legislation would affect the body's operation and told us nothing about the body's current responsibilities and how it was performing its duties. For example, on 6th May 1983, Geoffrey Finsberg observed that the proposed Age Discrimination Bill would "give the Equal Opportunities Commission power to investigate complaints about discrimination on grounds of age, to conciliate where appropriate and to make recommendations on the activities to which the measures should apply".[9] But he said nothing about the Commission's current functions and how it was performing them.

Some of the references did not focus on how the legislation would affect the body but were just tirades of familiar complaints. For example, speaking in the debate about Jo Richardson's Sex Equality Bill on 9th December 1983, Eric Forth attacked the continued existence of the Equal Opportunities Commission and the Commission for Racial Equality when he argued that experience in other parts of the world with such bodies showed that they fail in their objectives.[10]

In all the six debates about Ballotted Private Members' Bills the references to our bodies were brief, few in number and of almost no use to holding the body to account. Only one Ten Minute Rule Bill was was directly concerned with the activities of an ENDPB.[11] However, this debate also contributed almost nothing to accountability. This bill, proposed by Ivor Stanbrook, called for the abolition of the

Commission for Racial Equality. Mr Stanbrook attacked the utility of the Commission, saying that it "does more harm than good to harmonise race relations".[12] He argued that it was a waste of the £8 million of taxpayer's money it spent per year and should be abolished. In reply Jim Marshall attacked Mr Stanbrook's views as "obnoxious nonsense" and defended the Commission's existence.[13] Neither speaker noted any merits in the other's argument and neither revealed anything of real value to accountability. The debate proceeded to a predictable vote in which the Bill was heavily defeated.

House of Commons' Debates on Private Bills

Private Bills are introduced into the House of Commons by people and organisations outside Parliament. These measures seldom "impinge upon matters of concern to national parties or central government"[14] and often only affect a single locality. Members of Parliament tend to pay little attention to such private legislation and normally these measures receive an unopposed second reading. They, therefore, take up a very small percentage of time on the floor of the Commons; Borthwick's survey put this at about one percent.[15] During our study period debates about private legislation contributed nothing to holding these bodies to account because none of the seven ENDPBs were mentioned in any of these debates.

According to Borthwick, about 45% of the time used on the floor of the House of Commons was devoted to the passage of legislation.[16] These debates tended to stick fairly rigidly to discussions of the merits of the legislation. Very little information was provided about the seven ENDPBs. Only one debate directly referred to one of the bodies - the Commission for Racial Equality - and this was pure political theatre, in which the two protagonists made predictable speeches that revealed little that was new.

Apart from debates on legislative matters the Commons spends a considerable amount of time discussing more general issues. These debates can be divided into two types, those on Substantive Motions and debates on Adjournment Motions; the latter will be considered

first.

House of Commons' Adjournment Debates

Adjournment Debates fall into four main categories. First, the government may initiate an Adjournment Debate or the opposition can use one of its Opposition Days. This procedure is used if it is felt appropriate to have a wide-ranging debate about a topic on which the government has no decided policy and/or on which it wishes to assess the views of Members.[17] They have the advantage over Substantive Debates of allowing a broader discussion of the issues but the disadvantage of not easily providing "a clear verdict or decision".[18]

The second type of Adjournment Debate occurs at the end of each day's proceedings. Under this procedure M.P.s can raise a topic of interest, often a constituency matter or an issue of regional interest. Normally the M.P. raising the topic will speak for about 15 minutes, another member for about ten and the minister will give a brief response. There is a weekly ballot to determine which members are allocated four out of the five slots; the exception to this rule is on Thursday when the Speaker chooses the topic for debate.[19]

The day before each recess is entirely devoted to debates on motions to adjourn; these debates are called Recess Adjournment Debates. They differ from Daily Adjournment Debates in that they normally last longer than half an hour. Finally, Emergency Adjournment Debates can be granted, under Standing Order number nine. In practise few of these debates occur. The Speaker and the main parties generally dislike "the interruption to arranged business that emergency debates entail".[20] Although a few requests for such debates are granted, when they do occur they can have a considerable impact. For example, in 1977, John Mendleson obtained an Emergency Adjournment Debate on the Crown Agents Affair.[21] These debates can be used to focus on the activities of ENDPBs but, because they are seldom allowed, this is only likely to happen in exceptional circumstances, such as those

surrounding the Crown Agents. Given their rarity it is perhaps not surprising that, over the period of this study the seven ENDPBs were not mentioned in any of the debates.

During the four sessions the seven chosen ENDPBs were mentioned in 22 General, Daily and Recess Adjournment Debates. These debates tended to focus on three types of issue. First, members used such debates to raise constituency issues; for example, on 5th March 1983, Jim Spicer used an Adjournment Debate to raise the issue of the sale of Woodlands in his West Dorset constituency.[22] Second, Adjournment Debates can be used to raise party issues; this is often done by using an Opposition Day. An example is provided by the debate, initiated on 30th October 1984 by Labour leader Neil Kinnock, on the general theme of unemployment.[23] Third, M.P.s can use Adjournment Debates to raise subjects in which they have a specialist interest. For example, John Carlisle initiated several Adjournment Debates about the Gleneagles Agreement and sporting links with South Africa.[24]

These debates did provide some useful information about the activities of these ENDPBs. For example, David Atkinson, on 15th February 1982, revealed that the British Tourist Authority had provided marketing advice for the new conference centre in his Bournemouth constituency.[25] Similarly, in a debate on the Scarman Report, Jill Knight attacked the Commission for Racial Equality by citing an example in which the Commission took up a case against a meat firm for "not taking on people who could not read".[26]

The debates also reveal some information about the opinions of these bodies. In the debate about the 1981 Scarman Report, Gerald Kaufman, the chief Labour spokesman on the environment, observed that the Commission for Racial Equality supported Lord Scarman's emphasis on the "need to assist West Indians to open businesses".[27] Sometimes the minister responding to the debate reveals information about a body's activities. In reply to an Adjournment Debate on 'Hedgerow Protection and Conservation' on 24th October 1983, the Under Secretary of State for the Environment, Neil Macfarlane, explained that the Countryside Commission had "recently introduced a new grants structure

which is intended to make support for landscape conservation work more widely available".[28]

These debates, while providing some information, are relatively rare. In these 22 debates, one of the seven ENDPBs was the subject of the debate on only two occasions. In the other 20 debates the body in question was referred to merely in an illustrative capacity. On these occasions very little information was forthcoming.

The above analysis leaves two Adjournment Debates outstanding, but even these are of a very limited value to accountability. Both were really about the abolition of the Greater London Council. These debates concerned 'Sport in London' and 'Arts in London' and were both moved by Tony Banks, a London Labour M.P. and Chairman of the G.L.C. Arts Committee. They did, however, contain some useful comments. For example Tony Banks attacked the policies of the Arts Council and declared that "if the Arts Council continues its present attitude, the areas that the G.L.C. has done much to encourage will suffer great deprivation".[29] But subjecting these bodies to scrutiny was not the main concern of these two debates. They were really initiated to show the need for the Greater London Council.

Adjournment Debates in the Commons usually only produce information relevant to holding ENDPBs to account as a by-product of a debate that is really about another organisation or issue. In addition most of the comments made are uncritical illustrations, not analytical statements. In any case, much of this information could be discovered from readily available publications. Most of the information that cannot be found in such publications is normally of local significance only. Furthermore, there is no guarantee that the comments of M.P.s on such topics are totally accurate.

Even when useful information is given the audience is usually tiny. Few M.P.s are present at Adjournment Debates; similarly they are virtually unreported by the media and the press. Unless anything dramatic and original is said, such comments normally disappear leaving no trace behind them; the impact of these debates is negligible.

House of Commons' Debates on Substantive Motions

The final category of business conducted on the floor of the House of Commons is the debates on Substantive Motions. Debates on Substantive Motions can be initiated by the government, by opposition parties (on their Opposition Days) and by private members. This category also includes the debate on the Consolidated Fund Bill (the Second Reading debate on this bill provides more time for private members to initiate debates), the debate on the Address and the debate on the Budget (the Ways and Means Debate). Substantive Motion debates are used when it is thought desirable to have "a clearer definition of the views of the House"[30] than could be provided by debating the adjournment of the House.

Opposition Parties can initiate a maximum of 20 debates a year by using their Opposition Days. Private members can initiate debates on the second reading of the Consolidated Fund Bill. In addition, time is provided for private members to debate their own motions on Fridays. Twenty Fridays per year are set aside for Private Members Business, of which eight are currently designated for M.P.s to discuss motions from Private Members.

During the four session study period the seven ENDPBs were mentioned in 11 debates on Substantive Motions. However five of these references were very brief. For example, the total includes the debate initiated by David Ashby, on 9th July 1984, about what the priorities should be in sport and recreation. This debate was included because speakers mentioned the Sports Council, but these references were sparse and short. Denis Howell referred to the removal of the two principal officers of the Sports Council, and charged the government with political interference, but revealed little more about the episode.[31] Similarly Colin Moynihan referred to the Sports Council's code on drug abuse, but did not expand on the subject.[32]

If these six debates are dismissed as making only an infinitesimal contribution to accountability then only a further five remain. Three of these debates also failed to contribute much to holding the body to account; their focus was the lack of resources.

For example, on 22nd November 1984, Mr Russell Johnston, using the Liberal's Opposition Day, initiated a debate which was partly about the cuts in the funds available to the B.B.C's External Service and the British Council.[33] Most of the remarks about the British Council were commendatory in order to try to persuade the government to provide it with more funds; the Council was not scrutinised or held to account.

Three useful debates remain on Substantive Motions. One of these debates - the one initiated by Clement Freud on the future of the National Theatre - did not give many details about the activities of the relevant body; in this case the Arts Council.[34] Another - that initiated by Andrew Stewart on tourism - was of limited national interest because of its focus on his constituency of Sherwood.[35] The remaining debate, on a motion from John Watson, concerned the National Parks. This debate included much information about the role of the Countryside Commission and was useful in holding the Commission to account.[36]

The only other debate that mentioned one of the seven ENDPBs was that following the announcement by Norman Lamont, the Minister of State for Industry, of the results of the government's review of tourism. This was directed at debating government decisions and was, therefore, concerned with holding the government, and not the British Tourist Authority, to account. When Paddy Ashdown attacked the government's decision to allow the same person to be Chair of the British Tourist Authority and of the English Tourist Board he was subjecting the government, not the British Tourist Authority, to scrutiny.[37]

Debates on the floor of the House of Commons: Conclusions

Debates on the floor of the House of Commons appear to contribute only marginally to accountability. Little useful information is revealed. In any case, this information has little impact and has normally been previously published elsewhere. Most of the information not easily available elsewhere tends to be of purely local interest.

In particular, no Annual Report from any of the seven bodies was debated during these four sessions. Indeed, it is almost impossible to find any comment about a Report having been uttered on the floor of the House of Commons. However, even though events on the floor of the House of Commons do little or nothing to hold such bodies to account, this does not prove that such scrutiny as a whole contributes nothing to this objective. The floor of the House of Lords has not yet been scrutinised; it is to this area that we now turn.

The House of Lords

The House of Lords, like the Commons, has both a deliberative and a legislative function. Because of the restrictions put on its capacity to alter legislation in the twentieth century, the view arose that the main strength of the House of Lords lay in its deliberative rather than in its legislative capacity. Following its attempt, in 1909, to amend Lloyd George's Budget, the House of Lords lost its power to defeat or amend financial legislation and was prevented from blocking the passage of other legislation for more than two years. From this point onwards the House's legislative role was one of revision. But, if the opportunities to influence public policy through legislation had been diminished, this was not the case about the opportunities available to influence public policy through deliberation.

