

Special advisers and the ‘phone-hacking’ scandal

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*One of the many issues involving the functioning of UK democracy raised by the phone hacking/police corruption scandal is that of the role of the special adviser in Whitehall. An important facet of this affair, underlining claims of an inappropriate closeness between the ‘Murdoch press’ and politicians, involves Andy Coulson, Editor of the News of the World from 2003-2007. During his tenure at the tabloid – though he denied knowledge of it – phone hacking took place, and he resigned from the paper early in 2007 following the prosecution of its former Royal Editor, Clive Goodman. In this post, **Andrew Blick** argues that the phone hacking scandal creates fresh impetus to look at the process by which Special Advisers are appointed.*

Later the same year Coulson was appointed by the then-Leader of the Opposition David Cameron as director of communications at Conservative Party headquarters. Then, following the formation of the Coalition government in May 2010, Coulson was transferred to the same role at No.10, now working for Cameron as Prime Minister. But as the scandal revived, Coulson was forced to resign again in early 2011. He has now been [arrested by police](#) investigating phone hacking and the bribery of police.



News International's UK Headquarters in Wapping (Credit, Discontinued Flickr Account, CC by 2.0)

Given Coulson's past, the initial appointment during the Conservative Opposition period was controversial enough. But it was arguably primarily an issue for the Conservative Party itself to be concerned about. Working at No.10, however, was a more public role, funded by tax-payers and involving great official responsibility.

[Accounts are now emerging](#) of how the Prime Minister was privately advised against employing Coulson at Downing Street. But the appointment went ahead. Why? Partly because Coulson was a special adviser. These temporary civil servants, serving individual Cabinet ministers across government, have an unusual legal status meaning they are appointed on the patronage of the particular minister they serve. All the usual procedures one might associate with public sector recruitment processes – open competitions, interviews, selection boards – are set aside.

The only check on ministerial discretion in who to make a special adviser is that is subject to the approval of the

Prime Minister. But if – as was the case with Coulson – the Prime Minister is the person making the appointment, then there is no other formal scrutiny involved, other than security vetting (which Coulson successfully passed). It was Cameron’s decision alone, and he had made up his mind.

There are significant arguments in favour of this form of recruitment for special advisers, given that they are expressly appointed as personal aides to ministers. But equally, there is now a case for including special advisers – or at least some of them – within a process established under Gordon Brown’s government. It involves House of Commons select committee holding hearings with favoured candidates for senior public appointments, before they take them up.

I argued for this change at the time of the [Damian McBride scandal in 2009](#), and the Coulson affair confirms me in this view.

Special advisers are not inherently a problem, though they are often portrayed negatively. But a little more regulation might be helpful, not least because special advisers are a necessary part of democratic government in the UK and the integrity of the unusual appointment process used should be safeguarded.

A form of parliamentary pre-appointment scrutiny adapted for special advisers could involve the appointing minister (or Prime Minister) providing a written statement explaining the sort of functions that he or she envisaged the aide performing for them, and why the individual concerned was an appropriate person to carry out these tasks.

The committee conducting the scrutiny could then hold an oral evidence session with the special adviser and if necessary address follow-up questions to the minister, before issuing a report containing its views. While it could not block the appointment, the Committee could express disapproval at it. The personal nature of special adviser appointments would thereby be retained, but subject to a parliamentary counterbalance. If need be the special adviser could begin work immediately in an acting capacity, with the appointment being confirmed formally (or, if the minister thought better of it, abandoned) following the completion of the parliamentary process.

I do not claim this practice would necessarily have made McBride behave differently when working for Gordon Brown at No.10, or have prevented Cameron from appointing Coulson. However, it would have the effect of reinforcing the direct personal responsibility of ministers for their special advisers, since they would have to have to detail and justify their roles in advance. Moreover, for ministers contemplating abusing the patronage at their disposal to bestow favours, or recruiting individuals whose personal histories create grounds for doubt about their suitability to hold public office, pre-appointment hearings for special advisers would create the ultimate deterrent for the politician: the danger of bad publicity.

In the particular case of Coulson, a parliamentary pre-appointment process would have enabled the questions about the appropriateness of his serving at No.10 to be asked of both Coulson and Cameron, by elected representatives, as part of a formal public procedure, rather than just in the media or in private between politicians. At that point, as now, Coulson had been convicted of nothing. But it seems reasonable that, when the Prime Minister believes it acceptable to appoint someone as one of his most senior officials because that individual – as Cameron has put it – [merits a ‘second chance’](#), Parliament should have the opportunity to probe and perhaps challenge this decision.

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