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New development: Policy tsars—Whitehall’s expert advisers revealed

Ruth Levitt and William Solesbury

The number of tsars in government acting as external experts has been steadily growing. Policy tsars are mostly businessmen and retired public servants. They are left free to work as they wish, so their practices vary greatly. In consequence, issues of propriety (since these are public appointments) and effectiveness (since they advise ministers very directly) arise.

Keywords: Effectiveness; expertise; outsourcing; propriety; tsar.

Outsourcing policy advice

In its 2012 Civil Service Reform Plan (HM Government, 2012), the government declared its commitment to ‘open policy-making’, including encouraging more outsourcing of policy advice:

Whitehall has a virtual monopoly on policy development, which means that policy is often drawn up on the basis of too narrow a range of inputs and is not subject to external challenge prior to announcement…the need to maintain a safe space for policy advice should not be used to prevent the maximum possible openness to new thinking or in the gathering of evidence and insight from external experts.

Of course, external experts have always contributed to policy, increasingly so over the past 40 years, as consultants, think tanks, lobbyists and as researchers; sometimes ministers have brought them together in seminars, often grandly announced as ‘summits’. Less recognized has been the growing role of so-called ‘tsars’, whom we define as: ‘Individuals from outside government (though not necessarily from outside politics) who are publicly appointed by a government minister to advise on policy development or delivery on the basis of their expertise’. Recent examples are Tom Winsor (former Rail Regulator who reviewed police pay and conditions); Charlie Taylor (adviser on school behaviour); Emma Harrison (who resigned as ‘troubled families tsar’ following concerns about the business contracts with government of her company A4e); Sir Adrian Montague (advising on activating the private rented housing sector); and Richard Brown (appointed to review rail franchising following the west coast route debacle).

The scale and scope of tsar appointments

In their enthusiasm for open policy-making ministers have not acknowledged the role of tsars as external experts. Indeed, Whitehall does not keep reliable records of their appointments. In our research, we have identified over 260 tsar appointments since 1997.

From public domain sources we created profiles of tsars appointed since 1997, including their title, client minister and department, remit, career background, age, gender and ethnicity, period of appointment, support provided, remuneration, working methods, outputs and outcomes. We also inspected Hansard and the Electoral Commission’s database; we sought some missing data through FOI requests. We interviewed several tsars, ministers and officials, and tsars’ assistants and advisers. We formed judgements about the nature of tsars’ expertise, the kind of remit they had and the impact of their work on policy. Our full report, with a list of tsar appointments, is at: www.kcl.ac.uk/sspp/departments/politicaleconomy/research/tsars.aspx

The rate of tsar appointments has been accelerating: from three to 11 to 26 per annum in Labour’s three terms; to 43 per annum with the coalition government (up to mid 2012). Our analysis of these appointments reveals that:

• Some ministers have been keener to obtain expert advice from tsars than others: Gordon Brown as chancellor of the exchequer holds the record with 23 appointments; although Ed Balls, Alastair Darling, Michael Gove (11 appointments each) and Ruth Kelly (10) were also keen.

• Prime ministers have been particularly busy appointing tsars: only five by Blair, then another 23 by Brown and 21 so far by Cameron; together they made nearly one-
fifth of the total.

- The majority of tsars (83%) have a remit to review a policy issue and make recommendations to government, as with Winsor, Montague and Richard Brown; other tsars (9%) have a remit to represent to government the interests and concerns of particular groups within the population (this includes some statutory appointments, such as the children’s commissioner, and one-off appointments such as Emma Harrison); and another group (8%) has a remit to promote the take-up and application of government policy (such as Charlie Taylor).

- The policy issues that tsars address range widely and may include the strategic or the operational, the perennial or the topical, a government priority or a minister’s enthusiasm, the practical or the conceptual.

- Ministers appoint tsars quite informally: a name is identified, usually someone the minister knows or knows of, an official or special adviser or sometimes the minister phones them, then an informal meeting, only occasionally followed by a letter of appointment; usually there is a press notice and sometimes a statement to parliament. Though these are public appointments, they are not subject to the procedures overseen by the Commissioner for Public Appointments on the principles of merit, openness and fairness.

- Tsars’ career backgrounds vary: private sector business is commonest (40% of all appointments); public service and civil service (often retirees) is almost comparable (37%); researchers (mostly from academia; a few from think tanks or consultancies) come next (23%); and then politicians (18%), both serving and retired, including quite a few ex-ministers.