The rights of Peers to initiate debates were not restricted in the same way as those of M.P.s had been reduced. Peers did not need to ballot to earn the right to initiate debates, while the rigid timetables were not imposed on other debates. Writing in the 1950s Peter Bromhead concluded that "Peers have, then, an almost unrestricted freedom to initiate debates".[38] Since the 1950s the conduct of business in the House of Lords has become more regulated. When Bromhead wrote Peers did not have to ballot for the right to initiate debates; today they must ballot for the right to initiate a debate on one of the Wednesdays reserved for such business.[39] Nevertheless, despite these restrictions, many opportunities do exist

for Peers to raise subjects for debate.

On Wednesdays, motions have priority over other business, including Government Bills. Most of these Wednesdays are given to the political parties to enable them to initiate debates of their choice. Nevertheless, until the Whitsun recess, one Wednesday per month is allocated for the discussion of two short debates initiated by backbench or crossbench Peers, for which Peers have to ballot.[40] At the end of each day's business short debates on Unstarred Questions are held; they are similar to Adjournment Debates in the House of Commons.[41]

The Lords spend a smaller percentage of their time on the floor of the House discussing non-legislative motions than does the Commons; by the 1985/86 Session the percentage of time devoted to such debates had fallen to under 19%.[42] This situation occurs mainly because the House of Lords is forced to devote a higher proportion of its time to scrutinising Bills because it makes little use of Standing Committees. In the 1985/86 Session the time spent discussing Bills or Statutory Instruments amounted to over 60% of the total.[43]

This division of time has profound implications for the ability of the House to hold ENDPBs to account. As was seen in the discussion of the legislative debates in the Commons, such debates tend to stick rigidly to analysing the legislation. Unless an ENDPB is the subject of legislation it will only be briefly mentioned. Furthermore, if it is affected by the legislation, it is likely that the references will relate solely to how these proposed changes will affect the body. Debates on proposed legislation do not provide an opportunity to hold ENDPBs to account.

The above postulate received considerable support from the analysis of how often the seven ENDPBs were mentioned in debates about legislation during the study period. During the four session period these bodies were mentioned in 24 debates. Although this greatly exceeded the number of references about them in Commons legislative debates during this period, this meant that each of these bodies was only mentioned, on average, three and a half times in legislative

debates per session. Furthermore, most of these references were marginal to accountability. The British Tourist Authority was mentioned many times in two debates about the Tourism (Overseas Promotions) (Scotland) Bill. However, these references were almost totally in the context of the proposal, enshrined in the Bill, that the Scottish Tourist Board should be able to promote Scotland abroad and that this task should no longer be the exclusive responsibility of the British Tourist Authority.

There was, however, evidence that the debates provided more information about the operations of these bodies than did their counterparts in the Commons. For example, in a debate about the National Heritage Bill, interesting details were provided by Lord Winstanley (a past Chairman of the Countryside Commission) about the way the Countryside Commission interpreted its statutory remit regarding the award of grants.[44] Although it would be wrong to imply that these debates produced a mass of new information about the activities of such bodies, they did appear to have a higher factual content and so revealed more useful information than did the debates in the House of Commons.

Part of the reason for the fact that more information was revealed in the Lords debates was the virtual absence of a system of Standing Committees. Debates on the floor of the House of Lords were the venue of detailed factual scrutiny simply because no alternative existed. This is not however, the full explanation. First, debates on Government Bills in the House of Commons are fought much more rigidly along party lines. Legislation is scrutinised in an attempt to show that it is either fundamentally flawed or perfect. But in the Lords the style of debate is more relaxed and less adversarial. Speakers are allowed the freedom to provide information without having to justify it in the context of total opposition to or total support of the bill.

Second, the main reason that more information is disclosed in House of Lords debates, is because the expertise of its members is greater. For example, a debate concerning arts issues could call on the services of a former Arts Council Chairman (Lord Rees-Mogg) a

former member of the Arts Council (Earl Haig), two former Ministers of the Arts (Lord St John of Fawsley and Lord Jenkins of Putney) as well as numerous arts' patrons. In a similar fashion, if the topic for debate was Equal Opportunites the House could call on the services of Baroness Platt of Writtle (a former Chairman of the Equal Opportunities Commission) and Lord Jenkins of Hillhead (the Home Secretary under whom the Equal Opportunities Commission was established). As Nicholas Baldwin commented, "it has become custom for only experts or at least people with considerable knowledge to speak on specialized subjects".[45]

This expertise is of most use in the debates on non-legislative topics. During the study period the seven bodies were mentioned in 31 of these debates. Although most of these references were brief, ten debates did provide substantial information, much of which was of use for the purpose of accountability. For example, a debate on 24th April 1982 on the funding of orchestras provided substantial information about the role of the Arts Council. Furthermore, several of these debates were specifically directed at topics for which these bodies were responsible.[46] For example, Lord Graham of Edmonton, on 4th April 1984, initiated a debate about Prussia Cove in Cornwall; an area of Outstanding Natural Beauty.[47] This debate focused on decisions taken by the Countryside Commission and subjected those decisions to scrutiny.

Although no Annual Report from any of the seven ENDPBs was debated by the Lords during this period one Report on a specific issue was the subject of a debate. On 6th March 1985 the House spent two and and a half hours debating a motion, initiated by the Earl of Listowel, about the Commission for Racial Equality's Report on Immigration Control Procedure.[48]

Although the House of Lords contributed more to holding these bodies to account than did the Commons even the contribution of the Upper House was small. Neither House debated any of the Annual Reports; indeed the only debate on a report was focused on asking what action the Government would take to implement its findings. The debate

on the Commission for Racial Equality's Report on Immigration Control Procedure did more to hold the Home Office to account than it did to impose accountability on the Commission.

The reason for the small contribution of parliamentary debates to holding ENDPBs accountable can partly be explained by the attitude of M.P.s and Peers. M.P.s in particular participated in debates about ENDPBs for the same reasons as they asked PQs (See Chapter Six): as was previously shown their motivation for raising issues about ENDPBs affected the contributions parliamentary debates made to accountability. For example, some of these debates were initiated not with the objective of holding the body to account but in order to further a campaign against the body's activities or to raise the issue of their abolition: the debate on Ivor Stanbrook's Private Members' Bill on the abolition of the Commission for Racial Equality is an example of this type of debate. For a fuller analysis of these issues see Chapter Six.

Correspondence and other contacts with Ministers

Although few M.P.s mentioned these ENDPBs in debates a substantial number of members wrote to ministers about these ENDPBs. This point was highlighted by the results obtained from the M.P.s' questionnaire. As was shown in Chapter Six a questionnaire was sent to 198 M.P.s with an interest in the seven ENDPBs. Forty three of these members returned useful replies: 31 of them answering the section on ministerial correspondence. In addition four members were interviewed about the way in which they held ENDPBs to account and their use of ministerial correspondence to further this objective.

The Arts Council again attracted most interest: 19 members wrote to ministers about this body. The Countryside Commission was the subject of correspondence from nine members, while the British Tourist Authority, the Commission for Racial Equality and the British Council were mentioned in correspondence by seven M.P.s. Six M.P.s wrote about the Sports Council and five about the Equal Opportunites Commission.

M.P.s were asked whether this correspondence was conducted at the

request of the bodies themselves. Once again, as the questionnaire's results in respect of PQs also showed, M.P.s rarely acted due to a request from one of these bodies. Only five members said that they wrote to a minister about one of these bodies as a result of a request from the body. Four of these members wrote exclusively about the Arts Council. For example, a Conservative member representing an East Midlands seat wrote to the Minister for the Arts about the regional organisation of arts funding as a result of a request from the Council. In a similar vein, a Conservative member representing a suburban seat in Greater London wrote, on the request of the Council, to the Minister for the Arts about the funding of a theatre in his constituency. These two examples are interesting because they are cases of M.P.s contacting ministers about issues affecting the accountability of ENDPBs on behalf of those same ENDPBs.

Two of the three remaining M.P.s writing correspondence about ENDPBs at the behest of the same ENDPBs asked about government grants to these bodies. A North Western Labour member asked about arts funding, while a Conservative member who represents a seat on the South Coast asked about the funding of the British Tourist Authority. The final member in this category was Chris Smith who wrote to ministers both at the request of ENDPBs and on his own initiative. His letters concerned the funding of theatres in his constituency and, hence, related to the accountability of ENDPBs. In total, therefore, three of these five members wrote to ministers about the accountability of the ENDPBs.

Including Chris Smith. 27 members wrote to ministers about these ENDPBs without being prompted by a request from the bodies themselves. Fourteen of these members wrote to ministers about the accountability of these bodies. For example, a Labour member representing a Yorkshire seat wrote to the Minister of Sport about the Sports Council's funding of ice sports. Similarly, a Conservative member from East Anglia wrote to the same minister about the Sport Council's role in providing all weather hockey pitches. In a similar vein a Liberal Democrat member from the North West wrote about the British Tourist Authority's award

of grants. As Chris Smith observed, in conversation with the author, M.P.s often find it more effective to deal directly with a minister than to talk to the ENDPB even when the issue is one for which the body is accountable.

In 1990, as we showed in Chapter Six, Chris Smith had fought a successful campaign against the closure of the King's Head Theatre in his Islington constituency. He did not, however, contact the Arts Council despite the fact that the allocation of funds to this theatre was the responsibility of London Arts (a subsidary of the Council) and was not decided by a minister. Instead, Mr Smith obtained a Commons Adjournment Debate and wrote to the Minister for the Arts about his concerns. Before the Adjournment Debate took place, the minister phoned Mr Smith and said that he had obtained an assurance from the Arts Council that the grant to the King's Head Theatre would not be cut. A letter to a minister combined with the threat of raising the issue on the adjournment of the Commons had resulted in an ENDPB reversing a decision. At no stage did Mr Smith meet the Arts Council, in contrast he pressurised the minister into persuading the Council to change its decision.

The other 13 members who wrote to ministers without receiving a request from an ENDPB wrote about issues for which the minister was responsible. For example, a Labour member representing a seat in the West Midlands wrote about legislative proposals that might affect the Commission for Racial Equality. Similarly, a Labour member representing an East London seat contacted a minister about general issues of racial and sexual discrimination and inequality. In total 15 of these 31 members wrote to ministers about issues for which they (ministers) were accountable. In contrast, 16 M.P.s dispatched letters about issues for which ENDPBs were responsible.

This correspondence was also characterised by a high level of constituency issues. Seventeen of the 31 M.P.s answering this section of the Survey revealed that their correspondence with ministers about these ENDPBs concerned their constiutency: only fourteen members wrote to ministers about non-constituency issues. The importance of the

constituency as a source for correspondence about ENDPBs was mentioned by the M.P.s interviewed by the author. For example, a South West Conservative member said that he had written to the Arts Minister about a threat to cut funding to Plymouth's Playhouse theatre. In a similar vein Chris Smith told the author about his campaign on behalf of the King's Head Theatre. Concern about constituency problems appeared, therefore, to be the main factor motivating M.P.s to write to ministers about these ENDPBs.

It would, however, be wrong to suppose that M.P.s received a substantial amount of correspondence from their constituents on these issues. For example, the Conservative member for a South West constituency said that he only received six letters from constituents about the Playhouse Theatre's grant. In constrast he had recently received 300-400 letters about the Community Charge and 50-80 letters about dogs and badgers. Chris Smith, however, revealed that he had received 30-40 letters about the grant to the King's Head Theatre. Although this number was small in relation to the number of letters he received about constituents' personal problems it was large in relation to the number of letters he normally received about a specific issue. He regarded five letters about an issue as indicating that a serious problem existed, while he considered that the receipt of 10-15 letters indicated that the issue was of major importance.

