

## The Armstrong Memorandum

This is the latest text of this important memorandum.

### **THE DUTIES AND RESPONSIBILITIES OF CIVIL SERVANTS IN RELATION TO MINISTERS**

Note by the Head of the Home Civil Service - the "Armstrong Memorandum" 1985, as amended on 17 July 1996

1. This note updates and supersedes that first issued by my predecessor in February 1985 (see Written Answer by the Prime Minister to a Parliamentary Question on 26 February 1985, columns 130 to 132), and reissued in an amended form in December 1987 (HC Debates, Written answers 572, 2 December 1987). The constitutional principles set out in 1985 have not changed, but the note has been updated to take account of the Civil Service Code. The right of appeal to the Civil Service Commissioners which is created by that Code supersedes the right of appeal to the Head of the Home Civil Service formerly set out in the Armstrong Memorandum.
2. This note concerns the duties and responsibilities of civil servants in relation to Ministers. It should be read in the wider context of Ministers' own responsibilities, set out in Questions of Procedures for Ministers.
3. Civil servants are servants of the Crown. For all practical purposes the Crown in this context means and is represented by the Government of the day. There are special cases in which certain functions are conferred by law upon particular members or groups of members of the public service; but in general the executive powers of the Crown are exercised by and on the advice of Her Majesty's Ministers, who are in turn answerable to Parliament. The Civil Service as such has no constitutional personality or responsibility separate from the duly constituted Government of the day. It is there to provide the Government of the day with advice on the formulation of the policies of the Government, to assist in carrying out the decisions of the Government, and to manage and deliver the services for which the Government is responsible. Some civil servants are also involved, as a proper part of their duties, in the processes of presentation of Government policies and decisions.
4. The Civil Service serves the Government of the day as a whole, that is to say Her Majesty's Ministers collectively, and the Prime Minister is the Minister for the Civil Service. The duty of the individual civil servant is first and foremost to the Minister of the Crown who is in charge of the

Department in which he or she is serving. The basic principles of accountability of Ministers and civil servants are as set out in the Government's response (Cmnd 9916) to the Defence Committee's Fourth Report of 1985-86:

- Each Minister is responsible to Parliament for the conduct of his Department, and for the actions carried out by his Department in pursuit of Government policies or in the discharge of responsibilities laid upon him as a Minister.
- A Minister is accountable to Parliament, in the sense that he has a duty to explain in Parliament the exercise of his powers and duties and to give an account to Parliament of what is done by him in his capacity as a Minister or by his Department.
- Civil servants are responsible to their Ministers for their actions and conduct.

5. It is the duty of civil servants to serve their Ministers with integrity and to the best of their ability. In their dealings with the public, civil servants should always bear in mind that people have a right to expect that their affairs will be dealt with sympathetically, efficiently and promptly.

6. The British Civil Service is a non-political and professional career service subject to a code of rules and disciplines. Civil servants are required to serve the duly constituted Government of the day, of whatever political complexion. It is of the first importance that civil servants should conduct themselves in such a way as to deserve and retain the confidence of Ministers, and to be able to establish the same relationship with those whom they may be required to serve in some future Administration. That confidence is the indispensable foundation of a good relationship between Ministers and civil servants. The conduct of civil servants should at all times be such that Ministers and potential future Ministers can be sure that confidence can be freely given, and that the Civil Service will at all times conscientiously fulfil its duties and obligations to, and impartially assist, advise and carry out the policies of, the duly constituted Government of the day.

7. The determination of policy is the responsibility of the Minister (within the convention of collective responsibility of the whole Government for the decisions and actions of every member of it). In the determination of policy the civil servant has no constitutional responsibility or role distinct from that of the Minister. Subject to the conventions limiting the access of Ministers to papers of previous Administrations, it is the duty of the civil servant to make available to the Minister all the information and experience at his or her disposal which

may have a bearing on the policy decisions to which the Minister is committed or which he is preparing to make, and to give to the Minister honest and impartial advice, without fear or favour, and whether the advice accords with the Minister's view or not. Civil servants are in breach of their duty, and damage their integrity as servants of the Crown, if they deliberately withhold relevant information from their Minister, or if they give their Minister other advice than the best they believe they can give, or if they seek to obstruct or delay a decision simply because they do not agree with it. When, having been given all the relevant information and advice, the Minister has taken a decision, it is the duty of civil servants loyally to carry out that decision with precisely the same energy and good will, whether they agree with it or not.

8. Civil servants are under an obligation to keep the confidences to which they become privy in the course of their work; not only the maintenance of the trust between Ministers and civil servants but also the efficiency of government depend on their doing so. There is and must be a general duty upon every civil servant, serving or retired, not without authority to make disclosures which breach that obligation. This duty applies to any document or information or knowledge of the course of business, which has come to a civil servant in confidence in the course of duty. Any such unauthorised disclosures, whether for political or personal motives, or for pecuniary gain, and quite apart from liability to prosecution under the Official Secrets Acts, result in the civil servant concerned forfeiting the trust that is put in him or her as an employee and making him or her liable to disciplinary action including the possibility of dismissal, or to civil law proceedings. He or she also undermines the that ought to subsist between Ministers and civil servants and thus damages colleagues and the Service as well as him or herself.

9. Civil servants often find themselves in situations where they are required or expected to give information to a Parliamentary Select Committee, to the media, or to individuals. In doing so they should be guided by the policy of the Government on evidence to Select Committees and by the requirements of security and confidentiality. In this respect, however, as in other respects, the civil servant's first duty is to his or her Minister. Thus, when a civil servant gives evidence to a Select Committee on the policies or actions of his or her Department, he or she does so as the representative of the Minister in charge of the Department and subject to the Minister's instructions (note below) and is accountable to the Minister for the evidence which he or she gives. The ultimate responsibility lies with Ministers, and not with civil servants, to decide what information should be made available, and how and when it should be released, whether it is to Parliament, to Select Committees, to the media or to individuals. It is not acceptable for a serving or former civil servant to seek

to frustrate policies or decisions of Ministers by the disclosure outside the Government of information to which he or she has had access as a civil servant. (Note: A Permanent Head of a Department giving evidence to the Committee of Public Accounts does so by virtue of his duties and responsibilities as an Accounting Officer as defined in the Treasury memorandum on The Responsibilities of an Accounting Officer, but this is without prejudice to the Minister's responsibility and accountability to Parliament in respect of the policies, actions and conduct of his Department.)

10. The previous paragraphs have set out the basic principles which govern the relations between Ministers and civil servants. More detailed guidance can be found in the Civil Service Management Code (which includes the Civil Service Code) and departmental guidance derived from it.

11. Civil servants who believe that they are being asked to act in a way which would breach the Civil Service Code, or in a way which raises a fundamental issue of conscience for them should proceed in accordance with procedures laid down in departmental guidance or rules of conduct. They may also report other breaches of the Code of which they become aware and should report to the appropriate authorities evidence of criminal or unlawful activity.