- Tsars bring different kinds of expertise (the capability which they have developed through their education, careers and life experience) to their work: almost half of all tsar appointments (46%) went to those with predominantly professional expertise in the issue they investigated, where the tsar was able to draw on knowledge and experience specifically relevant to that issue; another half had general expertise not specific to the issue, either from business management (26%) or public management (21%); others had analytical expertise (25%), for example, as a lawyer, economist or child psychologist; and some had political expertise (18%).

- However, tsars are not diverse demographically: they are predominantly male (85%), white (98%) and aged over 50 (71%); and 38% of them are titled (lord, baroness, sir or dame).

**Types of tsar**

We found three types of tsar: the specialist, a recognized expert on the issue; the generalist, applying their business or public service expertise to an issue outside their professional experience, bringing a ‘fresh mind’ to the issue; and the advocate, whose views on the issue are already known and whose advice is broadly foreseeable. Tsars have different motives for accepting appointment. Tsars themselves give three reasons: a sense of public duty, the chance to very directly influence policy, and the boost to their reputation. For some this led to career changes, for example Tom Winsor was appointed chief inspector of constabulary and Charlie Taylor became chief executive of the Teaching Agency.

**Why do ministers find tsars attractive as a source of expert advice?**

First, tsars work quickly, and want to do so to get back to their other commitments: six to 12 months is the median time from appointment to report. This is a faster turnaround time than advisory committees or some contracted researchers or consultants. It increases the likelihood of reporting to the minister before he or she is reshuffled. However, speed may not be a virtue: Sir Philip Green’s two-month long review of the efficiency of government spending in 2011 was widely regarded as barely scratching the surface of the issue.

Second, tsars seemingly come cheap since most appointees will work for free, although academics and freelances are the exception. The other costs of supporting and managing a tsar’s work are buried in departmental running costs. The value for money of the tsar mode of securing expert advice is impossible to assess. In some cases, for example, where a lawyer or economist has been appointed, the remit can appear to be a way to obtain professional advice on the cheap.

Third, ministers clearly believe that they will get good advice by handpicking the person who brings appropriate expertise combined with external credibility and political nous, attributes they do not find among their officials. Tsars’ advice goes direct to ministers, usually not formally mediated by those officials. Even so, the very narrow circles from which tsars are drawn must produce a conservative bias in their advice. Generally, tsars have not been contentious nor have they embarrassed ministers.

Fourth, the existing reputation of the tsar
can sometimes provide independent backing for a minister’s preferences. This has limited advantages: if the tsar has no apparent specific expertise in relation to the issue or if, conversely, the tsar is already known to be partisan, then their expert advice may be judged unreliable.

Beyond seeking expert advice, there are also more political reasons why ministers use tsars. Sometimes an appointment is a way of No 10 or the Treasury asserting authority over departments: this was partly what Gordon Brown as chancellor of the exchequer achieved with most of his tsars. Sometimes the appointment and the report seem intended to provide good publicity, designed to capture public sympathy, to divert attention, or to give an impression that something is being done on a pressing issue. The appointment of opposition politicians as tsars, such as the coalition government appointing Labour MP Frank Field to advise on poverty, can seem overtly political. And ministers like to dispense patronage, conferring reward on those whose values they share, whose support they seek or have received, especially evident when appointing ex-ministers, often recently sacked and sometimes invited to advise on matters they previously handled.

How do tsars work?

Working arrangements also vary:

- Formal terms of reference exist in only some cases. Advance agreement on working methods is rarely sought, even though many tsars may not have not done this kind of policy analysis work before.
- Tsars usually keep their other commitments and work part-time on the remit, usually up to three days a week. Seventy per cent complete within a year; the average duration is becoming shorter.
- When fees and/or expenses are paid, the rates vary enormously.
- Staff to provide analytical, advisory or administrative support is usually offered by the client department, or the tsar may make their own appointments. Money to commission additional research or consultancy externally is often scarce.
- Tsars are not ‘minded’ by government departments, they are free to go about the work in their own way, to talk to whoever they like and to float whatever ideas they wish.
- Working methods range from taking a broad (essentially inductive) approach, to a narrower (more deductive) approach to gathering evidence, and may be open or secretive in handling it.

- Work underway or completed is not necessarily subject to any formal quality assurance to assess its fitness for purpose, although tsars often use interim reports to test responses to emerging arguments and proposals.

Control and accountability

Above all, the work of tsars as holders of public office is unregulated. There are no official standards or codes of practice for tsars comparable to those that govern the procurement of research and consultancy, the conduct of special advisers or the use of scientific advice. There is no cadre of staff in departments to manage this kind of work, again a contrast with procurement of research or consultancy.