Satisfaction with the answers obtained was, in relation to PQs, quite high. When asked if they were satisfied with the response, from ministers, to their letters 16 members replied in the affirmative. A further six members said that their letters to ministers about these ENDPBs provoked both satisfactory and unsatisfactory replies. Only nine members said that the response to their letters had been unsatisfactory. These figures, however, masked a large difference in the satifaction of Conservative and Labour M.P.s. Fourteen of the 19 Conservative M.P.s who answered this section of the questionnaire said they were satisfied with the response from ministers. In addition, another two Conservatives received a mixture of satisfactory and unsatisfactory replies, while only three Conservatives felt that

ministers gave them exclusively unsatisfactory responses to letters about these ENDPBs. In contrast only one Labour member felt that ministers had dealt satisfactorily with correspondence about these ENDPBs. Four Labour members received both satisfactory and unsatifactory replies, while a further six Labour M.P.s just received unsatisfactory replies. The one Liberal Democrat member claimed to have received a satisfactory response.

The tendency for ministers to be more helpful to their own backbenchers than to Labour members was addressed by a Conservative member for a South West seat in his interview with the author. According to this member government ministers are much more responsive to requests from Conservative colleagues than to political opponents; ministers never want to offend a colleague. In particular, he said that it often proved effective to speak to a minister when voting in the Commons lobby. In this situation ministers have to listen to the member because they cannot escape until their vote is counted. In contrast, opposition members rarely vote in the same lobby as ministers. Sir David Price, in his interview with the author, also alluded to the advantages of being a supporter of the government. Sir David, who is Chairman of the backbench Conservative Arts Committee, said that he and his fellow committee members enjoyed excellent access to the Minister for the Arts and could easily raise issues with him.

Finally, answers to the questionnaire revealed that 14 of the 31 M.P.s referred the answers to the ENDPBs. For example, a Labour member who asked about the funding of northern arts sent the correspondence to the Arts Council. The other 17 members did not refer the replies to an ENDPB.

By writing letters to ministers and discussing issues with them M.P.s are sometimes able to alter decisions; as Chris Smith showed they can even change non-ministerial decisions such as those taken by ENDPBs. For Conservatives at least these channels offer an effective way in which executive decisions can be challenged. Although, as the questionnaire revealed, the results achieved by Labour members are less impressive it is still possible, as Chris Smith showed, for

Labour M.P.s to successfully lobby ministers.

House of Commons' Select Committees

The impact of debates in the two chambers is more than the sparse reporting of them would suggest because the government tends to take some heed of the voices of such specialists and experts. Even so they cannot be said to contribute much to holding ENDPBs to account.

What happens in the two chambers has a very marginal impact on accountability. As was seen in Chapter Five, by the 1970s academics and politicians had come to recognise that events on the floor of either House of Parliament could do little to hold the executive to account. Out of this recognition grew the demand for a more comprehensive system of Select Committees. Some politicians still opposed the development; these opponents were led by Michael Foot, who used his position as Leader of the House of Commons to try to prevent the reform being enacted. Foot argued that the establishment of an extensive system of Select Committees would draw members away from the Chamber. It was debate in the Chamber, not Select Committee inquiries, that was, in Mr Foot's view, the key to holding the executive to account. In Foot's opinion "everything which diminishes true debate on the Floor of the House of Commons strengthens the executive and weakens Parliament".[49]

Foot found himself in a minority on this issue. Almost as soon as he was replaced as Leader of the House of Commons by Norman St John Stevas, the Departmental Select Committees were created. St John Stevas was a fervent advocate of these changes. In the House of Commons on 25th June 1979 he declared this innovation to be "the most important Parliamentary reform of the century".[50] Edward Du Cann went so far as to assert that the creation of Select Committees was a watershed in parliamentary history that proved that "Parliament is not in decline, is not ineffective".[51] Norman St John Stevas and Edward Du Cann like many of their fellow parliamentarians saw the establishment of these Select Committees as representing a shift in the balance of power between the executive and Parliament.

As Norton commented, the Select Committees "constitute a considerable improvement on what had gone before".[52] For the first time the coverage of government departments by Select Committees could be described as potentially comprehensive. Their workload was significantly greater than that undertaken by Select Committees in previous years. In the first three years of their operation the 12 Departmental Select Committees, the Scottish Affairs Committee and the Welsh Affairs Committee held over 1700 meetings and produced 172 substantive Reports and 37 secondary Reports.[53] As Walles observed, in just three years the Committees managed to establish "a right to be kept informed by their department".[54] Scrutiny by Select Committees had become accepted as a permanent fact of life. Sometimes Select Committee Reports resulted in significant changes in government policy, for example, the 'SUS' law was abolished following the publication of a Report from the Select Committee on Home Affairs.

Nevertheless, as Giddings argued, this change was a "marginal, incremental adjustment to one of the features of the complex web of inter-relationships between the House of Commons and Ministers of the Crown".[55] The creation of these Select Committees did not transform the relationship between Parliament and the executive. First, the effectiveness of committees has been reduced by their continued operation in the context of a tight system of party discipline; to be effective unanimous Reports must be produced. But it is hard to achieve consensus over topics impinging on the main areas of political controversy.

This theme was discussed by Robert Kilroy-Silk who claimed that to avoid the problem of the committees splitting along party lines, they often analysed uncontroversial topics; "the main areas of political debate were skirted around".[56] Kilroy-Silk argued that the Select Committees were essentially preoccupied with areas of secondary political importance. This argument was supported by John Golding, the chairman of the Employment Select Committee. Golding noted that "on major issues of policy the Committee are unlikely to reach an agreed view between Conservative and Labour members. We have therefore sought

those policy items where members of different parties can agree, such as the disabled ..... Recognising the existence of party divisions, we try to minimize their effect on our work".[57]

Second, very few of the Reports are debated on the floor of the House; only five Select Committee Reports were debated in the first three years of their existence. These Reports are, therefore, rarely considered by Parliament as a whole and could be viewed as marginal to the main business of the House. However, very few acts of government are the subject of debates in Parliament. It is perhaps more profitable to think in terms of Select Committee inquiries being an alternative to scrutiny on the floor of the House which, as we have seen, is not very effective. The Select Committee Reports often attract much more attention and publicity than do most parliamentary debates; they are often a better vehicle through which to raise an issue. Initiating a debate is often not the best way to get the government to change its mind, especially if to do so looks like a defeat for the government. By contrast, criticism from a Select Committee might be easier to accept given their bi-partisan and expert approach.

The utility of the Departmental Select Committees for accountability is undermined by two key problems. First, they simply do not have the manpower or the resources to impose scrutiny except on an irregular and limited basis; the scale of the task is just too great. To illustrate this problem using Dermot Englefield's survey, the topics covered by the Departmental Select Committees in their first four years of operation were examined.[58] Between the 1979/80 and 1982/83 sessions the Select Committees produced 12 Reports about ENDPBs. Six of these reports were devoted to one of these bodies, the Manpower Services Commission. Another, that on the White Fish Authority, was of very limited use because of its restricted scope and brief length. It dealt solely with the question of whether the proposed increase in its levy was justified and was the product of a one day's inquiry in Aberdeen.[59]

Another Report, on the use of public funds to finance the arts,

was only partly concerned with the accountability of an ENDPB, though it did mention the role of the Arts Council in this process.[50] What remains are two Reports on the Commission for Racial Equality and two Reports concerning the Health and Safety Commission; this does not represent a very high degree of scrutiny. During the four year period only six out of the 400 plus ENDPBs were the subject of any inquiry by a Departmental Select Committee. The establishment of the Select Committees cannot be said, therefore, to have contributed a great deal to holding ENDPBs to account.

Second, Departmental Select Committees have found that ENDPBs are often reluctant to blame ministers even if ministers are at fault. This point was raised by a North Western Labour member in conversation with the author. This member, who sat on the Environment Select Committee, cited an example involving the National Rivers Authority. Although the Select Committee knew that the National Rivers Authority did not have the resources to carry out their duties it could not persuade the Authority's witness to admit their need for more funds from the government and so blame ministers. In a similar vein, this member cited another example involving the Health and Safety Executive. Witnesses from the Executive were unable to answer adequately questions concerning the problem of sick-building syndrome. The Committee strongly suspected that the Executive did not have enough inspectors but could not get the Executive to acknowledge that government was not providing sufficient funding. In conclusion he argued that ENDPBs were reluctant to say that their sponsor departments were at fault because of the power of ministerial patronage. Ministerial appointees felt that if their bodies criticised the government they would not be re-appointed. In consequence ENDPB witnesses were reluctant to make any criticisms of government policy.

Select Committee scrutiny of arts issues is also hampered by the way in which governmenatal responsibilities are allocated. Sir David Price, in an interview with the author, drew attention to this problem. Although the Education and Science Select Committe had jurisdiction over the Arts Council it did not have oversight over arts

issues covered by the Home Office, the Department of the Environment or the Department of Trade and Industry. It did not, for example, have jurisdiction over arts exports (a responsibility of the Department of Trade and Industry) or most aspects of broadcasting (the responsibility of the Home Office).

The Departmental Select Committees are not, however, the only permanent Select Committees of inquiry, and it is necessary to consider the Public Accounts Committee and its role in enforcing financial accountability. The Public Accounts Committee was established by Gladstone in 1861 and it formed part of the overall parliamentary system of financial scrutiny. But since that time most of the other devices through which a measure of financial scrutiny used to be secured have ceased to be used for this purpose. For example, Supply Days (Opposition Days) are no longer used to hold financial debates but are given to the opposition parties to raise whatever topic they choose (see above). These developments thrust the main onus of financial accountability onto the Public Accounts Committee.

In recent years more opportunities to scrutinise financial issues have been provided. Since 1982 three days per session have been allocated to debate the Estimates, while since 1979 the Departmental Select Committees have been able to look at the expenditure of the departments they shadow. Nevertheless, the main responsibility in this field still lies with the Public Accounts Committee.

The Public Accounts Committee has probably the highest prestige of any Select Committee. In his book Ministers and Mandarins Jock Bruce-Gardyne was moved to comment "This is the one Select Committee that the Whitehall villagers take seriously".[61] Indeed, its chairman is always a senior opposition politician, usually with Treasury experience. In recent times it has been presided over by such prominent ex-Treasury Ministers as Harold Wilson, John Boyd-Carpenter, Robert Sheldon, Harold Lever, Edward Du Cann and Joel Barnett.

The Public Accounts Committee conducts its work in conjunction

with the National Audit Office, under the Comptroller and Auditor General. The audits are carried out by the Comptroller and Auditor General and his staff of over 600. The audits are then presented to the Public Accounts Committee. These Reports provide the material for the Committee's subsequent investigations. Originally the Committee was established solely to ensure that funds were spent in the way that Parliament had intended and in conformity with the law. Gradually, the Public Accounts Committee's role has increased beyond these narrow constraints. The Committee followed the lead given by the Comptroller and Auditor General and began to look at the issues of "administrative efficiency and effectiveness and value for money".[62] This development was given a statutory basis by Norman St John Stevas' National Audit Act (1983). This act "gave authority for the Committee not only to examine whether public expenditure had been spent as authorised but also to consider the efficiency and effectiveness of the expenditure".[63]

The Public Accounts Committee has two vital advantages that distinguish it from other Select Committees and secure its excellent reputation. Drewry's analysis reveals these advantages. First, it is assisted by the extensive staff under the Comptroller and Auditor General.

Of even greater importance is the support it receives from the Treasury. Treasury officials are present at Public Accounts Committee inquiries and the Treasury helps to ensure that the Committee's recommendations are implemented.[64] The key to the success of the Public Accounts Committee appears to lie in its relationship with the Treasury. This theme was developed by John Boyd-Carpenter. In reflecting on his six years as the Chairman of the Public Accounts Committee Boyd-Carpenter observed that during his chairmanship much had been achieved. This success was measured in the acceptance of many of the Committee's recommendations by the Treasury with whom it "worked closely, to secure improvements in the methods of financial control in government departments and other public bodies".[65] The Committee's success was based on a convergence of objectives with one

government department (the Treasury) and access to a large and specialised staff. It was, thus, a Select Committee apart.

The Public Accounts Committee can subject ENDPBs to a great deal of scrutiny. An example of this is provided by the inquiries the Committee made into the Comptroller and Auditor General's audit on the Highlands and Islands Development Board in 1982. The Committee was able to call very senior executives of the Commission and cross-question them in great detail about issues arising from the accounts. On 29th March 1982, for example, the Committee was able to question several key witnesses, including R. Cowan (the Chairman) and J. A. MacAskill (the Secretary) of the Board.[66]

The questioning went on for a considerable time and produced additional information about the activities of the Board. For example, by diligent questioning, Willie Hamiliton and Joel Barnett were able to discover much about the relationship between the Board's grants and the jobs this money creates. They were told that the average cost of each new job was £3,600 and that the cost of £40,000 per job of the 'Stofisk project' was the highest in the history of the Board. Such scrutiny reveals much more than the body's Accounts are ever likely to do.[67] However, given the number of ENDPBs, these bodies are rarely scrutinised by the Public Accounts Committee. Indeed, most ENDPBs never have to account to the P.A.C.

Many ENDPBs are outside the scrutiny of the Public Accounts Committee because they do not have to have their Accounts audited by the Comptroller and Auditor General. The 1990 version of Public Bodies recorded that out of a total of 374 ENDPBs only 101 of these bodies are subject to a full audit by the Comptroller and Auditor General; in the case of 43 of the other ENDPBs the Comptroller and Auditor General does not even have access to the Accounts.[68]

Even if the Comptroller and Auditor General had access to all the Accounts produced by ENDPBs this would still not allow the Public Accounts Committee to hold them accountable. The Committee is heavily constrained by the resources available to it, especially the time of its members. It can seldom look at the accounts of any ENDPBs, given

that it must also scrutinise Departments. The effect of giving the Comptroller and Auditor General access to the accounts of more ENDPBs would just mean that the Public Accounts Committee had a greater choice about what issues to investigate. Such greater choice could eventually mean that some ENDPBs would receive less, and not more, scrutiny, if the Committee tried to cover more organisations.

Some Alternatives

Another institution used to hold the executive to account is the Parliamentary Commissioner for Administration or Ombudsman. The Ombudsman, since its establishment in 1967, has been generally considered a success in forcing the bureaucracy to be accountable for mistakes of maladministration. The problem in relation to ENDPBs, as was noted in Chapter Five, is that most of them are not amongst the list of organisations that the Ombudsman can investigate.

Committees of Inquiry also have the potential to contribute to accountability. The reports of such committees are useful in putting a specific body under the spotlight; they often reveal much about the body that cannot be learned through reading the Annual Reports. In particular, they provide an opportunity to appraise and criticise the work of such bodies. But, as was seen in Chapter Five, Committees of Inquiry cannot provide the means through which systematic and comprehensive scrutiny can be imposed. They are only of use as an addition to the process of accountability: they cannot, and should not, be used as a substitute for a regular method of control. Their contribution to accountability is marginal.

The institutions designed to exercise vertical accountability all suffer from one key restriction: the size of the state is too great to allow them to impose comprehensive, continuing and systematic scrutiny. The failure of these structures to do the above raises the question of whether other organisations are better suited to perform such scrutiny.

The press and other media could play a key role in this process. Although, as we saw in Chapter Seven, they cannot provide detailed

scrutiny they do have the capacity to publicise key issues and discover mistakes and policies that are either inequitable or which do not enjoy widespread public support. In this way the media have the potential to act in a fashion akin to the Comptroller and Auditor General. They can identify problems that warrant further investigation. However, as the analyis in Chapter Seven emphasised, the media has very little interest in these bodies. The generalist press mainly confines itself to reporting key issues, while the specialist press also takes little interest in these bodies. Only publications produced by the ENDPBs themselves contain a large number of articles about the actvities and opinions of these bodies. Unfortunately, as we showed in Chapter Seven, this coverage is not critical but congratulatory.

Although the media rarely report the activities and opinions of these bodies their capacity to put issues concerning these ENDPBs onto the political agenda is still important. This capacity is part of a concept of accountability that extends beyond the traditional and vertical framework. It highlights the reality that an ENDPB cannot ignore public opinion, even if it is not being held to account effectively in a vertical direction.

However, public opinion is seldom sufficiently well organised to hold anything to account. In practice, a public outcry will only have an effect in a tiny number of well publicised instances, often after pressure has been exerted through vertical channels. Nevertheless, it is possible for well organised peer and client groups to exert influence. As was seen in Chapter Five, groups can exert influence through a large matrix of advisory committees and often have representatives on the Boards of the bodies themselves. In many cases it would not be possible for the body to operate successfully without the co-operation and support of peer and client groups. In effect, ENDPBs have to be responsive to such groups in order to be able to carry out their responsibilities.

Responsiveness to such organised interest groups, as was seen in Chapter Five, may not help the broad process of accountability. ENDPBs

could become captive to the interests of various private groups; these bodies could become less the servants of society as a whole but more the servants of their peers or clients. The problem is that these pressures are not counter-balanced by strong channels through which to exert accountability in a vertical direction.

Conclusion

The existing methods of holding ENDPBs to account are insufficient and unsystematic. Parliamentary debates about legislation contribute almost nothing to accountability. Unless an ENDPB is the subject of the legislation any references made to it in the course of one of these debates are likely to be brief and of no use for accountability. Even when a bill is about an ENDPB the discussion is usually concerned with debating the need for the proposed changes and not with analysing the performance of the ENDPB.

Parliamentary debates on motions potentially offer a better opportunity to hold ENDPBs to account. Motions can be used to debate the performance of ENDPBs in general, the activities of a specific ENDPB or a particular action of an ENDPB. In practice, however, ENDPBs are rarely the subject of parliamentary debates on motions. The problem is that time is limited for these debates and that many other subjects have a prior claim to be discussed. For example, opposition parties usually choose to debate issues at the heart of the party battle so that they can highlight the failings of government policy and put forward their own alternative. Because ENDPBs are rarely at the centre of the party battle they are seldom chosen for debate by the opposition.

Correspondence and meetings with ministers can be effective in holding ENDPBs to account; however M.P.s supporting the government are much more likely to be successful than opposition members.

The Ombudsman (Parliamentary Commissioner for Administration) is also of limited use in holding ENDPBs to account because all but a few of the bodies are outside his remit. Indeed, the Commissioner's investigations are confined to cases of maladministration and so are

restricted to pursuing a narrow type of accountability.

The Departmental Select Committees and the Public Accounts Committee are not restricted by a narrow brief; however their capacity to hold ENDPBs to account is constrained by their lack of resources relative to the large size of the state sector.

This unfavourable view of the effectiveness of parliamentary arrangements for accountability was not shared by the M.P.s who answered the questionnaire. When they were asked if Parliament had sufficient oversight and accountability over these bodies 22 out of the 43 members replied that they were satisfied. Only 16 members expressed dissatisfaction, four M.P.s did not answer the question and one thought that Parliament should not hold ENDPBs to account. Those satisfied were, however, mostly Conservative members. In total 20 out of the 22 M.P.s satisfied with Parliamentary arrangements for accountability were Conservative M.P.s. In contrast, 13 out of the 16 M.P.s who were dissatisfied took the Labour whip. While, the one member who thought that Parliament should not hold these bodies to account was a Liberal Democrat who believed that such scrutiny should be devolved to regional and local government. The way in which most members viewed arrangements for accountability, therefore, appeared to be determined by party allegiance and whether ministers are political allies or adversaries. Furthermore, 15 of the 20 Conservatives satisfied with these arrangements were elected at or since the 1979 General Election and had never been in opposition. Their satisfaction with the system could, therefore, be partly based on an ignorance of the difficulties faced by opposition members in dealing with an executive staff by political opponents. In contrast the three Conservative members who expressed dissatisfaction with these arrangements entered the Commons prior to 1979 and, thus, served on the opposition benches.

The ability of M.P.s to hold these ENDPBs to account is also determined by their parliamentary reputation. This factor was highlighted by Sir David Price in his interview with the author. According to Sir David, each member's effectiveness is, at least

partly, determined by his reputation in Parliament. An effective and well respected member would, therefore, be better able to hold an ENDPB to account than a member whose abilities were not held in such high esteem.

Clients and peer groups can have a direct impact on ENDPBs through service on committees and boards and ensure that ENDPBs are accountable in a downward or horizontal direction. However, unless this influence is counter-balanced by vertical accountability the ENDPBs risk becoming too responsive to their peers or clients and of ignoring wider interests.

The problem of holding ENDPBs to account is one of how to develop a comprehensive system of public accountability. Such a notion must not confine itself to the convention of ministerial responsiblity but must venture much beyond its constraints. It is to the challenge of developing such a system that we now turn.

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68. Public Bodies 1990; 1990 Non-Parl. Cabinet Office

Chapter Nine Conclusions and Recommendations

Central to the debate about how to hold Executive Non-Departmental Public Bodies (ENDPBs) to account is the dilemma of the dichotomy of control and independence. Any scheme to make such bodies more accountable must ensure that its implementation does not destroy the independence that these bodies enjoy. ENDPBs were originally established at arm's length from the government because such arrangements were thought to provide a better administrative structure for the performance of their executive duties.

The arm's length separation from government would enable these organisations to be more flexible, adaptable and responsive to the demands made on them. This approach would also enable certain sensitive areas to be de-politicised and could enable the bodies to forge closer links with those individuals and organisations active in the same field. For example, the creation of the Arts Council helped to ensure that government grants to arts reflected the views of the artistic community and the merits of the performers, not the views of Westminister or Whitehall. Because the Arts Council, and not government, awarded these grants, the threat that political considerations and not merit would determine their allocation was removed. The close links forged with the artistic community, not least by the service of many of its members on the Board of the Arts Council, ensured that the Council's allocations reflected an accumulated stock of artistic wisdom.

In effect the government was saying that it was much more efficient for certain executive duties to be conducted by single purpose organisations detached from government, rather than by departments directly accountable to a minister responsible to Parliament. When the demands of efficient government required the system of ministerial responsibility be circumvented, efficiency was to take precedence over accountability. Furthermore, it would be impossible for Whitehall to oversee directly all the executive tasks performed by modern government. The scale of contemporary

government demanded the hiving-off of many executive functions to semi-autonomous bodies.

It is not correct, however, to talk in terms of a direct trade-off between independence and efficiency on the one hand and accountability on the other. A lack of accountability can lead to inefficiency. It has long been accepted that some sort of oversight, scrutiny and control is necessary to keep organisations both responsive and efficient. And, since public money is involved, accountability for the spending of that money must be instituted. What is at issue is the form this accountability should take and how much of it is required.

Accountability and control are not just required to keep ENDPBs efficient but are needed to ensure that they are responsive to democratically elected politicians over matters of policy. This requirement must be balanced against the need to allow the bodies to retain scope for independent decision taking. It is vital that some form of Vertical Accountability to democratically elected representatives is maintained. This requirement is especially important where a body is effectively held to account by clients or peer groups. Without strong vertical controls such a body might become less an agent of government and more a lobbyist for powerful and well organised interest groups. If this type of arrangement is allowed to develop society will become far more corporatist in nature. In such a situation ENDPBs would not be accountable to society as a whole but each one of these bodies would be responsive to one or two key organisations or lobbies.

The problem of holding ENDPBs to account is one of finding the optimal balance between accountability and independence. In establishing such a balance the affect this choice will have on the body's policy and its efficiency must be considered. This choice necessitates a judgement about whether the gains won from greater independence or control outweigh the losses imposed by the surrender of flexibility or oversight.