Yet these are public appointments made by ministers and the costs are funded by the taxpayer. The Cabinet Manual (Cabinet Office, 2011) states:

> All public appointees are expected to work to the highest personal and professional standards. To this end codes of conduct are in place for...all public appointees. Along with others in public life, they are expected to follow the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The practice of tsar appointments falls far short of these standards.

How influential are tsars?

We distinguish between the outputs, outcomes and impacts of tsars’ work. A few tsars have resigned, Emma Harrison being a prominent example; a few were sacked, such as Lord Young. Just over three-quarters of tsars have produced reports at the end of their work, others may have just briefed the minister orally. In some cases, we could not find out what the tsar did, even through FOI requests.

We have found ministerial responses to a tsar’s report in only about three-fifths of cases and under half of those involved a statement in parliament. The responses spanned total acceptance of recommendations with a commitment to act, partial acceptance, a deferred decision, and rejection of the advice (although the latter was more likely to be signalled by no response). Frank Field MP was reported as saying that he did not believe that the prime minister had read his report and despite ‘some very pleasant meetings’ with cabinet ministers about his recommendations ‘nothing has been done about it’ (Guardian, 24 September 2012).

Parliament has taken some interest in the work of tsars in recent years. The Public Administration Select Committee
recommended in 2009 that ministers should notify the relevant select committee of tsar appointments so that they could then, if they wished, scrutinize their work. The government rejected this (PASC, 2010).

The work of individual tsars has been the subject of many parliamentary questions. Tsars have also given evidence as expert witnesses to select committee inquiries. Only occasionally has a select committee focused an inquiry on a tsar’s report, before or after the government response.

Many tsars have made effective contributions to policy thought and action since 1997. Our analysis shows that 42% of tsars’ work led to a commitment to policy change; 38% led to a change in practice; and 19% to proposals for a new organization or to changes in the roles of existing bodies. However, with the vagaries of ministerial reshuffles, elections, changing agendas and shifting priorities, not all the promised actions come to fruition. Our view, though, is that the advice of a majority of tsars has some impact.

We found three types of impact of a tsar’s work on policy development:

• First, it can offer a solution for a pressing problem that a minister wants to solve, for example, Professor Alison Wolf on vocational education, or Sir Scott Baker QC on extradition laws. That is what most tsars are appointed to do—so they are operating rather like consultants or professional advisers.

• Second, more ambitiously, the work can be an exercise in reframing what may be a contested and long-running policy issue, such as Lord Leitch’s work on skills, Baron Turner’s on pensions or, more recently, Andrew Dilnot’s on social care. Here a tsar can offer a refreshed and potentially more consensual basis for reform. Such tsars are substituting for the traditional role of a committee of inquiry.

• Third, and perhaps not often intentionally, the work of a tsar may result in no specifically attributable actions, yet it will strongly inform the terms of subsequent policy debate over time, such as Sir Michael Lyons’ work on local government finance or Sir Nicholas Stern’s review of the economics of climate change. Such work is somewhat akin to commissioned research.

Propriety and effectiveness

Government ministers always need advice from experts to inform their decisions. In recent years they have relied less on civil servants to be the sole source of that advice, turning more to those outside Whitehall in the wider world. Think tanks, consultants and researchers, professional organizations, NGOs, and lobbyists have become more confident about offering advice too. The coalition government’s enthusiasm for more open policy-making is really just the latest manifestation of an existing trend.

Although ministers can capture external expertise in many ways, tsars bring certain advantages. At best, they offer rapid turnaround, apparently low cost, the authority of independence, sound expertise and thoroughness in addressing a policy issue. Nevertheless the work of several other tsars has been superficial, lacking objectivity, poorly evidenced and, sometimes, secretive and invisible.

Making better use of tsars as sources of expert advice to ministers means addressing issues of propriety and effectiveness. To achieve propriety the status of tsars as public appointments, and consequently subject to the principles, rules and procedures that govern them, needs to be clearer. There should be more formality in selection and appointment procedures, appropriate vetting of appointees, clearer contractual definition of their tasks, greater consistency in their terms and conditions, stated expectations of outputs, and an obligation on ministers to respond publicly to tsars’ advice.

To improve the likelihood that tsars will make effective contributions to policy development, careful thought must be given to the choice of tsars and greater interest shown in their choices of working methods. Tsars should have expertise relevant to the task, should be demographically diverse, should be offered resources of people and money appropriate to a workplan they have been required to devise, and the results of their labours should be subject to suitable review for objectivity and rigour before their advice is accepted and acted upon.

Tsars seem to be here to stay as potentially unique and often valuable sources of expertise. We could, and should, make much better use of them.

References

PASC (2010), Government Responses to the Committee’s Eighth and Ninth Reports of Session 2009-10, HC 150 (House of Commons, London).