A variety of devices are used to secure accountability. However,

the contemporary arrangments of British government seem to lack effective mechanisms to ensure that continuous and comprehensive oversight takes place. In Chapter Six it was shown that PQs contributed little to holding ENDPBs accountable. Out of the seven bodies analysed only the Arts Council received a substantial number of PQs relevant to accountability. Most PQs were either unrelated to the accountability of Executive Non Departmental Public Bodies or not given a proper answer. In Chapter Seven the quality of information about the activities of these bodies was assessed. Although a significant level of information was available it was not comprehensive. Many ENDPBs produced an Annual Report but not all were published; similarly these Reports varied in quality. Although the media contained reports about the activities of the seven selected ENDPBs their interest was limited. Even most of specialist publications made no more than a few references per year to these bodies. Only publications owned by the bodies themselves took an extensive interest in their activities. Unfortunately these publications, such as British Travel News, Countryside Commission News and Sport and Leisure, were promotional documents and contained no criticisms of these ENDPBs.

As we saw in Chapter Eight, British government only provides for such oversight on a piecemeal and selective basis. ENDPBs are seldom mentioned in parliamentary debates and ENDPB Annual Reports are rarely, if ever, debated in Parliament. Most of the few references about these bodies in parliamentary debates are not concerned with accountability. In general M.P.s are not interested in the work of ENDPBs unless it becomes controversial from a party political or constituency point of view. In the House of Lords references relevant to the ENDPBs' accountability are even more infrequent than in the Commons; however when debates about ENDPBs are held the quality of comment is normally higher than in the Lower House. Given their large remit and lack of resources the Commons Departmental Select Committees also contribute little to holding ENDPBs to account. Despite its support from the National Audit Office, the Public Accounts Committee

is also unable to hold most of these bodies to account because few ENDPBs are required to subject their accounts to its scrutiny.

The degree to which Vertical Accountability is enforced is often totally dependent on the interest of M.P.s and Peers. If a Member of Parliament or a Peer is interested in the activities of a certain ENDPB he or she will ask questions and initiate debates about it, otherwise it will receive little scrutiny. In practice M.P.s and Peers do not devote themselves to holding specific ENDPBs to account. M.P.s in particular have many other demands on their time. Much of the accountability that is enforced by M.P.s occurs within the context of the party battle. When a Dale Campbell-Savours or a Tam Dalyell confronts the Prime Minister at Question Time they usually ask about subjects that will show their political opponents in a bad light. M.P.s and Peers ask few PQs about ENDPBs (see Chapter Six) and seldom initiate debates about their activities (see Chapter Eight). There is evidence of a significant level of correspondence between M.P.s and ministers about these bodies, with some positive results (see Chapter Eight). The effectiveness of this correspondence does, however, often depend on whether the writer is a government supporter or an opposition member. In general parliamentary activities contribute little to holding ENDPBs to account.

Given the scale of modern government the activities of all the institutions of scrutiny combined can only deal with the tip of the iceberg. This situation led some critics to combine an attack on the unresponsiveness of Quangos with a call for the role of the State to be reduced: a position championed by Phillip Holland. Holland supported the introduction of 'Sunset Legislation': measures which impose "a time limit at the end of which the Quango is automatically terminated unless specific action is taken by the legislature to extend its life".' Holland looked at the United States' experience with 'Sunset Laws' and concluded that it "appears to have been effective both in reducing the number of official bodies quite substantially whilst deterring the executives of the States from lightly establishing new ones ..... In other words, it works".[2]

Holland's central concern was with what he saw as the proliferation of this secondary bureaucracy. This proliferation had to be curtailed because it extended the scope of government into areas in which, he thought, it had no right to interfere. For example, in The Quango Death List.[3] Holland cited a whole range of bodies that should be wound up because the tasks they performed were not appropriate for government to carry out. This theme was partly taken up by the Pliatzky Report (1980). The Pliatzky inquiry was charged with conducting a critical review of Non-Departmental Public Bodies "with a view to eliminating any which had outlived their usefulness or which could not be justified in the context of the Government's objectives of reducing public expenditure and the size of the public sector".[4]

Even before the Pliatzky review reported government ministers were announcing the abolition of Non-Departmental Public Bodies. At the Department of the Environment, Secretary of State Michael Heseltine declared that 57 out of its 119 Quangos would be abolished at a saving of £1.4 millon per annum. This total included ENDPBs such as the Location of Offices Bureau.[5] After Pliatzky's team reported this process gathered momentum.

Following the publication of the Pliatzky Report in January 1980, the government announced the intended abolition of many Non-Departmental Public Bodies: for example 30 ENDPBs were amongst those destined for oblivion.[6] Later in 1980 the government announced a second round of abolitions; including a further 28 ENDPBs. The government claimed that by 1983 the total savings due to the abolitions would amount to £23 million per annum.[7] In 1982, Mrs Thatcher announced a third round of abolitions; as part of these cuts a further 112 ENDPBs would go.[8] Holland was fulsome in his praise for this exercise and described the government's success in this field as "a quite remarkable achievement by any standards".[9] However, these reductions were often more apparent than real. Some of the abolitions were actually just mergers while the reductions were partly offset by new creations. Although the government, between 1979 and 1982, had

annouced the abolition of 170 ENDPBs the net reduction was gradually eroded by new creations. The 1990 Public Bodies acknowleged the existence of 374 ENDPBs[10]; this total was 115 fewer than the number recorded by the Pliatzky Report in 1980. As Christopher Hood argued, "the non-departmental public body seems to be too useful an expedient for politicians to discard lightly".[11]

The objective of dramatically reducing the number of Non-Departmental Public Bodies can be judged to have failed. This failure means that it is all the more vital to improve the mechanisms by which these organisations are held to account. The number of activities for which they should be accountable is still significant. Furthermore, the range of their duties is too large to allow the existing mechanisms of public accountability to hold them to account on a comprehensive and systematic basis.

As was seen in Chapter Two the Pliatzky Report made recommendations designed to help enforce accountability; however this analysis offered no solution to the problem of how to ensure that this accountability was both systematic and comprehensive. In ignoring this issue the Pliatzky Report failed to tackle the key problem of accountability. Furthermore, Pliatzky almost seemed to imply that the central role in accountability should be played by the sponsoring departments and he said little about external means of accountability.

The prospect of public scrutiny by an organisation which was not itself the direct responsibility of a minister is much more likely to make the body responsive to popular demands than scrutiny by its sponsor department, largely conducted behind closed doors. Yet the demand for more external scrutiny raises the problem of how to ensure that this scrutiny can approach regularity and comprehensiveness.

To achieve the above objectives, improvements need to be made in the information available on which to build the process of accountability. Although, as we saw in Chapter Seven, quite a substantial amount of information is available, two key deficiencies need to be overcome. Whilst much information is available about ENDPBs generally it is not easy to obtain information about each one of them.

To ensure that all such bodies are accountable sufficient information must be available about each one. For example, the bodies not publishing Annual Reports must start to do so, and all the existing Annual Reports must conform to the ideal model we established in Chapter Seven.

The latter requirement would mean that such Annual Reports should attempt a genuinely critical appraisal of the body's work. However, in the real world, it is perhaps unrealistic to expect the bodies to conduct a fair and critical appraisal of their own performance. To conduct these appraisals it might be necessary to establish a separate agency. Such an agency should soon acquire the specialist expertise needed for this role. It would be necessary to take steps to ensure that this was effectively independent from the government of the day.

For this kind of scheme to be really effective the body would need access to many of the ENDPBs internal documents. To facilitate this process it might be appropriate to combine the reform with the implementation of a Freedom of Information Act. For a scrutinising organisation to be sucessful it would be essential that its operations would not be impaired by a lack of access to the files. As Birkinshaw, Harden and Lewis observed "freely available information is clearly an indispensable prerequisite of any democratic political system".[12]

Such an organisation would have the task of preparing unbiased information to present to Parliament; however it would not necessarily be right for it to do more than this. The task of holding ENDPBs to vertical account is one for the elected representatives of the people. Parliamentary institutions would have to pursue accountability further and follow up certain points in detail. This brings us once again against the old problems of scale and time; how could Parliament seriously investigate these bodies, on a comprehensive and regular basis, given the lack of time available.

First, the resources available to M.P.s need to be increased; more staff, office space and much better back-up facilities provided.

Second, the role of the Departmental Select Committees could be enhanced. Indeed, 15 of the 43 M.P.s who replied to the questionnaire called for more Select Committee scrutiny of these bodies

One method of achieving greater scrutiny might be through the greater use of sub-committees of the Departmental Select Committees. In his interview with the author the North West Labour M.P., however, opposed this suggestion. This M.P. argued that if sub-committees were used for Select Committee work a danger existed that the resultant reports might reflect little more than the personal views of a couple of members. Because M.P.s have a heavy workload committee members are rarely able to attend each session. In a Committee of eleven members this does not matter because several M.P.s will always be present at each session, however in a sub-committee of four or five M.P.s such absenteeism might result in the inquiry being conducted by a couple of members. In such circumstances the report would be unlikely to be influential. Although this objection could be overcome by increasing the number of members serving on the Departmental Select Committees, in practice it might be difficult to persuade a sufficiently large number of members to serve. Nevertheless, if the number of M.P.s was increased such an expansion in the number of sub-committees would become possible. Similarly, if power was devolved to the regions or conceded to the European Community it might be possible to increase the number of sub-committees in some areas by abolishing or reducing the scope of Select Committees whose remit covered areas over which Parliament now exercised little or no control.

Second, these bodies might receive more scrutiny in Parliament if time was made regularly available for deliberation on their activities; this could take the form of debates on their Annual Reports. To find time for such debates morning sittings could be utilised.

These reforms would not make the situation perfect but they would represent an improvement on the existing situation. The implementation of reform would demonstrate that we are serious about wanting to hold such organisations to account. In the late 1980s the

issue of how to hold Quasi-Government accountable is even more relevant than it was during the debate of the 1970s; because hiving-off has come back into fashion, with the publication of the The Next Steps Report (See Chapter Four). As shown in Chapter Four the creation of these bodies is accompanied by key accountability problems. Although it is, perhaps, too soon to assess the accountability of these agencies given the conflicting requirements of ministerial responsibility and operational independence it is possible that the present arrangements will prove unsatisfactory (See Chapter Four).

The Next Steps proposals do, nevertheless, provide an interesting model that could be adapted to the ENDPBs. It would be possible to draw up specific 'framework style' agreement between government departments and their sponsor ENDPBs. As in the case of the Next Steps agencies, each ENDPB could be given an operational framework. The guidelines on the control, accountability and review of NDPBs outlined in Non-Departmental Public Bodies: A Guide for Departments could be used as the basis for these frameworks and adapted to meet the requirements of each body. There would also be scope for each framework agreement to include clauses that specifically related to that ENDPB and its duties. For example, the agreement would clearly define the ENDPB's funding arrangements, its functions, the powers retained by ministers in relation to the body and outline specific targets. Similarly, the agreement would deal with issues such as the provision Annual Reports and accounts.

The Next Steps formula would have to modified because ENDPBs would expect more independence than the Executive Agencies. In particular, ENDPBs expect independence to take policy decisions, the independence given to Executive Agencies is concerned with management rather than policy; while ENDPBs are Non-Departmental Bodies, Executive Agencies are Departmental Bodies. ENDPBs would be subject to a 'resources framework' rather than to a 'policy and resources' framework' (See Chapter Four).

Even if such framework agreements did no more than codify the existing situation they would be beneficial for the accountability

because they would make it easy to measure the performance of ENDPBs in respect of the issues covered. While requirements to release information about their activities and opinions might make it easier to hold these bodies to account for policy matters which would not be included in the agreements. Accountability arrangements should be improved by clearly outlining the independence enjoyed by the bodies and the control government exercised over their activities.

The phenomenon of Quasi-Government seems to be a theme of the age. As Hood and Schuppert showed, the growth of Para-government organisations (their phrase for Quasi-Government) is an international phenomenon, not one confined solely to Britain and the United States. This growth poses an international challenge. Governments are faced with the problem of how "to keep them under control".[13] To do this Hood and Schuppert argued that new ideas that "are not just a repetition of old-fashioned core government based theory"[14] are required. Whilst paying due respect to traditional concepts of accountability, which they termed 'comptrol', Hood and Schuppert put forward a different approach. Fearing that traditional methods of accountability would destroy the virtues of "autonomy, flexibility, user-responsiveness and subsidiarity"[15] that Para-Governmental Organisations (P.G.O.s) possessed they argued that traditional methods of accountability should be replaced by a system in which P.G.O.s were held accountable by a combination of clients, peers and markets. As part of this system Hood and Schuppert argued that the P.G.O.s should be restrained by rivalries both within themselves and from other P.G.O.s. Internally, Hood and Schuppert welcomed the restrainng influence that operates when P.G.O.s have to "balance the needs of the various veto groups built into its structure"[16] and "command a wide basis of consent before major initiatives or changes are embarked upon".[17] Similarly they looked favourably on the capacity of conflict and rivalries between P.G.O.s to hold each other to account and saw this process one of the Madisonian principle of "ambition checking ambition".[18]

Hood and Schupprt advocated this system of accountability as an

alternative when traditional methods proved unable to secure accountability. This conclusion, however, does not deal with the problem of corporatism and fails to address the problem of what to do if clients and peers hold these bodies to account in their sectional interests and not in the broader national interest. Similarly the analysis fails to ask if it is always desirable to use market forces or fellow P.G.O.s to hold these bodies to account. The key problem is that Hood and Schuppert seem to regard non-democratic accountability as an acceptable alternative when democratic accountability fails to deliver. They do not consider whether their alternative makes P.G.O.s accountable to the right structures.

Given this problem with the approach advocated by Hood and Schuppert it is perhaps better to strengthen the traditional comptrol structures, rather than develop a totally new approach. However, these more conservative proposals have far-reaching implications for parliamentary democracy. In particular, these reforms would strengthen the position of the backbench M.P.; with extra staff and resources they would be more able to challenge government decisions. M.P.s might choose to examine the activities of ENDPBs but equally they might take more interest in government departments. Ministers would become subject to greater scrutiny because departments no longer would have such overwhelming advantages, as regards resources and information, over ordinary backbench members of parliament. Increasing the number of M.P.s involved in Select Committee inquiries could ultimately help to change the nature of the job. Backbench M.P.s might come to see their role more as scrutineers of executive action rather than aspirants for ministerial office or mere participants in the party battle. Furthermore, the increase in the power of backbenchers could improve the calibre of M.P.s and, at the same time, increase the workload and reduce the number of part-time members.

The introduction of a Freedom of Information Act would further reduce the information advantage of the executive over both M.P.s and the public and should increase public interest in government activities and increase scrutiny of government decisions. The creation

of an agency to appraise the activities of ENDPBs, if successful, could lead to the establishment of similar agencies to monitor government departments. In effect, reforms introduced to hold ENDPBs to account would probably change the whole nature of the accountability of British public administration. If the reforms were judged successful the demands to extend the procedures to cover the rest of government would be hard to resist.

Chapter Nine Footnotes

1. Holland, P. The Governance of Quangos. Adam Smith Institute, 1981. p.57
2. ibid.
3. Report. p.4; 1979-80 Cmnd. 7797, lxvii
4. ibid.
5. Anon, "Heseltine fires first in the great quango shoot", The Economist., 22 September 1979. p.27-28
6. Greenwood, J. & Wilson, D. Public Administration in Britain. Allen and Unwin, 1984. p.172
7. Hood, C. "Axeperson spare that Quango", in C. Hood, & M. Wright, ed. Big Government in Hard Times. Martin Robertson, 1981. p.102
8. Greenwood, & Wilson, op.cit., p.172
9. ibid.
10. Public Bodies 1990; 1990 Non-Parl. Cabinet Office
11. Hood, op.cit., p.120
12. Birkinshaw, P., Harden, I. & Lewis, N., Government by Moonlight. Unwin Hyman, 1990. p.248
13. Hood, C & Schuppert, C.F. ed. Delivering Public Services in Western Europe. Sage, 1988. p.260
14. ibid.
15. Hood & Schuppert, op.cit., p.254
16. Hood & Schuppert, op.cit., p.256
17. ibid.
18. Hood & Schuppert, op.cit., p.257

Appendix One: Bodies recommended by the Commons Select Committee for inclusion within the Parliamentary Commissioner's jurisdiction (1983-84).

Agricultural and Food Research Council
Agricultural Wages Board for England and Wales
Agricultural Wages Committees (England) - Multiple Bodies - 24 ENDPBs.
Arts Council
Attendance Allowance Board
Aycliffe Development Corporation
Basildon Development Corporation
British Board of Agrement
British Film Institute
British Museum (Natural History)
British Technology Group
Central Bureau for Educational Visits and Exchanges
Central Lancashire Development Corporation
Civil Aviation Authority
Commission for the New Towns
Community Industry
Countryside Commission
Countryside Commission for Scotland
Council for Small Industries in Rural Areas
Crafts Council
Criminal Injuries Compensation Board
Crofters Commission
Cumbernauld Development Corporation
Cwmbran Development Corporation
Development Board for Rural Wales
Development Commission
East Kilbride Development Corporation

Economic and Social Research Council

Edinburgh New Town Conservation Committee

English Tourist Board

Glenrothes Development Corporation

Highlands and Islands Development Board

Historic Buildings and Monuments Commission

Housing Corporation

Irvine Development Corporation

Livingston Development Corporation

London Docklands Development Corporation

Medical Research Council

Merseyside Development Commission

Milton Keynes Development Corporation

Monopolies and Mergers Commission

Museums and Galleries Commission

National Heritage Memorial Fund

Nature Conservancy Council

Natural Environment Research Council

Northampton Development Corporation

Occupational Pensions Board

Peterborough Development Corporation

Peterlee Development Corporation

Post Office Users Consumer Council

Post Ofice Users Councils of Scotland and Wales

Red Deer Commission

Redditch Development Corporation

Registrar of Public Lending Right

Remploy

Science and Engineering Research Council

Scottish Agricultural Wages Board

Scottish Development Agency

Scottish Special Housing Association

Scottish Sports Council

Scottish Tourist Board

Sea Fish Industry Authority

Skelmersdale Development Corporation

Sports Council

Sports Council for Wales

Telford Development Corporation

Wages Councils - Multiple Bodies - 26 ENDPBs.

Wales Tourist Board

Warrington and Runcorn Development Corporation

Washington Development Corporation

Welsh Development Agency

Welsh Agricultural Wages Commission

Total = 120

Apeendix Two: Bodies recommended by the Government for inclusion within the Parliamentary Commissioner's jurisdiction (1985).

Agricultural and Food Research Council
Agricultural Training Board
Agricultural Wages Committee (England) - Multiple Bodies - 24 ENDPBs.
Agricultural Wages Committees (Wales) - Multiple Bodeis - 6 ENDPBs.
Arts Council
Aycliffe Development Corporation
Basildon Development Corporation
British Film Institute
British Library
British Council
Central Bureau for Educational Visits and Exchanges
Central Council for Education and Training in Social Work
Central Lancashire Development Corporation
Clothing and Allied Products Industrial Training Board
Commission for the New Towns
Commission for Racial Equality
Cwmbran Development Corporation
The Commissioners of Northern Lighthouses
Construction Industry Industrial Training Board
Co-operative Development Agency
Council for Small Industries in Rural Areas
Countryside Commission
Countryside Commission for Scotland
Crafts Council
Crofters Commission
Cumbernauld Development Corporation
Development Board for Rural Wales
Development Commission

East Kilbride Development Corporation

Economic and Social Research Council

Edinburgh New Town Conservation Committee

Engineering Industry Industrial Training Board

English Tourist Board

Equal Opportunities Commission

Glenrothes Development Corporation

Highlands and Islands Development Board

Historic Buildings and Monuments Commission

Housing Corporation

Hotel and Catering Industrial Training Board

Irvine Development Corporation

Livingston Development Corporation

London Docklands Development Corporation

Medical Practices Committee

Medical Research Council

Merseyside Development Corporation

Milton Keynes Development Corporation

Museums and Galleries Commission

National Heritage Memorial Fund

Natural Environmental Resaerch Council

Nature Conservancy Council

Northampton Development Corporation

Offshore Petroleum Industrial Training Board

Peterborough Development Corporation

Peterlee Development Corporation

Plastics Processing Industrial Training Board

Red Deer Commission

Redditch Development Corporation

Registrar of Public Lending Rights

Road Trabsport Industrial Training Board

Science and Engineering Research Council

Scottish Medical Practices Committee

Scottish Sports Council

Scottish Tourist Board

Skelmersdale Development Corporation

Sports Council

Sports Council for Wales

Telford Development Corporation

The Trinity House of Deptford Strond (in its capacity as a General Lighthouse Authority)

Wales Tourist Board

Warrington and Runcorn Development Corporation

Washington Development Corporation

Total = 99

Appendix Three: Bodies brought within the Parliamentary Commissioner's jurisdiction by the 1987 Act

Agricultural and Food Research Council
Agricultural Training Board
Agricultural Wages Committees (England) - Multiple Bodies - 24 ENDPBs.
Agricultural Wages Committees (Wales) - Multiple Bodies - 6 ENDPBs.
Arts Council
Aycliffe and Peterlee Development Corporation
British Council
British Film Institute
British Library
Central Bureau for Educational Visits and Exchanges
Central Council for Education and Training in Social Work
Clothing and Allied Products industry Training Board
Commission for the New Towns
Commision for Racial Equality
The Commissioners of Northern Lighthouses
Construction Industry Industrial Training Board
The Corporation of the Trinity House of Deptford Strond
Co-operative Development Agency
Council for Small Industries in Rural Areas
Countryside Commission
Countryside Commission for Scotland
Crafts Council
Crofters Commission
Cumbernauld Development Corporation
Cwmbran Development Corporation
Development Board for Rural Wales
Development Commission
Economic and Social Research Council

East Kilbride Development Corporation

Engineering Industry Training Board

English Tourist Board

Equal Opportunities Commission

Glenrothes Development Corporation

Highlands and Islands Development Board

Historic Buildings and Monuments Commission for England

Hotel and Catering Industry Training Board

Housing Corportation

Irvine Development Corporation

Livingston Development Corporation

London Docklands Development Corporation

Medical Practices Committee

Medical Research Council

Merseyside Development Corporation

Milton Keynes Development Corporation

Museums and Galleries Commission

Nature Conservancy Council

Natural Environment Research Council

Peterborough Development Corporation

Plastics Processing Industry Training Board

Red Deer Commission

Registrar of Public Lending Rights

Road Transport Industry Training Board

Science and Engineering Research Council

Scottish Medical Practices Committee

Scottish Sports Council

Scottish Tourist Board

Sports Council

Sports Council for Wales

Telford Development Corporation

Trafford Park Development Coporation

Trustees of the National Heritage Memorial Fund

Wales Tourist Board

Warrington and Runcorn Development Corporation

Washington Development Corporation

Total = 92

Appendix Four: Parliamentary Questioners: House of Commons

N.B. O = Oral Question
OS = Supplementary Oral Question

1. Arts Council

1981/82 Session - Written

Phllip Holland (Conservative)	2	
Dale Campbell Savours (Labour)	1	
Patrick Cormack (Conservative)	1	
John Dormand (Labour)	1	
Christopher Murphy (Conservative)	1	
Michael Latham (Conservative)	1	
Harvey Proctor (Conservative)	1	

1981/82 Session - Oral

Renee Short (Labour)	3	1 O and 2 OS
John Blackburn (Conservative)	2	1 O and 1 OS
John Butcher (Conservative)	2	1 O and 1 OS
Patrick Cormack (Conservative)	2	1 O and 1 OS
John Dormand (Labour)	2	1 O and 1 OS
Andrew Faulds (Labour)	2	OS
Toby Jessel (Conservative)	2	OS
Christopher Murphy (Conservative)	2	O
John Tilley (Labour)	2	1 O and 1 OS
Dale Campbell Savours (Labour)	1	OS
Sir William Elliott (Conservative)	1	OS
Martin Flannery (Labour)	1	OS
Harry Greenway (Conservative)	1	OS
Archie Hamilton (Conservative)	1	OS
Greville Janner (Labour)	1	OS
Tom McNally (S.D.P.)	1	OS
Robin Maxwell Hyslop (Conservative)	1	OS

Laurie Pavitt (Labour)	1	OS
Chris Price (Labour)	1	OS
Robert Sheldon (Labour)	1	OS
Fred Silvester (Conservative)	1	OS
Clive Soley (Labour)	1	OS
Phillip Whitehead (Labour)	1	OS

1982/83 Session - Written

Phillip Whitehead (Labour)	3	
Dale Campbell Savours (Labour)	2	
Sydney Chapman (Conservative)	1	
Patrick Cormack (Conservative)	1	
Christopher Murphy (Conservative)	1	

1982/83 Session - Oral

Phillip Whitehead (Labour)	5	1 O and 4 OS
Harry Greenway (Conservative)	4	1 O and 3 OS
Anthony Beaumont Dark (Conservative)	2	OS
Kenneth Eastham (Labour)	2	1 O and 1 OS
Clement Freud (Liberal)	2	OS
Greville Janner (Labour)	2	OS
Toby Jessel (Conservative)	2	1 O and 1 OS
Michael Marshall (Conservative)	2	1 O and 1 OS
Harvey Proctor (Conservative)	2	1 O and 1 OS
Robert Sheldon (Labour)	2	1 O and 1 OS
Fred Silvester (Conservative)	2	1 O and 1 OS
John Tilley (Labour)	2	1 O and 1 OS
Dale Campbell Savours (Labour)	1	OS
Patrick Cormack (Conservative)	1	OS
George Cunningham (S.D.P.)	1	OS
John Dormand (Labour)	1	OS
Sir William Elliott (Conservative)	1	OS
Tom McNally (S.D.P.)	1	OS
Christopher Murphy (Conservative)	1	1 O and 1 OS

David Price (Conservative)	1	O
Robert Rhodes James (Conservative)	1	OS
Renne Short (Labour)	1	OS

1983/84 Session - Written

Tony Banks (Labour)	19
Mark Fisher (Labour)	19
Clement Freud (Liberal)	3
Christopher Murphy (Conservative)	3
David Price (Conservative)	3
Alan Beith (Liberal)	2
Sydney Chapman (Conservative)	2
Greville Janner (Labour)	2
Tom Arnold (Conservative)	1
Peter Bruinvels (Conservative)	1
Lewis Carter Jones (Labour)	1
Cecil Franks (Conservative)	1
Nigel Forman (Conservative)	1
Ian Grist (Conservative)	1
Toby Jessel (Conservative)	1
Edward Leigh (Conservative)	1
Tony Lloyd (Labour)	1
Robert Parry (Labour)	1
Harvey Proctor (Conservative)	1
Patrick Thompson (Conservative)	1
Dafydd Wigley (Plaid Cymru)	1

1983/84 Session - Oral

Mark Fisher (Labour)	8	3 O and 5 OS
Tony Banks (Labour)	8	3 O and 5 OS
Clement Freud (Liberal)	8	4 O and 4 OS
Christopher Murphy (Conservative)	7	2 O and 5 OS
Toby Jessel (Conservative)	5	1 O and 4 OS
David Price (Conservative)	5	OS

Harvey Proctor (Conservative)	4	2 O and 2 OS
Norman Buchan (Labour)	4	4 OS
John Dormand (Labour)	3	2 O and 1 OS
Ian Grist (Conserative)	3	OS
James Callaghan (Labour)	2	OS
Dennis Canavan (Labour)	2	1 O and 1 OS
Sydney Chapman (Conservative)	2	1 O and 1 OS
Martin Flannery (Labour)	2	1 O and 1 OS
Ian Grist (Conservative)	2	OS
Harvey Proctor (Conservative)	2	1 O and 1 OS
Renee Short (Labour)	2	OS
Ivor Stanbrook (Conservative)	2	OS
Tom Arnold (Conservative)	1	O
Anthony Beaumont Dark (Conservative)	1	OS
Alan Beith (Liberal)	1	OS
Norman Buchan (Labour)	1	OS
Dale Campbell Savours (Labour)	1	OS
Eric Cockeram (Conservative)	1	OS
Patrick Cormack (Conservative)	1	OS
Tam Dalyell (Labour)	1	OS
John Dormand (Labour)	1	O
Andrew Faulds (Labour)	1	OS
Harry Greenway (Conservative)	1	OS
Richard Hickmet (Conservative)	1	OS
Terence Higgins (Conservative)	1	OS
Simon Hughes (Liberal)	1	OS
Greville Janner (Labour)	1	OS
Robert McCrindle (Conservative)	1	OS
Michael Meadowcroft (Liberal)	1	OS
John Powley (Conservative)	1	OS
Peter Pike (Labour)	1	OS
Giles Radice (Labour)	1	OS
John Ryman (Labour)	1	OS
Norman St John Stevas (Conservative)	1	OS

Roger Sims (Conservative)	1	OS
Ivor Stanbrook (Conservative)	1	OS
Dafydd Elis Thomas (Plaid Cymru)	1	OS

1984/85 Session - Written

Tony Banks (Labour)	14
Tom Arnold (Conservative)	5
Renne Short (Labour)	4
Nicholas Lyell (Conservative)	2
Dale Campbell Savours (Labour)	1
Harry Cohen (Labour)	1
Dr John Cunningham (Labour)	1
Alf Dubs (Labour)	1
Geoffrey Finsberg (Conservative)	1
Clement Freud (Liberal)	1
Harry Greenway (Conservative)	1
Robert Key (Consrervative)	1
Archy Kirkwood (Liberal)	1
Robert Litherand (Labour)	1
Christopher Murphy (Conservative)	1
Gary Waller (Conservative)	1
Robert Wareing (Labour)	1

1984/85 Session - Oral

Tony Banks (Labour)	7	1 O and 6 OS
Norman Buchan (Labour)	6	OS
Toby Jessel (Conservative)	6	1 O and 5 OS
Clement Freud (Liberal)	4	2 O and 2 OS
Michael Meadowcroft (Liberal)	3	2 O and 1 OS
James Callaghan (Labour)	2	OS
Mark Fisher (Labour)	2	1 O and 1 OS
Sir David Price (Conservative)	2	1 O and 1 OS
Harvey Proctor (Conservative)	2	1 O and 1 OS
Patrick Cormack (Conservative)	1	OS

David Crouch (Conservative)	1	OS
John Dormand (Labour)	1	O
Harry Greenway (Conservative)	1	O
John Hannam (Conservative)	1	OS
Edward Leigh (Conservative)	1	OS
Tony Lloyd (Labour)	1	OS
Michael Marshall (Conservative)	1	O
Christopher Murphy (Conservative)	1	OS
Peter Pike (Labour)	1	OS
Norman St John Stevas (Conservative)	1	OS
Brian Sedgemore (Labour)	1	OS

2. British Council

1981/82 Session - Written

Phillip Holland (Conservative)	2	
Christopher Brocklebank Fowler (S.D.P).	1	
Sir Trevor Skeet (Conservative)	1	
Cyril Townsend (Conservative)	1	

1982/83 Session - Written

Charles Irving (Conservative)	1	

1983/84 Session - Written

Clement Freud (Liberal)	2	
Dafydd Wigley (Plaid Cymru)	2	
Frank Dobson (Labour)	1	
Bruce George (Labour)	1	
Dame Judith Hart (Labour)	1	
Greville Janner (Labour)	1	
Geoffrey Rippon (Conservative)	1	

1984/85 Session - Written

Clement Freud (Liberal)	2	
Sir Anthony Kershaw (Conservative)	2	
Virginia Bottomley (Conservative)	1	
Tom Cox (Labour)	1	
Eric Deakins (Labour)	1	
Colin Moynihan (Conservative)	1	
Renee Short (Labour)	1	

1984/85 Session - Oral

James Callaghan (Labour)	1	OS

3. British Tourist Authority

1981/82 Session - Written

Alf Dubs (Labour)	1	

1982/83 Session - Written

Phillip Holland (Conservative)	3	
William Rees Davies (Conservative)	2	
David Atkinson (Conservative)	1	

1982/83 Session - Oral

Robert Adley (Conservative)	1	OS
Tom Clarke (Labour)	1	OS
John Townend (Conservative)	1	O

1983/84 Session - Written

Conal Gregory (Conservative)	2	
Tam Dalyell (Labour)	1	
Donald Dewar (Labour)	1	
Roger Gale (Conservative)	1	
Albert McQuarie (Conservative)	1	
Christopher Murphy (Conservative)	1	
Stan Thorne (Labour)	1	

1983/84 Session - Oral

Robert Adley (Conservative)	5	2 O and 3 OS
Malcolm Bruce (Liberal)	1	OS
Sydney Chapman (Conservative)	1	O
John Fraser (Labour)	1	O
Robert McCrindle (Conservative)	1	OS

1984/85 Session - Written

Robert Adley (Conservative)	3	
John Butterfill (Conservative)	1	

Robert Hicks (Conservative)	1	
Toby Jessel (Conservative)	1	
Robert Parry (Labour)	1	
Geoffrey Robinson (Labour)	1	
Gordon Wilson (S.N.P.)	1	

1984/85 Session - Oral

Robert Adley (Conservative)	3	1 O and 2 OS
David Gilroy Bevan (Conservative)	1	OS
Michael Meadowcroft (Liberal)	1	OS
John Townend (Conservative)	1	OS
Dafydd Wigley (Plaid Cymru)	1	OS

4. Commission for Racial Equality

1981/82 Session - Written

Harvey Proctor (Conservative)	18	
Nicholas Winterton (Conservative)	14	
Renee Short (Labour)	3	
Arthur Lewis (Labour)	2	
Alf Dubs (Labour)	1	
Martin Flannery (Labour)	1	
Phillip Holland (Conservative)	1	
Jim Lester (Conservatve)	1	
Brian Mawhinney (Conservative)	1	
John Wheeler (Conservative)	1	
Gordon Wilson (S.N.P.)	1	

1982/83 Session - Written

Harvey Proctor (Conservative)	5	
Phillip Holland (Conservative)	3	
Peter Bottomley (Conservative)	1	
John Gorst (Conservative)	1	
Greville Janner (Labour)	1	

1982/83 Session - Oral

John Tilley (Labour)	2	1 O and 1 OS
Greville Janner (Labour)	2	OS
Harvey Proctor (Conservative)	2	1 O and 1 OS
John Carlisle (Conservative)	1	OS
Alex Lyon (Labour)	1	OS
Dafydd Elis Thomas (Plaid Cymru)	1	OS

1983/84 Session - Written

Greville Janner (Labour)	106	
Harvey Proctor (Conservative)	6	
Anthony Beaumont Dark (Conservative)	1	

Andrew Bennett (Labour)	1	
Harry Cohen (Labour)	1	
Jeremy Corbyn (Labour)	1	
Eric Deakins (Labour)	1	
Tim Renton (Conservative)	1	

1983/84 Session - Oral

Greville Janner (Labour)	3	OS
Harvey Proctor (Conservative)	1	OS

1984/85 Session - Written

Alf Dubs (Labour)	3	
Dafydd Wigley (Plaid Cymru)	3	
Phillip Holland (Conservative)	2	
Peter Bruinvels (Conservative)	1	
Tony Banks (Labour)	1	
Eric Deakins (Labour)	1	
Kenneth Eastham (Labour)	1	
Derek Fatchett (Labour)	1	
Doug Hoyle (Labour)	1	
Robert Key (Conservative)	1	
Greville Janner (Labour)	1	
Gerry Lawler (Conservative)	1	
Tony Lloyd (Labour)	1	
Max Madden (Labour)	1	
Michael Meacher (Labour)	1	
Terry Patchett (Labour)	1	
Harvey Proctor (Conservative)	1	
Clare Short (Labour)	1	

1984/85 Session - Oral

Greville Janner (Labour)	3	OS
Harvey Proctor (Conservative)	2	O
Andrew Bennett (Labour)	1	O

Sydney Bidwell (Labour)	1	OS

5. Countryside Commission

1981/82 Session - Written

Dr David Clark (Labour)	3	
Andrew Bennett (Labour)	1	
Dale Campbell Savours (Labour)	1	
Bob Litherand (Labour)	1	
Michael McNair Wilson (Conservative)	1	
Peter Mills (Conservative)	1	
Sir Hector Monro (Conservative)	1	
John Watson (Conservative)	1	

1981/82 Session - Oral

Tam Dalyell (Labour)	1	O
Sir Hector Monro (Conservative)	1	OS

1982/83 Session - Oral

Dafydd Elis Thomas (Plaid Cymru)	1	OS

1983/84 Session - Written

Kenneth Carlisle (Conservative)	2	
Chris Smith (Labour)	2	
Andrew Hunter (Conservative)	1	
Matthew Parris (Conservative)	1	

1983/84 Session - Oral

Dafydd Elis Thomas (Plaid Cymru)	2	1 O and 1 OS
Charles Kennedy (S.D.P.)	2	1 O and 1 OS
Patrick Cormack (Conservative)	1	OS
Terry Patchett (Labour)	1	O

1984/85 Session - Written

Ron Davies (Labour)	3	
Kenneth Weetch (Labour)	3	

Peter Hardy (Labour)	2	
Sir Hector Monro (Conservative)	2	
Virginia Bottomley (Conservative)	1	
Derek Conway (Conservative)	1	
Roy Galley (Conservative)	1	
Harry Greenway (Conservative)	1	
Robert Hicks (Conservative)	1	
Simon Hughes (Liberal)	1	
Andrew Hunter (Conservative)	1	
James Pawsey (Conservative)	1	
Hugh Rossi (Conservative)	1	

1984/85 Session - Oral

John Farr (Conservative)	2	1 O and 1 OS
Kenneth Carlisle (Conservative)	1	OS
Dr David Clark (Labour)	1	OS
Dafydd Elis Thomas	1	O

6. Equal Opportunities Commission

1981/82 Session - Written

Nicholas Winterton (Conservative)	6	
Joan Lestor (Labour)	5	
Andrew Bennett (Labour)	2	
Arthur Lewis (Labour)	1	
Ray Powell (Labour)	1	
Jo Richardson (Labour)	1	
Dennis Skinner (Labour)	1	
Shirley Summerskill (Labour)	1	

1981/82 Session - Oral

Tony Marlow (Conservative)	1	OS

1982/83 Session - Written

Joan Lestor (Labour)	7	
Phillip Holland (Conservative)	2	
Andrew Bennett (Labour)	1	
Peter Bottomley (Conservative)	1	
John Gorst (Conservative)	1	
Chris Price (Labour)	1	
Harvey Proctor (Conservative)	1	
Dafydd Wigley (Plaid Cymru)	1	

1983/84 Session - Written

Greville Janner (Labour)	7	
Anthony Beaumont Dark (Conservative)	1	
Harvey Proctor (Conservative)	1	
Nicholas Soames (Conservative)	1	
Dafydd Elis Thomas (Plaid Cymru)	1	

1983/84 Session - Oral

Jo Richardson (Labour)	1	OS

Dafydd Elis Thomas (Plaid Cymru)	1	OS

1984/85 Session - Written

Greville Janner (Labour)	21	
Alex Carlile (Liberal)	4	
Andrew MacKay (Conservative)	4	
Phillip Holland (Conservative)	2	
Jo Richardson (Labour)	2	
Robert Wareing (Labour)	2	
Jeremy Corbyn (Labour)	1	
Robert Maclennan (S.D.P.)	1	
Jim Wallace (Liberal)	1	
Charles Wardle (Conservative)	1	

1984/85 Session - Oral

Greville Janner (Labour)	2	1 O and 1 OS
Andrew MacKay (Conservative)	2	1 O and 1 OS
Harry Cohen (Labour)	1	OS
Gregory Knight (Conservative)	1	OS
Robert Maclennan (S.D.P.)	1	OS
Renee Short (Labour)	1	OS
Robert Wareing (Labour)	1	OS

7. Sports Council

1981/82 Session - Written

Tom McNally (S.D.P.)	2	
Phillip Holland (Conservative)	1	
Sir Hector Monro (Conservative)	1	
Tom Pendry (Labour)	1	

1981/82 Session - Oral

John Carlisle (Conservative)	4	2 O and 2 OS
Denis Howell (Labour)	3	OS
Frank Dobson (Labour)	2	1 O and 1 OS
Geoffrey Lofthouse (Labour)	2	1 O and 1 OS
Kenneth Lewis (Conservative)	1	OS
Tony Marlow (Conservative)	1	OS
Leslie Spriggs (Labour)	1	OS
Sir John Stokes (Conservative)	1	OS

1982/83 Session - Written

Denis Howell (Labour)	2	
Harvey Proctor (Conservative)	1	
Jeff Rooker (Labour)	1	
Alec Woodall (Labour)	1	

1982/83 Session - Oral

John Carlisle (Conservative)	2	1 O and 1 OS
Harvey Proctor (Conservative)	2	1 O and 1 OS
John Biggs Davison (Conservative)	1	OS
Edward Graham (Labour)	1	OS
Laurie Pavitt (Labour)	1	OS

1983/84 Session - Written

Robert Hayward (Conservative)	2	
Denis Howell (Labour)	2	

Martin Brandon Bravo (Conservative)	1	
Peter Bruinvels (Conservative)	1	
John Carlisle (Conservative)	1	
Geoffrey Finsberg (Conservative)	1	
Andrew MacKay (Conservative)	1	
Sir Hector Monro (Conservative)	1	
Stan Thorne (Labour)	1	

1983/84 Session - Oral

Colin Moynihan (Conservative)	2	1 O and 1 OS
John Carlisle (Conservative)	1	OS
Tom Clarke (Labour)	1	OS
Frank Cook (Labour)	1	O
Dr John Cunningham (Labour)	1	OS
John Evans (Labour)	1	OS
Harriet Harman (Labour)	1	OS
Robert Hayward (Conservative)	1	OS
Michael McGuire (Labour)	1	OS
Nigel Spearing (Labour)	1	OS
Sir John Stokes (Conservative)	1	OS

1984/85 Session - Written

John Carlisle (Conservative)	3
Dr John Cunningham (Labour)	2
Andrew Bennett (Labour)	1
Harry Cohen (Labour)	1
Don Dixon (Labour)	1
Tim Eggar (Conservative)	1
David Evennett (Conservative)	1
Harry Greenway (Conservative)	1
Robert Hughes (Labour)	1
Michael Lord (Conservative)	1
Sir Hector Monro (Conservative)	1
Laurie Pavitt (Labour)	1

Peter Pike (Labour)	1	

1984/85 Session - Oral

Tom Pendry (Labour)	4	2 O and 2 OS
Denis Howell (Labour)	2	OS
Colin Moynihan (Conservative)	1	OS

Appendix Five: Parliamentary Questioners: House of Lords

1. Arts Council

1981/82 Session - Oral

Lord Cottesloe (Conservative)	1	OS
Earl of Gosford (Cross Bench)	1	OS
Lord Leatherhead (Labour)	1	OS
Lord Jenkins of Putney (Labour)	1	O
Lord Shinwell (Labour)	1	OS

1982/83 Session - Oral

Lord Jenkins of Putney (Labour)	2	1 O and 1 OS
Lord Strabolgi (Labour)	2	OS
Baroness Trumpington (Conservative)	2	1 O and 1 OS
Lord Alport (Conservative)	1	OS
Lord Glenamara (Labour)	1	OS

1983/84 Session - Written

Lord Avebury (Liberal)	1
Viscount Eccles (Conservative)	1
Lord Jenkins of Putney (Labour)	1
Lord Vaizey (Labour)	1

1983/84 Session - Oral

Lord Jenkins of Putney (Labour)	3	1 O and 2 OS
Lord Donaldson of Kingsbridge (S.D.P.)	1	OS
Viscount Eccles (Conservative)	1	OS
Lord Moyne (Conservative)	1	OS
Lord Renton (Conservative)	1	OS
Lord Strabolgi (Labour)	1	OS
Lord Taylor of Gryfe (S.D.P.)	1	OS

1984/85 Session - Written

Lord Graham of Edmonton (Labour)	2	
Lord Jenkins of Putney (Labour)	1	
Viscount Mersey (Conservative)	1	

1984/85 Session - Oral

Lord Bancroft (Cross Bench)	1	O

2. British Council

1982/83 Session - Written

Lord Brockway (Labour)	1	
Lord Starbolgi (Labour)	1	

1982/83 Session - Oral

Lord Brockway (Labour)	2	1 O and 2 OS
Lord Bruce of Donington (Labour)	1	OS
Lord Hatch of Lusby (Labour)	1	OS
Lord Molley (Labour)	1	OS

1984/85 Session - Written

Lord Chelwood (Conservative)	1	

3. British Tourist Authority

1983/84 Session - Oral

Lord Gainford (Conservative)	1	O

4. Commission for Racial Equality

1981/82 Session - Written

Lord Brockway (Labour)	1	

1983/84 Session - Oral

Lord Belhaven and Stenton (Conservative)	2	1 O and 1 OS
Lord Brockway (Labour)	1	OS
Baroness Gaitskell (Labour)	1	OS

5. Countryside Commission

1981/82 Session - Written

Lord Melchett (Labour)	1	

1981/82 Session - Oral

Lord Craigton (Conservative)	1	O
Lord Gibson-Watt (Conservative)	1	OS
Lord Molley (Labour)	1	O
Lord Strabolgi (Labour)	1	OS
Lord Winstanley (Liberal)	1	OS

1982/83 Session - Written

Lord Melchett (Labour)	1	

1983/84 Session - Written

Lord Melchett (Labour)	2	
Lord Bruce-Gardyne (Conservative)	1	

1983/84 Session - Oral

Lord Chelwood (Conservative)	1	O
Lord Dulverton (Conservative)	1	O

1984/85 Session - Written

Lord Melchett (Labour)	2	
Lord Graham of Edmonton (Labour)	1	

1984/85 Session - Oral

Lord Hunt (Cross Bench)	2	1 O and 1 OS
Baroness Nicol (Labour)	1	OS

6. Equal Opportunities Commission

1982/83 Session - Written

Lord Shinwell (Labour)	1	

1984/85 Session - Written

Lord Harris of High Cross (Cross Bench)	1	

1984/85 Session - Oral

Baroness Lockwood (Labour)	1	OS

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